Investigation Summary

In April 2022, the World Anti-Doping Agency Intelligence and Investigations Department ("WADA I&I") commenced Operation Fennec, an investigation into allegations that some elite Moroccan born athletes of dual nationality were effectively putting themselves beyond the reach of out-of-competition testing through a combination of suspicious and inaccurate whereabouts patterns, and training in remote areas of Morocco for extended periods of time.

In addition, Operation Fennec found evidence to suggest that these athletes are using to their potential advantage a provision within the Moroccan Anti-Doping Law1 ("Moroccan Law") that ostensibly prevents a Doping Control Officer from testing an athlete at their residence after 9 p.m.2

The World Anti-Doping Code ("Code") is clear that an athlete may be required to provide a Sample "at any time and at any place".3 However, as a general rule, testing shall take place between 6 a.m. and 11 p.m. unless valid grounds exist for testing overnight (i.e., between 11 p.m. and 6 a.m.).4

The findings of Operation Fennec are best understood by examining the circumstances of three elite, Moroccan born athletes of dual nationality. However, prior to presenting those examples it is helpful to understand an athlete’s obligation to provide whereabouts information and the relevant provisions of Moroccan Law.

Planning a test necessitates knowing where an athlete will be. The International Standard for Testing and Investigations ("ISTI") requires athletes that are in a Registered Testing Pool ("RTP"),5 to report their whereabouts (e.g., overnight address, regular activities, training location/s, and competition schedule) in advance (on a quarterly basis) to facilitate no-advance notice testing.6 This information, called a Whereabouts Filing, must also include a 60-minute time slot and location for every day where the athlete will be available and accessible for testing.7 While an athlete may delegate the task of filing their Whereabouts to a third-party (e.g., coach), the athlete remains personally accountable for any failure by the third-party to file the Whereabouts.8

Incongruence with the Code

Moroccan Law prohibits testing of an athlete at home after 9 p.m. unless there are specific grounds to justify such testing.9 The Code and ISTI, although they permit testing at any time, operate a general rule that requires valid grounds for testing between 11 p.m. and 6 a.m.

Consequently, Article 42 (of the Moroccan law) essentially assures an athlete that it is very unlikely that they will be tested after 9 p.m., even when the athlete nominates a later time as their 60-minute testing time slot – as was the case in the examples below.

Case Examples

Athlete “X”, “Y” and “Z” (collectively, the “Athletes”) are Moroccan born, elite athletes of dual nationality who compete for the countries of their second nationality. In other words, none of the Athletes compete for Morocco.

---

1 Per Moroccan "Law No. 97-12 on the Fight Against Doping in Sports" ("Moroccan Law").
2 Per Article 42 of the Moroccan Law, which states, in part, that "Control Operations" (i.e., sample collections) carried out by "Control Officers" (i.e., Doping Control Officers) in "the homes of the persons concerned may only take place between 6 a.m. and 9 p.m., except, exceptionally, if there are elements or clues justifying the use of this measure".
3 Per Code Article 5.2; see also the International Standard for Testing and Investigations ("ISTI") Article 4.5.5.
4 See comment to Code Article 5.2.
5 An RTP is a pool of the highest-priority athletes within an Anti-Doping Organization’s jurisdiction who are subject to focused testing as part of that organization’s test distribution plan and therefore are required to provide whereabouts information. An athlete in an RTP is required to be tested out-of-competition at least three times over a 12-month period by the Anti-Doping Organization (i.e., the Whereabouts Custodian) in charge of the respective RTP.
6 An athlete must also ensure their whereabouts information is updated (in a timely fashion) to reflect any changes made during the quarter.
7 Per ISTI Article 4.8.6.2(b).
9 Per Article 42 of Moroccan “Law No. 97-12 on the Fight Against Doping in Sports. The specific grounds which would justify such testing are not particularised within the Moroccan Law.
The Athletes are in the RTP of a National Anti-Doping Organization ("NADO"), meaning they are top athletes in their sport.

The Athletes “X” and “Y” spend long periods of time (months) training in the more remote mountainous areas of Morocco. Athlete “Z” spends similarly long periods of time training in Morocco and moves regularly between several cities. Whereabouts Filings would suggest that the Athletes spend most of their time living and training in Morocco and essentially only travel abroad for competition.

When in Morocco, the Athletes routinely nominate 10 p.m. to 11 p.m. as their preferred 60-minute testing timeslot. This is a period outside the testing window permitted by Moroccan Law.

When outside of Morocco the Athletes are tested by the NADO in charge of their RTP (the “RTP NADO”). However, this testing is primarily conducted in Europe and routinely occurs just prior to competition. In other words, the testing regime of the Athletes is predictable.

When in Morocco, the Athletes are neither tested by the Moroccan Anti-Doping Organization (“AMAD”) nor the RTP NADO.10 To that end, in 2022, the Athletes were never tested in Morocco despite competing in several elite events that same year.

The onus of testing an athlete in a RTP resides with the Whereabouts Custodian, which in this case is the RTP NADO.11 This obligation remains even when the athlete is living or training abroad. Moreover, as detailed later in this report, the RTP NADO has been deficient in the testing of its RTP athletes.

Operation Fennec attempted to test the Athletes, in Morocco, during the course of its investigation. However, this testing proved a logistically difficult exercise. Testing of the Athletes outside of Morocco, however, proved more easily facilitated. In any event, from the samples collected, no Prohibited Substances were detected.

Operation Fennec also issued a report to the RTP NADO that led to a Whereabouts Failure charge against one of the Athletes. That matter is ongoing.

Stakeholder Engagement

AMAD

On 7 August 2023, the Director and Deputy Director of WADA I&I met with the AMAD President (the “President”) and Secretary-General and raised the matters detailed in this report.

The President was reluctant to accept that there was inconsistency between the Code and Moroccan Law. However, the President did report that the Moroccan Law has been revised, and new wording approved by the Government Council. Moreover, the new wording had been drafted following consultation with WADA’s Compliance, Rules and Standards Department (the “Compliance Department”).

The President acknowledged that testing in the remote areas of Morocco was difficult and welcomed assistance and collaboration on this issue. Moreover, the President welcomed the prospect of future partnerships between AMAD, other NADOs and International Federations.

Relevantly, AMAD is in its infancy, having only been created in January 2021. To date, in its engagement with Operation Fennec, AMAD has shown a willingness and ability to improve. To that end, the Compliance Department is aware of the issues raised in this report and (as indicated above) is well progressed in its work to address Article 42 (of the Moroccan Law). More specifically, in response to a compliance procedure instigated by the Compliance Department, AMAD has produced draft amendments to the Moroccan Law that now reflect the requirements of the Code.

WADA is also in discussions with AMAD and an experienced NADO for a possible mentoring partnership between the parties to support AMAD in its continued development.

10 Prior to the existence of AMAD, testing in Morocco was coordinated by the North African Regional Anti-Doping Organization. Like AMAD, NARADO never tested the Athletes in Morocco.

11 The Whereabouts Custodian is the Anti-Doping Organization (NADO or International Federation) to whom the Athlete shall provide their Whereabouts Filings.
RTP NADO

In parallel with Operation Fennec, the WADA Testing Department conducted a compliance review of the testing program of the RTP NADO. Several shortfalls were identified including no out-of-competition testing for many of its RTP athletes in 2023, and similar for the hematological module of the Athlete Biological Passport. These critical non-conformities have been raised directly with the RTP NADO to address via a corrective action report under WADA’s compliance monitoring program.

On 9 August 2023, the Director and Deputy Director of WADA I&I met with the RTP NADO and raised the matters detailed in this report. The RTP NADO was responsive and accepting of the matters detailed in this report and welcomed any opportunity to better collaborate with AMAD, particularly on the issue of testing in the remote areas of Morocco.

Conclusion

Some athletes of dual nationality were effectively putting themselves beyond the reach of out-of-competition testing in Morocco through a combination of suspicious whereabouts patterns and training in remote areas of the country for extended periods of time.

There is an inconsistency between Moroccan Law and the Code.

Testing in the remote areas of Morocco is challenging and requires better collaboration between the relevant stakeholders (e.g., AMAD, other NADOs and International Federations).

Recommendations

Operation Fennec recommends the following:

1. WADA I&I facilitate a meeting between AMAD, the RTP NADO, and other relevant stakeholders (e.g., International Federations) to materially improve out-of-competition testing in Morocco, as well as stakeholder engagement and collaboration.

2. A copy of this report be provided to the WADA Director General, President, and Chief Operating Officer for their respective information.

3. A copy of this report be provided to the WADA Compliance Taskforce and the WADA Compliance, Rules, and Standards Department for their information and response.

4. A copy of this report be provided to the WADA NADO/RADO Relations Department, and the Director of Testing for their respective information.

5. A copy of this report be provided to the WADA Executive Committee for its information.

6. A copy of this report be published to the WADA website.

Natalia Chaparro  
Investigator, Investigations Unit  
Intelligence and Investigations Department

Alanna Myrna  
Analyst, Investigations Unit  
Intelligence and Investigations Department

Approved 10 October 2023

Gunter Younger  
Director  
Intelligence and Investigations Department  
World Anti-Doping Agency