

15th Asian Games, Doha, Qatar 1-15 December 2006
Report of the World Anti-Doping Agency Independent Observer Team

Acknowledgements

The scale and scope of Doping Control activities at the 2006 Asian Games was extensive; and the plan to train and coordinate hundreds of personnel to implement such a programme provided a significant challenge. Our congratulations go to all those who contributed to its realisation.

The role of the Independent Observer (IO) Team in observing and monitoring the full range of Doping Control activities, and in turn, conducting a useful and fruitful observation programme would have been impossible without the assistance and ongoing cooperation of many individuals and organisations. To this end, we would like to take this opportunity to thank the Olympic Council of Asia (OCA) and its Medical Committee and Anti-Doping Commission (MC-ADC) for their full support and cooperation, both in the lead up to and during the event. The Chair of the Medical Committee and Anti-Doping Commission, Professor Yoshio Kuroda, the Chair of the Therapeutic Use Exemption Sub-Commission, Dr Keun-Youl Kim, and the Manager and Assistant to the Medical Committee, Mr Mahmoud Ali and Ms Chiho Miki all contributed to making our mission successful.

The cooperation of the Doha Asian Games Organising Committee (DAGOC) Doping Control Programme was also central to our mission and our sincere thanks go to Dr Abdul Wahab Al Musleh, Programme Manager, Healthcare and Doping Control and the programme's advisors, Ms Nicki Vance and Mr Tony Fiorentino. They of course could not undertake the programme single handedly, and all their staff and volunteers also deserve our gratitude.

Finally, we wish to acknowledge the athletes who participated cleanly in the 15th Asian Games in Doha. Playing true remains the method of choice for most athletes and we encourage all to continue to support the cause of drug free sport.

The Independent Observer Team
2006 Asian Games, Doha, Qatar

OCA/World Anti-Doping Agency Agreement and Compliance

An Agreement was signed between the World Anti-Doping Agency (WADA) and OCA to provide for the involvement of an IO Team during the conduct of the Doping Control programme for the 2006 Asian Games. This Agreement, signed in October 2006, outlined the framework of the mission. The terms of the Agreement were met with full cooperation from the OCA combined with additional help from the DAGOC and both organisations demonstrated a strong commitment to supporting the IO mission.

The OCA, prior to the 15th Asian Games in Doha, adopted Anti-Doping Rules modelled largely on those developed by the International Olympic Committee. These Rules are accepted, for the purposes of this mission and report, as meeting the obligations of the OCA to adopt and implement rules which give effect to the World Anti-Doping Code.

The Mission

Objective

"The aim of the WADA IO/Audit program is to contribute to effective Doping Control services *during* major games/sporting events. The observation/audit shall provide a system of evaluation to assess whether or not procedures conform to the existing documented standards and rules and to provide on-site advice, guidance or assistance as may be needed.

The initiative differs from the traditional WADA IO program in that, once discrepancies or non-conformities are identified, the need for corrective action can be suggested, and improvements made in a timely manner to ensure more effective Doping Control services at the event."

The Team

The WADA IO Team for the 15th Asian Games consisted of:

- Graeme Steel - Executive Director, Drug Free Sport NZ (New Zealand) (Chair)
- Alexandre Kamerzin – Lawyer, Carrard Paschoud Heim and Associates (Switzerland)
- Dr. Adrian Lorde – Medical Doctor, Chair, Caribbean Regional Anti-Doping Organisation (Barbados)
- Tom May - Manager, Doping Control Policy and Development, WADA Staff (Canada)
- Nicole Sapstead – Programme Manager, UK Sport (United Kingdom)

Additional assistance was received from Shannan Withers – Senior Manager, Executive Office, WADA Staff (Canada).

This IO Team was small in size but sufficient to provide appropriate coverage of all elements of the Doping Control programme barring observation of laboratory procedures (which were carried out in London, UK and were removed from the scope of the mission by agreement with the OCA).

Methodology

The terms of the Agreement between WADA and the OCA established base guidelines. However a collaborative approach was adopted with both the OCA MC-ADC and the DAGOC to enable interaction, when necessary and appropriate, between the parties involved in the Doping Control programme.

The approach of the IO Team was to provide a wide coverage in field observations without necessarily observing every Doping Control Station or Official. In addition, observations / reviews were made of:

- selection processes,
- sample collection procedures, urine and blood,
- chain of custody procedures,
- sample and form management at the DAGOC "Command Centre",
- all Doping Control and Laboratory advice forms,
- Therapeutic Use Exemption Sub-Commission meetings,
- the result management process, and
- all hearings conducted during the period of the mission.

As the mission evolved, the following methods of achieving the practical elements of the objective were adopted.

1. This formal and final report has been prepared with the intent of being concise and focused on key issues of rule compliance while additional suggestions with respect to best practice have been compiled in a separate report.
2. Reports were provided, initially daily and latterly every two days, to the OCA MC-ADC. These reports contained three sections:
 - General observations about the "quality" of the work being observed;
 - Items for consideration which focused specifically on matters relating to rule compliance; and
 - Other matters which reported what the IO Team had been and was preparing to do.
3. Additional reports and questions were directed to the Chair of the OCA Medical Committee and Disciplinary Commission regarding other matters which related directly to their specific responsibilities (e.g. result management - including hearings).
4. Providing interim discussion documents, after approximately one week, on out of competition testing and therapeutic use exemption administration raising matters relating to both rule compliance and best practice.
5. Participating (at their invitation) in meetings of the OCA MC-ADC and the TUE Sub-Commission by raising any issues of rule compliance and best practice and clarifying as necessary matters raised in the written reports.
6. Providing daily informal reports to DAGOC with the "raw" observations of the IO Team as they related to the Doping Control process in the field, review of the forms, chain of custody and other relevant matters.
7. Interacting with Doping Control staff when, in the view of an IO Team member, potentially serious but recoverable variations from the Rules may have occurred. Direct involvement during the Doping Control process happened very rarely and, where possible, matters were raised when athletes were not present. More open discussions occurred at other times but IO Team members were careful to emphasise that any change in practice should only be at the direction of DAGOC Doping Control management.

The Report

Introduction and General Conclusions

At these Games the OCA, for the first time, set out to implement an anti-doping programme which, while meeting the requirements of the World Anti-Doping Code, attempted to go further by adopting best practice methodologies across each of the components of the programme. This may be likened to the position which evolved for the IOC in the Sydney/Athens period. In assessing the success of this programme the IO Team acknowledges the importance of understanding the context of cultural, social and developmental perspectives which may prevail, especially in such a heterogeneous region.

The IO Team has a primary responsibility to report on rule compliance and while it is difficult to assess such a programme and divorce, completely, rule related compliance from issues of best practice the IO Team has attempted to do that in this Report.

The IO Team did find, however, that some of its most productive work was carried out through discussion of what might be regarded as matters of “best practice” rather than strictly rule compliance. Both the MC-ADC and DAGOC staffs were very open and amenable to such discussions and in fact an extended review of possible methods for improving processes took place between the MC-ADC and members of the IO Team on the final day. A summary of the wider observations compiled by the IO Team has been prepared separately.

This report will make particular note of matters which the IO Team has identified as falling short of requirements or expectations. To some extent that is inevitable however it must be emphasised that this was a programme which got the vast majority of things right and any particular shortcomings should be seen in this context.

The primary conclusion drawn by the IO Team is that it was very impressed with the overall quality of the Doping Control processes in the field and the intent of all parties to ensure that the best possible programme was implemented.

Systems established to manage sample collection and transport were thorough and robust even if at times Officials were not as efficient as they might have been in working through the required procedures with the athletes.

All officials, whether involved in management or in the field, demonstrated a strong commitment to providing the best quality programme for athletes and ensuring the integrity of the system. Any failures which may have occurred were not a result of a lack of intent or endeavour to do the right thing.

As a general observation the IO Team can also conclude that the programme had demonstrably strong support from athletes and team officials notwithstanding the lack of detailed knowledge of anti-doping evident from time to time.

In a programme as extensive as this it is inevitable that individual mistakes will occur, and while these must be further minimised in the future this report will not dwell on those. As a generalisation the IO Team has observed that where rule compliance has not been complete it tended to relate to the support structure around and not within the core sample collection and transportation processes. In particular not all National Olympic Committee’s (NOCs) managed to meet the responsibilities placed on them under the Rules and some of the systems established by the OCA itself were not fully resourced to meet the demands which the relatively new Rules placed upon them.

Rule Compliance - Summary of Conclusions:

1. At the front line of the Doping Control programme was an impressive sample collection and transportation system which, judged overall, applied the requisite Rules and Standards faithfully.
The IO Team has no doubt that the long term and comprehensive training programme implemented was instrumental in ensuring that Doping Control Officials at the Games were predominantly thorough and well versed in the procedures necessary to achieve rule compliance.

2. If there was an aspect of the “field” elements of the programme which was relatively weak it was the notification and chaperoning process. Rules requiring the provision of information at the time of notification and constant observation from that point on were not always as keenly applied as they should have been. This reflected the use (as is common practice) of the most inexperienced officials to carry out this sometimes difficult but fundamental task.
3. Rule requirements with respect to provision of athlete whereabouts were not met by all parties. The reasons for this are quite apparent, understandable and relate, in part, to poor understanding of the requirements within many of the NOCs but steps need to be taken to ensure that rules adopted can be realistically enforced.
4. Not all rule requirements with respect to Therapeutic Use Exemptions were met. Again the reasons for this are quite apparent and understandable but it is clear that the system established to deal with this was not sufficiently well resourced to cope with the predictable high volume of last minute applications. Either the Rules must be amended (within the constraints of the Standard) to be more realistic or considerably more preparatory work is necessary to ensure compliance.
5. The result management processes adopted at the Games did not meet the relevant rule requirements in every instance. Errors with respect to the nature of the notice issued and the actual conduct of the hearing were raised with the OCA Disciplinary Commission (DC) following the first hearing. While these were largely rectified for subsequent hearings there can be no doubt that formal legal advice would have been beneficial to the Committee from the outset.
6. While elevated T:E ratio reports were given appropriate expert attention, a policy to ensure the application of the required Standard was not, in the view of the IO Team, sufficiently well articulated to ensure the transparency of the process.
7. There was a significant failure, in the view of the IO Team, to identify at an early stage, properly investigate, and reach a conclusion with respect to evidence indicating that an athlete may have tampered with a sample.
8. The application of an anti-doping rule violation relating to “possession” was a very good example of how new elements of the rules were successfully applied with co-operation of the relevant civil authority and NOC.

Rule Compliance – Additional detail of observations relating to conclusions above:

Item 2: - Chaperoning / Witnessing

Further to the chaperoning and witnessing function the IO Team notes that the issue of cultural and religious sensitivity to the requirement to provide a sample in direct view was often raised. This close witnessing is a long standing and important practice. IO members were not able to observe directly the witnessing process and could only assess the quality of the instructions given prior to sample provision - which were generally complete. The IO Team cannot attest to the rigour applied to this most important task in every case although its application was demonstrated in at least some cases, based on reports of suspicious actions observed.

Item 4 - Therapeutic Use Exemptions (TUEs)

This is one area where the overall conclusion that there was a failure to recognise the implications of the Rules and consequently to enforce them can not be escaped.

Application of the TUE Standard, as recognised by the Rules, provides significant challenges to even the most advanced anti-doping organisations. The OCA, dealing as it does with many NOC's that have little experience of this and (as opposed to an Olympic Games) a considerably expanded group of athletes who were less familiar with international requirements, established Rules for the submission of TUEs which were unlikely to be consistently met.

A small but well qualified TUE Sub-Commission (TUEC) was established but the majority of the work was taken on by the Chair.

Many applications were not submitted according to the required timelines and as applications flooded in immediately prior to and during the Games the system was clearly under resourced to deal with them. The failure to apply the submission timelines and consequent acceptance of "late" applications was entirely understandable given the negative impact it would have had on many athletes.

The effect of this large number of late applications combined with too little resource to deal with them was that, having been accepted in spite of the Rules, they were not dealt with "promptly", as also required by the Rules. This meant that athletes were competing without the knowledge of whether or not their use of prohibited substances was approved (or not). The TUE Sub-Commission met on just three occasions during the Games and it seemed to the IO Team that a facility to consider applications on a daily basis was necessary.

The poor quality of many of the applications must be noted as they lacked even basic medical justifications. Again it may be understandable why the International Standard for TUEs was relaxed but it seems to the IO Team that some applications were approved when the Standard would suggest that they should not have been in the form presented. It was apparent, however, that the faithfulness of the process to the Standard improved substantially as the initially excessive demands on the Committee were reduced.

Item 5 – Result Management and Hearings

(Note - the Rules and the Code do not specify in detail how hearings should be conducted and the point at which rules and "best practice" diverge can be a matter of interpretation.)

The IO Team has concluded that, with respect to this issue, insufficient preparation and resource was provided. That is not to say that, for the most part, results were not managed in an adequate fashion by competent administrative staff; however they were stretched and were not always in a position to provide detailed background to the Disciplinary Commission (DC). There was potential for serious problems to have occurred had more challenging circumstances emerged.

It was not until the second week that the process of matching the results to samples submitted to the designated laboratory in London commenced to ensure that all results were being received in a timely fashion. Towards the end of the Games good reports were provided to the MC-ADC, updating them on progress and reasons for any delay although blood testing results from samples provided after December 4 were not received until late in December – an excessive delay. Additional administrative support

would have assisted in the processing of results and other reports and the early identification of issues.

As the Games progressed there was a consistent flow of adverse analytical findings and other potential anti-doping rule violations to deal with. While the staff worked hard to adequately manage these and serve the needs of the disciplinary process it seems to the IO Team that a dedicated results manager would have been of great assistance to the process generally and the DC specifically. There was one example (also referred to later) where an adverse analytical finding was reported with respect to an athlete about whom a very suspicious set of circumstances existed from a test collected immediately prior. It is not surprising that this was not realised until the 11th hour as the reports were not adequately linked by the Doping Control Officials. Nevertheless a person dedicated to Results Management could conceivably have realised the situation earlier so that the DC was not placed in the invidious position of receiving substantial and complex additional material immediately prior to a hearing.

Hearings

A representative of the WADA IO Team was always invited to, and did attend, all the OCA Disciplinary Commission hearings. The WADA IO Team representative was also invited to participate in all the deliberations of the OCA Disciplinary Commission that took place following the hearings.

The relevant International and Asian Federations were not provided with notification of Anti-Doping Rule Violations and were never invited to attend the hearings - as required by the Rules. In particular the presence of an IF representative at the hearing relating to the possible "tampering" case, may have been beneficial.

The IO Team provided, on two occasions, extensive feedback to the DC. This feedback covered what the IO Team viewed as failures to fully implement rules and more generally shortcomings in the procedures adopted. The Chair of the IO Team and its legal expert met with the Commission, following its first hearing, and it is pleasing to note that, other than in one additional case, the Commission became much more accurate in applying the Rules. The efforts of the DC, through the appointed Representative of the OCA Athletes Committee, to ensure that the rights of the athletes appearing before the DC were properly protected were noted.

It was indicated to the DC that legal guidance might greatly assist them and the IO Team can not escape the conclusion that the initial DC appointed by OCA was under prepared. The addition, towards the end of the Games, of a member of the OCA Rules Committee, who serves as a Judge in his home country, greatly assisted by providing more sound legal experience to the DC.

Item 6 - Adverse analytical findings with respect to T:E ratios above 4:1.

The IO Team observations show that the MC-ADC did not have an adequate policy to deal formally with this difficult type of result. It is readily acknowledged that the inherent challenges in dealing with such results are significantly compounded when the responsible Anti-Doping Organisation has jurisdiction for a period of only a few weeks. The IO Team initially had some difficulty obtaining the information it sought from the MC-ADC with respect to how it was responding to laboratory reports of elevated T:E ratios. Again it was not until the second week that an explanation was given to the MC-ADC that in all cases the IRMS was "negative" and that the laboratory did not regard the results as evidence of doping. (All involved very low levels of epi-testosterone.)

The IO Team does not doubt the accuracy of this but is of the view that a more formal and transparent process needs to apply which matches each laboratory report with a

specific and documented decision based on a pre-approved policy and conducted by an approved person or committee. Such a policy needs to cover all possible circumstances.

Item 7 - The potential “Tampering” case.

Strong evidence was presented to the DC that an athlete, who was about to be heard in relation to an adverse analytical finding, had also tampered with a prior sample. In fact the test that gave rise to the adverse analytical finding was a second sample taken specifically because of the suspicions of the Doping Control staff.

This information was presented to the DC immediately prior to the hearing and they had insufficient time to adequately consider and prepare for the situation.

Notwithstanding that, the matter was raised during the hearing in such a manner that the IO member present was in no doubt that the athlete was being “charged” with the anti-doping rule violation of “tampering”. While notice of this charge had not been given prior to the hearing it was suggested by the DC, during the hearing, that one would be provided.

The DC saw fit not to take any action with respect to the tampering charge other than (according to the minutes) a decision to refer it to the athlete’s International Federation. The anti-doping organisation initiating the test (OCA) has responsibility for result management and all relevant parties (other than the athlete) were present. Referring the matter to the International Federation significantly compounds any problems associated with hearing the case and fails to demonstrate that athletes who act in a suspicious manner (as reported) will be rigorously followed up by the OCA.

This is one instance where the IO Team has reached the conclusion that the DC did not meet its obligations under its Rules which recognise and apply the Code.

Item 8 – The “Possession” case.

The Qatari National Health Authority (NHA) are to be applauded for recognising and confiscating, at the airport, 134 ampoules of nandrolone from a Bodybuilder entered into the Games. This occurred on December 4 and, had it come immediately to the attention of the OCA, it may be that the athlete could have been prevented from competing. The IO Team is not clear as to the method of communication of this information nor why there was a delay.

The relevant Team Chef de Mission, through his own efforts, identified the athlete who admitted that it was his suitcase and that he was carrying the ampoules. After having been heard the athlete was disqualified.