

**WADA Independent Observer Mission Report**  
**17<sup>th</sup> Asian Games (Incheon, South Korea)**  
19 September – 4 October 2014

## Table of Contents

Introduction .....	3
Executive Summary.....	4
OCA Anti-Doping Rules .....	9
Anti-Doping Education .....	9
Test Distribution Planning/Selection of Athletes for Testing .....	10
Test Distribution Plan (TDP) .....	10
Athlete whereabouts information .....	12
Therapeutic Use Exemption procedures .....	13
Sample Collection .....	13
Doping Control Stations .....	13
Doping Control Personnel.....	14
Notification/chaperoning.....	16
Doping Control Documentation.....	17
Dilute Samples .....	18
Post-Collection Processes .....	19
Transport and Chain of Custody of Samples.....	19
Sample Analysis.....	19
Use of ADAMS .....	20
Results Management .....	20
Initial review of Adverse Analytical Findings .....	20
Disciplinary hearings .....	21

## **Introduction**

The Olympic Council of Asia (OCA), the ruling body for the Asian Games, issued the OCA Anti-Doping Rules and made the Incheon Asian Games Organising Committee (IAGOC) responsible for organising and delivering the Doping Control Program for the 2014 Asian Games in Incheon, reporting to the OCA Medical Commission & Anti-Doping Committee (OCA MCADC), chaired by Tan Sri Dr Jegathesan Manikavasagam. IAGOC in turn contracted with the Korean Anti-Doping Agency (KADA) to second Doping Control Officers (DCOs) and doping control station managers to work at the Games, and to provide materials, training and accreditation for all DCOs and chaperones working at the Games, in accordance with the World Anti-Doping Agency's (WADA) International Standard for Testing (IST). IAGOC also contracted the WADA-accredited laboratory Korea Institute of Science and Technology (KIST) to analyse those samples and report back its findings in accordance with WADA's International Standard for Laboratories (ISL). The OCA MCADC was responsible for managing those results in accordance with the OCA Anti-Doping Rules and the OCA Disciplinary Commission was responsible for hearing and determining all Adverse Analytical Findings (AAFs) or other cases brought forward as apparent anti-doping rule violations (ADRVs).

The OCA and WADA agreed that WADA would send an Independent Observer team (IO) to monitor, audit and report on the Doping Control Program conducted at the Incheon Games, covering in particular the following elements:

- Test Distribution Planning
- Selection of athletes for testing
- Therapeutic Use Exemption procedures
- Notification for Doping control
- Sample collection procedures
- Transport and chain of custody of samples
- Sample analysis at the laboratory
- Results management process, including disciplinary hearings.

Testing of athletes started on 12 September. Our formal onsite observations were made from 16 September until 3 October. The IO Team attended and was introduced at the NOC Team Physicians meeting on September 18. One member of the IO Team attended each daily meeting of the OCA MCADC starting on September 17, where daily oral reports were provided to the OCA MCADC of our observations and detailed recommendations, with subsequent written summaries. We visited every venue at least once, many more than once, as well as the Polyclinic in the Athlete Village. We also attended all of the anti-doping hearings conducted during the Games by the OCA Disciplinary Commission and the CAS ad hoc Division.

We wish to acknowledge the strong partnership that has developed between the OCA and WADA on anti-doping issues, and the outstanding commitment of OCA President Sheikh Ahmad Fahad Al-Sabah to the fight against doping in sport. We also wish to acknowledge the excellent cooperation and support we were given in our efforts at the Games by both the OCA and IAGOC, and by the staff at the Doping Control Command Center and at the individual Doping Control Stations, all of whom were aware of our presence and our role, and facilitated it. We would particularly like to acknowledge and thank the OCA MCADC and its Chair Dr Jegathesan for his full support for our work, as well as OCA staff member Ms. Nadiah Al-Shamali, and IAGOC Anti-Doping Program representatives Ms. Mina Lee and Ms. Joo Hee Park, each of whom greatly assisted us in our efforts.

## **Executive Summary**

It is important to note that this was an extremely large and intricate Games, incorporating 36 sports and 439 different competitions. There were close to 10,000 athletes competing in Incheon 2014 and many of them had limited experience with Doping Control. There were therefore many challenges in delivering the Doping Control Program. Despite that, the OCA and IAGOC achieved their ambitious objective of collecting 1,920 samples (1,760 urine and 160 blood samples) from 1,600 athletes in 'pre-competition' tests and 'post-competition' tests during the 'Period of the Games' (i.e., from 12 September, when the Athlete Village opened, to 4 October, the date of the Closing Ceremony) and having them analysed in accordance with the ISL for the presence of prohibited substances. To achieve this, they recruited a workforce of nearly 500 people (plus many additional volunteers), working out of a Doping Control Command Center and/or at 47 Doping Control Stations (two at the Athlete Village and 45 at competition venues).

This outcome, and the undoubted commitment and effort involved in delivering it by all of the above bodies, under the inspirational leadership of Dr Jegathesan, is to be commended as a contribution to the fight against doping in sport. Nothing that is said below should be considered as undermining that achievement, or as denigrating the professionalism, hard work and commitment of all those involved.

Nevertheless, whereas the IO team at the 2010 Asian Games noted how the Doping Control Program had improved at those Games compared to the 2006 Asian Games (in particular, the key issues that had been raised by the IO team at the 2006 Asian Games had all been properly addressed), similar progress was not observed in Incheon. Rather, Incheon anti-doping program overall objectives were achieved but several challenges were faced as set out in detail below. Many of the recommendations for improvements made by the 2010 Asian Games IO team were not addressed in Incheon, and indeed there were areas where the Incheon Doping Control Program did not meet standards previously achieved. We note below several areas where improvements will be needed in the doping control programs for future editions of the Asian Games.

In summary, our key findings and recommendations are as follows:

### *Overview:*

- The athletes were generally supportive (or at least understanding) of the requirements of the Doping Control Program, and wanted to comply with the rules. However, it was apparent that many athletes had received little or no anti-doping training and did not understand the requirements of the Doping Control Program, or how to minimize the risk of committing inadvertent ADRVs. In addition, frustrations arose when athletes raised queries or concerns during a particular sample collection process and did not receive clear or complete answers due to communication difficulties or (in some cases) a lack of understanding by the sample collection personnel of why certain procedures were required. In some instances, it meant that some testing interfered with the smooth running of competitions and/or delayed medal ceremonies, which creates a very poor impression and should be avoided at all costs.
- It appeared to the IO Team that many of the issues identified in this report (e.g., insufficient facilities and resources, communication barriers, inconsistent training and planning for specific competitions and venues, slow reporting of adverse analytical findings by the laboratory) may have been avoided with enhanced planning and preparation prior to the Games. It also appeared to the IO Team that part of the issues identified and raised by the OCA in the lead up to the Games could not be entirely addressed by the Organizing

Committee. There was no lack of effort, but the lines of responsibility, monitoring, and oversight in the organisational structure could have been clearer.

*Pre-Games planning:*

- To achieve an effective anti-doping program, as soon as it had been awarded the Games, the Organising Committee started working on meeting the bid commitments in relation to anti-doping, starting by hiring a permanent staff member to lead the planning and delivery of the Doping Control Program, and escalating efforts commensurately as the Games approach so that all key deadlines are met.
- Although efforts were made with such early appointments, it should be ensured that individuals in place are able to work with sufficient seniority and authority to request and implement the necessary changes.
- For future Games, the OCA could consider that permanent staff member is tasked with exclusive responsibility to oversee and monitor the Organising Committee's efforts to organise the Doping Control Program continuously from inception of that work, to work in partnership with the Organising Committee to ensure recruiting appropriate staff, marshalling sufficient resources, building the necessary relationships with NADOs/RADOs (in particular, the NADO of the host country),
- IFs and NOCs as well as a WADA-accredited laboratory, and meeting all key deadlines on a timely basis, and to ensure further that there is an appropriate and clearly understood division of responsibilities between the different agencies involved in delivery of the Doping Control Program, and that clear lines of reporting and accountability are established.
- The establishment of a Taskforce could be considered, similar to the Taskforces that support the IOC's Olympic Games doping control program, one to give advice and direction to the OCA as it develops and refines its anti-doping strategy ahead of the Games and the other to go into operation at Games time to help collect and marshal intelligence for use in refining the Test Distribution Plan for the Games.
- WADA should review this IO Report with the OCA and formally report, on a regular basis and at a minimum annually, to the WADA Executive Committee on the extent to which recommendations have been implemented and what challenges exist in such implementation. Planning for future Asian Games should also take account of the guidelines for Major Event Organisers' doping control programs that WADA is due to publish later this year.

*Education of athletes and coaches on anti-doping issues:*

- The OCA efforts to encourage its member NOCs to use the Games as an opportunity for educating their athletes and coaches on anti-doping issues are welcomed, and the IO Team encourages OCA to support those efforts by drawing attention to ALPHA and other online education programs, and by having anti-doping educational material available at all Doping Control Stations at the Games.

*Test Distribution Planning/selection of athletes for testing:*

- The TDP for the Incheon Games included 1,920 tests. The allocation of those tests across different sports and disciplines was based on trying to meet IF requests and preferences, as well as ensuring a fair distribution of tests between countries and sports.
- The TDPs for future editions of the Asian Games would benefit to be developed based on the principles for effective and intelligent testing set out in the ISTI. There should be consultation with IFs to help understand the requirements of their particular sports, but the OCA should retain ultimate authority to decide on how tests should be allocated, possibly assisted by the Taskforce mentioned above.
- The TDP would also be improved if it provides for significant out-of-competition testing of participating athletes not just in the host country after the Athlete Village has opened, but also outside the host country in the lead-up to the Games. The Organising Committee could explore means of coordination with the relevant IFs and NADO/RADOs to deliver such testing.
- The IO Team encourages the OCA, and especially the Organizing Committee, to consider the TDP as a living document that emphasises and provides for significant target testing of athletes based on risk analysis and intelligence acquired both prior to and during the Games. For example, should some athletes or teams stay outside of the Athlete Village, specific consideration should be given to targeting such athletes after they have reached the host country. The OCA and Organizing Committee could also invite relevant IFs, NADOs/RADOs and NOCs to provide any intelligence that might be relevant to the Games; and could have a system in place for receiving and assessing intelligence, and actioning it as necessary, including by revisiting and revising the TDP as necessary on an ongoing basis.

*Athlete whereabouts information:*

- The OCA Anti-Doping Rules contained detailed provisions in relation to whereabouts, and the OCA required NOCs to provide whereabouts information for their athletes not only when they were in Incheon but also after the Athlete Village had opened but before they had reached Incheon. However, in practice NOC compliance with the whereabouts requirements was limited and as a result the whereabouts provisions in the rules were not enforced.
- The OCA should consider the most effective and proportionate way of gathering the information required to conduct the out-of-competition testing called for in the TDP. Where possible, it should obtain that information from already-available sources, e.g., whereabouts filings by RTP athletes, teams, etc. The provisions in its rules on whereabouts should be very clear, and should follow as closely as possible the IST/ISTI approach to what efforts must be made to find an athlete before a missed test is declared.
- The whereabouts requirements for periods when athletes are in the host country should be kept as simple as possible. An NOC should be required to file a list of all of its athletes, identifying the dates of their arrivals and departures from the host city and where they will be residing while they are there. There should be sanctions for any NOC (not its athletes) that fails to comply with this requirement.

*Sample collection:*

- In many if not most cases, sample collection was conducted in a very professional manner, with no substantial issues and with minimum inconvenience to athletes. Indeed, the IO team observed several examples of DCOs and chaperones addressing challenging situations with great sensitivity and skill. In some cases, however, significant issues did arise (albeit none that jeopardised the identity or integrity of samples collected). In many of those cases, again it appeared that the issue might have been avoided if there had been better preparation and/or training.
- In terms of pre-Games planning, the OCA ensured that there was an Organising Committee representative with responsibility for anti-doping present throughout the process of choosing venues and getting them up to specification, including early in the process when space at the venues is allocated, to ensure that sufficient priority is given to the space and facilities required for Doping Control Stations. Although some specific inputs and recommendations were given, it seems that the local Organising Committee had to deal with budget cuts and other priorities which in some instances ended up with venues where the Doping Control Station was not meeting the high level requirements.
- The design and furnishing of the Doping Control Station must ensure privacy in the processing rooms from those in the waiting area or outside the station.
- In order to have a more coherent approach to sample collection procedures, specific training could be conducted for both local and international DCOs, to ensure everyone is familiar with Games-specific requirements and equipment, to help integrate the international DCOs fully into the Doping Control Program, and to ensure all sample collection personnel are fully familiar with the venues and the formats of the sports and competitions that they will test.
- Whenever possible, high priority should be given to manning each Doping Control Station with a strong English speaker (English being the working language of the OCA and at the Games) to avoid communication difficulties.
- During the Games itself, the Organizing Committee monitoring could be improved by ensuring their register of issues raised by OCA MCADC members and/or IO members was properly circulated to all sample collection personnel (both local and international DCOs) in order to ensure consistence of corrective actions taken, and to improve monitoring and ensuring compliance by with those corrective actions.
- Timing of notification of athletes for doping control must be carefully planned; interference with the smooth running of the competition and/or delaying medal ceremonies must be avoided at all costs. The planning must also identify and address challenges presented by the particular sport and/or competition venue (e.g., limited access to poolside at swimming venues).
- To ensure that athletes are fully aware of their responsibilities, and in particular the potential consequences if they refuse to submit to testing, athletes need to be informed of their rights and responsibilities when they are first notified of testing.

- Policies consistent with the IST/ISTI must be developed to deal with excessive hydration and the production of dilute samples, so as to avoid the risk of manipulation/evasion of detection.

*Sample transportation, analysis and reporting:*

- To ensure clean and fair competition during the Games, samples must be transported to the laboratory, analysis completed, and results reported back to the OCA as quickly as possible. In Incheon this was not being achieved initially, although the process was greatly expedited after observations were made.
- Samples should be transported as soon as possible to the laboratory, and the Organising Committee's contract with the laboratory must specify clear and timely deadlines for the reporting of analytical results, including not only negative findings but also adverse analytical findings, preferably within 24-48 hours of receipt of a sample. The laboratory should ensure it has the capacity necessary to meet these deadlines, including ideally bringing in a director from another WADA-accredited laboratory to consult.
- It is recommended that the OCA discuss with WADA to explore scenarios for the laboratory to retain samples for a longer and more appropriate period of time and ensure samples are available for possible further analysis.

*Results management:*

- Results management and disciplinary hearings were conducted effectively and with a strong regard for the rights of the athlete and the need to ensure fairness at every stage. In every case, an outcome that seemed fair and appropriate was achieved speedily and efficiently. The process held up well to all issues presented.
- Nevertheless, when the OCA Anti-Doping Rules are updated to comply with the 2015 Code, they also ought to be revised to reflect the practices adopted during results management/disciplinary proceedings at the Asian Games, i.e., initial review of the file being conducted by the OCA Initial Review Panel rather than the Chairman of the OCA Medical Commission, requirement for NOC to conduct a hearing and report back findings to Disciplinary Commission in cases where athlete has already gone home, option for expedited appeal to CAS ad hoc Division on-site at Games.
- In addition, to ensure that the inquisitorial approach followed by the OCA Disciplinary Commission is sufficiently robust to resolve the sorts of factual disputes that can arise in AAF cases but especially in non-analytical cases (e.g., use, refusal, possession cases), (a) an OCA representative (someone who is not a member of the OCA Disciplinary Commission) should be present at the hearing, ready to address any factual issues that arise; (b) the OCA Disciplinary Commission should either have a legally qualified member or have a legal advisor present to assist it; and (c) ideally, an experienced panel of lawyers should be established (as at London 2012 and Glasgow 2014) to step in to advise and represent athletes on a pro bono basis at hearings before the Disciplinary Commission and/or (on appeal) the CAS.

The detailed observations of the IO Team at the 2014 Asian Games, and the detailed recommendations based on those observations, are set out in the remainder of this report.



## **OCA Anti-Doping Rules**

The OCA Anti-Doping Rules (the OCA ADR) are the foundation of the Doping Control Program at the Asian Games. It is therefore vital that they are not only fit for purpose but readily available to all stakeholders and all athletes participating in the Games, so that they are able to understand and discharge the stringent anti-doping responsibilities placed on them by those rules.

The OCA ADR implements the mandatory provisions of the World Anti-Doping Code in relation to definitions of and sanctions for anti-doping rule violations. For the Incheon Games the OCA ADR were supplemented by a 'Doping Control Handbook for the 17<sup>th</sup> Asian Games Incheon 2014 (the 'Handbook')', which sets out sample collection procedures that follow closely the procedures set out in the International Standard for Testing. The Handbook is freely available in hard copy; the OCA ADR are not, but they are accessible on the OCA website.

For the 2014 Games in Incheon, the OCA simply retained its 2009 Anti-Doping Rules 'Applicable to Asian Games Series', without amending or updating them in any way. In particular, the OCA did not amend those rules to address the points made in the WADA IO Report from the 2010 Asian Games. The OCA ADR will have to be amended now in any event to ensure compliance with the 2015 Code. During that process, the points made by the 2010 Asian Games IO team should be considered, and we would also recommend the OCA consider replacing the current 'in-competition' period (the whole of the Period of the Games, i.e., the entire time the Athlete Village is open) with a narrower definition (such as the '12 hour prior to competition' default definition on the Code) (for the same reasons as mentioned by the Sochi IO team in respect of the parallel IOC rule) and that the OCA review its rules relating to whereabouts, in close cooperation with WADA, in light of the changes to the Code whereabouts rules in the 2015 ISTI and in light of the recommendations made below as to specific whereabouts requirements for the Games. The IO Team suggests that WADA should make time to discuss the Rules related issues with the OCA and other MEOs.

## **Anti-Doping Education**

The IO team makes no apology for emphasizing the enormous need for effective anti-doping education of athletes participating in the Asian Games. The only thing worse than seeing athletes being banned and even losing medals for inadvertent ADRVs caused by ignorance of the doping risks of medication and supplements is seeing it happen again and again, in one Games after another. The Asian Games present an outstanding opportunity to educate Asian athletes on their doping responsibilities and risks. The OCA generously invited WADA to implement their Outreach Program during the Games and the IO invites participating NOCs and their respective NADOs to further educate athletes on the teams they bring to the Games and remind NOCs and NADOs that WADA offers various online education programs and easy-to-print resources in many languages to assist stakeholders in their education roles.

## **Test Distribution Planning/Selection of Athletes for Testing**

### **Test Distribution Plan (TDP)**

The TDP for the Games provided for 1,920 samples to be collected during the period of the Games (i.e., from the opening of the Athlete Village on 12 September till the Closing Ceremony on 4 October). That total figure was made up of 1,600 urine samples (all of which 1,440 were subjected to standard analysis and 160 were also analysed for EPO) and 160 blood samples. These were divided between 'pre-competition' testing (299 samples [225 urine, 74 blood], to be collected after athletes had arrived in Incheon but before they had competed) and 'post-competition' testing (1621 samples [1535 urine and 86 blood], to be collected immediately after athletes had finished competing).

The tests were allocated across all 36 sports based in part on input from IFs (although this input appears to have been provided on an *ad hoc* basis rather than systematically) and in part on IAGOC's analysis of the relative doping risks presented by athletes from different sports and different countries (although tests were also allocated to low risk sports and countries to ensure balanced coverage and also for educational purposes). In some cases it seemed as if IF demands for a particular number of tests were accepted uncritically, rather than weighing those demands against the need for a balanced and effective testing program. However, the IO team was given an opportunity to review the TDP in detail, and IAGOC demonstrated itself to be ready, willing and able to make amendments to the TDP to address issues raised.

A total of 1932 samples were collected in Incheon on 1607 athletes, either at the Athlete Village (in the case of the 299 'pre-competition' tests) or at event venues (in the case of the 1633 'post-competition' tests). No samples were collected by the OCA from athletes entered for the Games before they got to Incheon.

The TDP provided for some target testing of specific athletes, including based on intelligence provided by WADA and others, but also called for a preponderance of random testing, both in 'pre-competition' and in 'post-competition' testing:

- **Target testing:** During the Period of the Games, WADA and other ADOs provided anti-doping intelligence to the OCA MCADC, which ensured that this intelligence was actioned by means of target testing of particular athletes. As far as the IO is aware, this information was provided to the OCA at the instigation of the donor, rather than in response to any proactive OCA request for anti-doping intelligence to inform its TDP. Moving forward, in accordance with the requirements of the ISTI, the OCA will want to explore incorporating an intelligence officer and/or other intelligence resource into the Games programme.
- **Random testing:** Most sports have their own rules for how athletes competing at an event are to be randomly selected for testing, including whether a draw is to be made, who should be in the draw (starters only, reserves, entire squad even if not on official start list?), when the draw should be made, and whether team representatives should be present at the draw (and if not, then when they should be advised of the athlete(s) randomly drawn). However, those rules were not included in the Handbook or otherwise made available to Doping Control Station personnel. Instead, where a mission order called for athletes to be randomly selected, Lead DCOs were instructed to contact the Technical Delegate at the competition for guidance. Generally the Technical Delegate directed how the draw should be conducted, but the IO team observed several occasions where the Lead DCO did not seem to be aware of the sport's rules and appeared to conduct the random selection instead according to his/her own custom and practice.

At the daily meetings of the OCA MCADC, the IAGOC representative reported on the number and type of tests conducted the previous day, and on cumulative progress against the targets set out in the TDP. The TDP was generally regarded as 'set in stone'. It was adjusted at the request of the OCA MCADC to target test certain athletes as a result of intelligence provided by WADA and others, but other than that the IO did not observe any ongoing evaluation of the TDP in light of information arising during the Games, e.g., a pattern of last minute updates of whereabouts information, reports of suspicious behaviour during sample collection/attempts to tamper with the process, athletes providing high volume dilute samples in a short period of time, suspicions raised by the laboratory following sample analysis (where an adverse analytical finding could not be reported), adverse analytical findings in team sports, etc.

*Recommendations:*

- *The 2009 Code and the supporting IST require Anti-Doping Organisations to develop an intelligent and effective testing plan, based not just on quantity but on quality of tests, and the 2015 Code and ISTI emphasise this requirement moving forward. The IST and ISTI set out in detail the various factors to be considered in developing such a plan, and should be made the foundation of the TDP for future editions of the Asian Games. The IO Team encourages consultation with IFs to help understand the requirements of their particular sports, but the Games organisers should retain ultimate authority to decide on how tests should be allocated, assisted by the Taskforce whose establishment is recommended above.*
- *The IO team recommends that the TDP for future editions of the Asian Games allocates significant resources to such out-of-competition testing, and that the organisers work in close coordination with IFs and NADOs/RADOs to deliver such testing. Again, a possible Taskforce mandate could be to support and guide the organisers in these efforts.*
- *The TDP would also be improved by emphasising and providing for significant target testing of athletes based on risk analysis and intelligence. For example, specific consideration should be given to targeting athletes who choose to stay outside of the Athlete Village after they have reached the host country. The OCA should invite relevant IFs, NADO/RADOs and NOCs to provide any intelligence that might be relevant to the Games; and (in accordance with ISTI Article 11) should have a system in place for receiving, assessing and actioning such intelligence as necessary.*
- *The TDP must be a flexible document that is continuously revisited and re-assessed throughout the relevant period to respond to emerging intelligence and patterns of behaviour identifying potential doping risks. As one example, the Incheon IO team adopts and repeats the following recommendation made by the 2010 Asian Games IO team: 'The OCA ought to be more aggressive about tracking dilute samples, analyzing for suspicious patterns, and initiating target testing or other follow-up investigations'.*
- *While the Organising Committee is contacting each IF and asking it for its rules governing random selection of athletes for 'post-competition' testing, the Organising Committee should make a point of including that information in a doping control personnel training guide for the Games so that it is easily available for reference as necessary. If there are gaps and certain IFs are not responding, the Games organisers should fill them with its own preferred method, to ensure integrity and consistency. We would expect WADA to also include some guidance in its MEO Guidelines.*

## **Athlete whereabouts information**

In April 2014, the OCA issued a circular to all NOCs, asking them to file information disclosing where their athletes would be living and training on days during the period from 12 September until they arrived at the Athlete Village. Compliance with that requirement was poor (as of 19 September 2014, only 7 NOCs had provided the requested information; as of 4 October 2014, the number of compliant NOCs was 23). However, the matter was raised by the Chair of the OCA MCADC and reinforced by the OCA President at the OCA General Assembly, which was a sign of the importance that the OCA placed on the provision of whereabouts information. It is to be commended for taking this aspect of the Doping Control Program so seriously, since the collection of athlete whereabouts information is an essential element of any intelligent and effective TDP.

For periods when athletes were in Incheon, their NOCs were required to provide their room numbers in the Athlete Village and their training venues (and, if possible, the times when they would be training). This is not too burdensome since NOCs will have to collect that information anyway. The IO understands that, despite difficulties (in particular, athletes often changed rooms but the NOC did not update the original information to reflect that change), chaperones were usually able to find athletes who had been selected for pre-competition testing most of the time, either in their rooms or in the dining room or other parts of the Athlete Village, or at their training venues. Although in large part this was due to the diligence and innovative thinking of the chaperones, it also suggests that the amount of whereabouts information collected for that period was generally at the right level.

### *Recommendations:*

- *Whereabouts information is not an end in itself, but merely a means to an end: it should be collected only to the extent that it is needed in order to conduct the testing called for in the TDP.*
- *Where a future TDP does call for testing of athletes prior to their arrival in the host city (which, as noted above, the IO would encourage), the OCA could consider the most effective and proportionate way of gathering the information required to conduct such testing. For example, if the athletes in question are already in a national or international Registered Testing Pool (RTP), then the OCA is entitled to access the whereabouts information they file with their IF or NADO/RADO in order to test them, and should do so in preference to any other system, so as to avoid overburdening the athlete<sup>1</sup> and to ensure any missed test declared against that athlete based on that whereabouts information 'counts' under Code Article 2.4. Alternatively, if the athlete is involved in a team sport, it may be possible to locate him or her through the (national) team. Only if there is no other way of tracking down the athlete in the relevant period should he/she be required (either directly or through his/her NOC) to file whereabouts information. Ideally this should be done by getting the athlete added to his/her IF's or NADO's RTP.*
- *The whereabouts requirements for periods when athletes are in the host country should be kept as simple as possible. An NOC should be required to file a list of all of its athletes, identifying the dates of their arrivals and departures from the host city and where they will be residing while they are there. This can be room number only if they are living in the Athlete Village; if they are living outside the Village, then a specific address must be provided that allows the Organising Committee to find that athlete for testing where they are residing. NOCs should not have to file this information again every day; instead they should only update it as necessary to ensure the*

---

<sup>1</sup> An athlete who is in a national or international Registered Testing Pool may only be required to file the whereabouts information specified in IST Article 11.3 and may not be required to file any other whereabouts information with any other Testing Authority. See comment to IST Article 11.1.6.

*information it contains remains accurate. There could be sanctions for any NOC (not its athletes) that fails to comply with this requirement.*

### **Therapeutic Use Exemption procedures**

The OCA Anti-Doping Rules require all athletes needing to use a prohibited substance or method for therapeutic reasons to obtain a TUE in advance of such use. It was assumed that most athletes would already have TUEs issued by their IFs or NADOs/RADOs, and the OCA Medical Commission appointed a TUE Sub-Committee to review such TUEs (and recognise them as appropriate, as well as to consider any new TUE applications. The objective was thereby achieved of ensuring that athletes were not prevented or inhibited from competing as a result of medical conditions.

The OCA TUE Sub-Committee received requests to recognise 12 TUEs granted by IFs or NADOs. Of those, it recognised six, declined to recognise one (because the supporting evidence was deemed insufficient), and the remainder were withdrawn, not required, or expired. It received 21 applications for TUEs before the Games, of which three were granted, two were for substances that did not require a TUE, and the remainder were returned as incomplete. And it received 10 applications for TUEs during the Games, of which it granted four and the rest were for substances that did not require a TUE. All TUE grants were entered into ADAMS, thereby greatly facilitating review by WADA for compliance with the ISTUE.

*Recommendation:*

- *The deadline specified in the Handbook for submitting a new TUE application (60 days prior to the Games) fell before the qualification deadline for certain sports/disciplines, contrasted unfavourably with the 21-day deadline for submitting IF/NADO/RADO TUEs for recognition, and was not enforced in any event. We recommend that there be one deadline for submission both of requests for recognition and of applications for new TUEs (e.g., 30 days before the Games), and that (as in Incheon) requests/applications made after that deadline be accepted and processed where earlier submission was not practicable.*

### **Sample Collection**

#### **Doping Control Stations**

The quality of Doping Control Stations (DCS) varied significantly from venue to venue: some were excellent, others (e.g. canoe/kayak; mountain biking) were less adequate. While the integrity of the sample collection process was not compromised in any case, often conditions were sub-optimal. Several facilities were cramped and/or afforded insufficient respect for the privacy of athletes (because of their accessibility by passers-by and/or due to the use of temporary partitioning within the DCS itself).

*Recommendations:*

- *The OCA could explore the possibility to ensure that there is an Organising Committee representative with responsibility for anti-doping present throughout the process of choosing venues and getting them up to specification, including early in the process when space at the venues is allocated, to ensure that sufficient priority is given to anti-doping requirements. And just as the IF sends representatives to each venue to ensure that they have been organised to the required specifications, so too the Organising Committee representative could visit each*

*venue in advance of the Games to inspect and ensure that the DCS meets the requirements of the program. Whenever possible, doping control could also be run at test events to identify and iron out any practical issues at a venue in advance of the Games.*

- *In particular, as was recommended in the 2010 Asian Games IO Report, the OCA could stipulate that the design and furnishing of the Doping Control Station must ensure privacy in the processing rooms from those in the waiting area or outside the station. If temporary partitions must be used, they should be sound proof and reach to the ceiling to ensure the privacy of the athlete.*
- *In order to enhance the athlete experience, the waiting area in the DCS could be improved by having educational material in it (see above). Some DCS had a television set showing coverage of the competition at the venue, to make the waiting less boring for the athlete and the Organizing Committee could explore if all DCS could have such equipment, also to ensure that the Lead DCO can track the progress of the competition in order to determine when chaperones should be sent out to notify athletes for testing and (in cases where the random draw was done by final placing) to determine which athletes to notify.*

### **Doping Control Personnel**

Sample collection was conducted by 66 DCOs supplied by KADA, together with 15 international DCOs sourced by the OCA or IAGOC from other Asian ADOs/RADOs.

In many if not most cases, sample collection was conducted in a very professional manner, with no substantial issues and with minimum inconvenience to athletes, who will undoubtedly have been favourably impressed. For example, in cases where initially only a partial sample was provided, the DCOs generally followed the partial sample procedures carefully and well, giving great assurance to the athlete and the OCA of the identity and integrity of the full sample ultimately provided (albeit that two different partial sample kits were used, which would be better avoided in future). Indeed, the IO team observed several examples of DCOs and chaperones addressing challenging situations with great sensitivity and skill.

In some cases, however, significant issues did arise (albeit none that jeopardised the identity or integrity of samples collected). In many of those cases, it appeared that the issue might have been avoided by better preparation and/or training. For example:

- While the local DCOs and chaperones in particular were methodical in following the prescribed procedures, they often seemed uncomfortable when issues arose that were not addressed in the procedures, or if athletes queried why a particular step was being taken.
- The OCA should be commended for its International DCO Program, which contributes significantly to building the anti-doping capacity throughout Asia and can help remove any issues with miscommunication or cultural misunderstandings in testing procedures. However, before the Games the International DCOs received only a brief presentation on how to fill out the Games-specific forms, and they were not introduced to the local Doping Control personnel or paired with specific Lead DCOs. As a result, on several occasions differences arose between Lead DCOs and International DCOs about how sample collection should be conducted. In addition, while many of the International DCOs were deployed to great effect (particularly helping with communication issues with non-Korean athletes), others appeared to be under-utilised.

- The vast majority of chaperones were trained on the day itself by the Lead DCO. Sometimes that training was inadequate to address the particular challenges for notification/chaperoning presented by the particular sport and/or venue. For example, notification/chaperoning is often particularly challenging in sports including relays or athletes competing in multiple races, and Incheon proved to be no exception to this.

The Asian Games multilingual context resulted in many very long sample processing sessions and multiple re-writes of notification or Doping Control forms. Athletes' rights were not always communicated effectively at notification. Athletes and their representatives were not always able to correctly understand Doping Control form questions related to research, medication or transfusions. In order to address these issues, laminated sheets had been provided in which key sample collection phrases were translated into several different languages, and some DCOs made use of virtual translation devices/services/apps, but these tools, while helpful, were not sufficient to solve the problem. As a result, communication difficulties frequently interfered with the sample collection process.

When issues were reported back to the OCA MC by MCA members or IO team (or both), the Chair acted decisively, giving clear instructions to IAGOC to take corrective action. For example, when it became clear that the Berlinger sample code stickers were not always sticking properly to the Doping Control Form, creating a risk of detachment and re-attachment to the wrong form, instructions were issued to handwrite the sample code number and limit use of the stickers only to the lab copy of the DCF and to the Chain of Custody form. Similarly, when it was pointed out that the question on the DCF about whether the athlete had received any blood transfusions in the previous six months (which was causing enormous translation difficulties) was redundant if blood was not being collected, a direction was given to stop asking the question when only urine was being collected. In each case, however, there were gaps and/or delays in compliance with the new direction.

*Recommendations:*

- *The following recommendations from the 2010 Asian Games IO team remain fully relevant and necessary and so are repeated and adopted in full:*
  - *'Always ensure an appropriate gender balance of DCOs given the sport program and the TDP for any given day'. The same applies to chaperones.*
  - *'Require Games organizing committees to provide additional pre-arrival orientation and training (on-line) to better integrate International DCOs into the Organizing Committee's anti-doping team. Experienced International DCOs would better adapt their practices to OC protocols; inexperienced International DCOs would receive more in-depth training and experience with which to return to their home programs'.*
  - *'Doping Control personnel need to be more knowledgeable about the particular sports of their venues, and the demands they place on the athletes, including the culture and rituals of each sport. .... Require Games organizing committees to provide the necessary training, relying on IF contacts if need be'.*
  - *'Organizing committees also need to equip Doping Control Station Managers with more discretion and flexibility. Require them to plan for the worst case scenario at their stations (such as four athletes all having to give samples at the same time in a station with only one processing room). Use all available options to speed the athletes' completion of Doping Control and ensure their comfort during the process (such as collecting sample in the*

*changing room toilet if processing room in use or filling out portions of the Doping Control form in the waiting area to free-up processing rooms)*'.

- *The training of DCOs and chaperones needs to cover not only the different steps of the sample collection process, but also why each of those steps is necessary, i.e., what purpose it serves (e.g., to respect the privacy of the athlete, to ensure the integrity of the sample, to avoid opportunities for tampering, etc.). This is important not only so that the DCO/chaperone can answer questions from athletes, but also so that if the session goes 'off script', i.e., if issues arise that are not specifically addressed in the Handbook, the DCO/chaperone is able to work out what to do because he/she knows what the underlying objective is.*
- *High priority should be given to manning each DCS with a strong English speaker (English being the working language of the OCA and at the Games). In addition, international DCOs could be paired with athletes from their own countries/regions/language.*
- *During the Games itself, the Organizing Committee could maintain a register of issues raised by OCA MC and/or IO members, and of corrective actions taken, and could monitor and ensure compliance by sample collection personnel with those corrective actions.*

### **Notification/chaperoning**

In many cases, the often challenging task of notification and chaperoning athletes was conducted very effectively, respecting the athlete's space and need to warm down/attend medal ceremonies/attend press conferences, etc., without compromising the integrity of the sample collection process. On occasion, however, a lack of planning around the format of the specific competition/sport meant that notification was poorly timed and caused the sample collection process to interfere with the smooth running of the competition/delay of medal ceremonies, and/or meant that the notification and chaperoning did not occur as smoothly as they could have done:

- We observed examples of athletes being notified and brought to the Doping Control Station even though they were due to compete again not long after, or they were supposed to attend a medal ceremony not long after, causing concern and upset for both the athletes involved and for the competition organisers. This sort of incident must be avoided at all costs, or else athlete goodwill in the anti-doping system will be destroyed.
- Notification/chaperoning is often particularly challenging at swimming events, due to difficulties in identifying athletes, and often difficulties with pool-side access. Incheon proved to be no exception to this, but a failure to anticipate and address such issues meant that initially the notification and chaperoning of swimmers was far from smooth. However, after this was highlighted, the OCA MCADC reacted proactively and effectively, including inviting the IO to participate in remedial training of the relevant sample collection personnel.

Initially the IO team observed that many chaperones, when they found the athletes they were to notify, were simply announcing 'doping control' and getting the athlete to sign the notification section of the Doping Control Form. Limited attempts were being made to ensure the athlete was aware of his/her rights and responsibilities until they had reached the Doping Control Station. In the event, difficulties were avoided because the athletes involved were experienced in doping control and/or because they had coaches or other representatives nearby to help them with what they had to do. However, to avoid unnecessary difficulties in refusal/failure cases, athletes need to be informed of their rights and responsibilities immediately when they are notified of testing. When this was fed back to the OCA MCADC, it quickly directed that the chaperones be instructed to tear off and provide the athlete with the pink form at the back of the Doping Control Form (a carbon



copy of the notification section of the DCF) with the list of rights and responsibilities on the back. Thereafter, the IO team observed good compliance by chaperones with this directive.

We also observed that chaperones (and DCOs, after the athletes reached the Doping Control Station) rarely tracked athlete hydration. In particular, rather than warn athletes not to over-hydrate, many chaperones permitted or even encouraged them to drink multiple bottles of water, leading to numerous dilute samples and consequent delays (not to mention the potential health issues from rapid over-hydration). This is particularly problematic from an anti-doping perspective where (as here) a policy is followed of only collecting a limited number of dilute samples before ending the sample collection process.

#### *Recommendations:*

- *Timing of notification must be carefully planned; interference with the smooth running of the competition and/or delaying medal ceremonies must be avoided at all costs. The planning must also identify and address challenges presented by the particular sport and/or competition venue (e.g., limited access to poolside at swimming venues). We therefore repeat the following recommendation that was made by the 2010 Asian Games IO team: 'The OCA should have games organizing committees ensure that their Doping Control Station Managers have excellent communication with the managers of other venue functions, that Managers clearly brief their chaperones on the post-competition schedule and coordination of medal ceremonies and media conferences, and that Managers empower their chaperones to insist athletes report (or report back) to the Doping Control Station promptly. Full venue test events would greatly enhance games-time coordination between Doping Control and other functions'.*
- *To ensure that athletes are fully aware of their responsibilities, and in particular the potential consequences if they refuse to submit to testing, athletes need to be informed of their rights and responsibilities when they are notified of testing, not when they reach the Doping Control Station. This can be done by tearing off and providing them with the pink form at the back of the Doping Control Form (a carbon copy of the notification section of the DCF) and pointing out the list of rights and responsibilities on the back.*
- *We repeat the recommendation made by the 2010 Asian Games IO team: 'All Doping Control Station Managers should ... have chaperones track athlete hydration and discourage over-hydration (and the risk of a dilute sample)'.*

#### **Doping Control Documentation**

The Doping Control Form used in Incheon was a bespoke form that (helpfully) did not require the athlete to enter address/contact information, because IAGOC could get this information instead through his/her accreditation number. On the other hand, there was very little space to enter details of medications/supplements, or to provide comments on the procedure.

DCOs appeared to have been trained to re-write forms if there was any error made at all in filling them out, even if the error could be clearly and straightforwardly corrected on the original form without any potential for causing confusion down the road.<sup>2</sup> Indeed, at one stage athletes were being asked to report to the IAGOC Doping Control Command Centre one or more days after they had provided a sample, in order to sign a re-written form. This was clearly inappropriate, and the OCA MCADC intervened to stop the practice immediately on learning of it.

---

<sup>2</sup> This practice extended to the form used to record chain of custody from DCS to laboratory, which led to confusion/argument in one disciplinary hearing.

The IO was provided with copies of the reports submitted by Lead DCOs at the end of each mission. Almost uniformly they contained no comments at all on the sample collection sessions they covered, e.g., regarding anomalous issues or deviation from standard operations. Since such issues/deviations certainly will have arisen in practice, the IO is concerned that Lead DCOs appear to have felt inhibited in reporting them up the chain of command, and also that IAGOC did not note and seek to remedy this obvious gap in reporting.

*Recommendations:*

- *Previous IO reports have noted the need to develop and introduce a paperless system for doping control, and this IO team repeats and emphasises that recommendation. With the accreditation system in use at the Games, and with suitable kits, it could be possible to have a paperless system that populates many of the fields in the Doping Control Form automatically, thereby speeding up the process considerably and so improving the experience for the athlete.*
- *As the 2010 Asian Games IO team said: 'Doping Control personnel should be encouraged to use supplementary reports to record issues even if apparently trivial. This is important for operational improvements and can be critical in the results management process'.*

### **Dilute Samples**

The policy in relation to dilute samples was an issue in Incheon, just as it had been in the 2010 Asian Games. Cheating athletes know that testing may be compromised by purposely providing dilute samples, and therefore IST Article G.4.6 is clear that if a sample collected is too dilute *'the DCO should continue to collect additional Samples until the requirement for Suitable Specific Gravity for Analysis is met, or until the DCO determines that there are exceptional circumstances which mean that for logistical reasons it is impossible to continue with the Sample Collection Session'*. This gives the DCO the ability to insist that an athlete stay in the Doping Control Station for as long as necessary to produce a suitable sample if the DCO suspects that the athlete may be trying to beat the system (e.g., by holding back urine, by excessive rehydration), while allowing the DCO to call a halt to proceedings if the athlete appears to be genuinely trying to meet the requirements but logistics (e.g., late night testing, an early competition the next day) mean continuing with the session is becoming unreasonable.

Article F.7 of the Doping Control Handbook for Incheon reproduced the IST rule verbatim, but during training DCOs were told that an athlete who initially provided a dilute sample should only be required to produce one further sample, and the session should stop following the production of the second sample, even if that second sample was also out of the required SG range. There was a provision in the Handbook suggesting that after the first (dilute) sample was produced, the athlete should be required to empty his/her bladder and then should be made to wait for 60 minutes before providing a new sample, but the IO did not observe this being put into practice and questions how workable it would be in any event.

*Recommendation:*

- *The recommendation of the 2010 Asian Games IO team is repeated: 'The OCA ought to give further consideration to collecting additional samples, at least when to do so would not compromise an athlete's preparations for competition the next day, and also to having a plan to monitor dilute samples and possibly conduct follow up target tests as appropriate'.*

- DCOs should be required to consult with the Doping Control Command Centre manager before halting a session without having obtained a sample that meets the requirements for specific gravity.

## **Post-Collection Processes**

### **Transport and Chain of Custody of Samples**

Paragraph 7.5 of the Incheon Doping Control Handbook states: *'Samples shall always be transported to the WADA-accredited laboratory using a IAGOC authorized transport method as soon as practicable after the completion of the Sample Collection Session. Samples shall be transported in a manner which minimizes the potential for Sample degradation due to factors such as time delays and extreme temperature variations'*. In fact, however, samples were only transferred at the end of each day from doping control stations to the Doping Control Command Centre, where they were stored overnight. Only one shipment was made each day to the laboratory, generally leaving the DCCC mid-morning and arriving at KIST around lunchtime each day. A request to start accepting more than one delivery a day was declined by the laboratory, and it transpired that the contract that IAGOC had with the laboratory did not permit it to insist on extra deliveries. Indeed, when IO visited the laboratory it was advised that the laboratory was operating to full capacity so even if multiple deliveries were made, that would not expedite reporting.

The Chain of Custody form used to record the movement of samples from the doping control stations to the laboratory was not a model of clarity. In particular, it allowed for recording of the time a sample was picked up from one location but not of the time when it arrived at the next location. The careless filling out of one Chain of Custody form (entering the time but not the date of pick up, and entering no detail of how the samples were stored at a particular location) caused confusion and objections in one case before the OCA Disciplinary Commission.

### **Sample Analysis**

Samples were sent for analysis to KIST, the WADA-accredited laboratory in Seoul, a 60-90 minute drive away from the Doping Control Command Centre. As far as the IO team is aware, KIST deployed all relevant analytical techniques to analyse urine samples, including IRMS where appropriate (although no use appears to have been made of the ABP steroid module to identify atypical findings requiring follow-up investigation). In addition, select blood samples were tested for hGH and CERA.

Several quality control (QC) samples were introduced into the Doping Control Program without the knowledge of the laboratory. They were all appropriately identified and reported into ADAMS.

However, KIST took seven days to report its first adverse analytical finding (for methylhexanamine), reporting on 22 September in respect of a sample received on 15 September; whereas a subsequent sibutramine AAF took six days to report; and a steroid positive based on IRMS analysis took ten days to report. According to the laboratory, its contract with IAGOC required it to report negative findings within 24/48 hours, but imposed no deadline in respect of positive findings, and KIST was taking special care to conduct every relevant procedure before declaring AAFs (including seeking a second opinion from another WADA-accredited laboratory in relation to IRMS results, which is optional, not mandatory, under the ISL). Obviously this raises concerns during Games where athletes may be competing in several competitions. At the request of the OCA MCADC, and notwithstanding the lack of a specific contractual obligation, KIST did thereafter speed up the reporting of AAFs.

Art 6.5 of the OCA ADR states: '*Storage of Samples and delayed analysis: Samples shall be stored in a secure manner at the laboratory and may be further analysed*'. However, the OCA MC Chair explained that due to cost constraints, the OCA contract with the laboratory only requires KIST to store samples for three months after the end of the Asian Games.

*Recommendations:*

- *Options could be explored to ensure samples are transported as soon as possible to the laboratory, mainly to expedite the analytical process so that athletes who have prohibited substances present in their systems can be removed from competition as quickly as possible.*
- *The Chain of Custody form could be reviewed to ensure that it provides appropriate recording and assurance as to how samples get from the venue to the laboratory. Once the form has been perfected, IAGOC should monitor to ensure it is properly filled out.*
- *The contract with the laboratory must specify clear and timely deadlines for the reporting of analytical results, including not only negative findings but also adverse analytical findings, preferably within 24-48 hours of receipt of a sample. The laboratory should ensure it has the capacity necessary to meet these deadlines, including exploring the option of bringing in a director from another WADA-accredited laboratory to consult.*
- *In prevision of future editions of the Games, Art 4.7.3 of the 2015 ISTI requires ADOs, including Games organisers, to establish appropriate policies for the retention of samples for possible further analysis, e.g., based on new intelligence/improved analytical techniques, etc. Ideally samples should be retained for at least ten years, being the period of limitation for anti-doping proceedings under the 2015 Code. However, if cost constraints make that impossible, the IO team recommends that the OCA require the laboratory to retain certain samples (identified through a risk assessment) for at least four years (the usual cycle of the Asian Games).*

## **Use of ADAMS**

Despite initial challenges caused by athlete data not being uploaded into ADAMS prior to the Games, the OCA and IAGOC did an excellent job of devising a system that ensured all appropriate data were captured in ADAMS.

## **Results Management**

### **Initial review of Adverse Analytical Findings**

Article 7.2.2 of the OCA Anti-Doping Rules provides that the Chairman of the OCA MCADC will review each adverse analytical finding reported by the laboratory to determine if there is any applicable TUE or if there are any apparent departures from the IST or the ISL that could have caused the AAF. However, the Chairman delegated that role to three other members of the OCA Medical Commission sitting as the 'OCA Initial Review Panel', so as to avoid any criticism that, in his other capacity as Chairman of the OCA Disciplinary Commission considering an alleged ADRV based on that AAF, he was sitting in judgment on his own work.

For each AAF, the OCA Initial Review Panel checked whether there was any TUE on file for the substance in question, and also reviewed the Doping Control Form and Chain of Custody Form for any patent departures from the IST. Although it did not expressly say so in its reports, it appears

that the Panel also reviewed the file for any departures from the ISL. Indeed, the Panel had the former director of the WADA-accredited laboratory in Tokyo as a member; the OCA is to be commended for securing such an expert to perform this role. In one case, the reviewers identified an issue and required (and obtained) a satisfactory answer from KIST before they would allow the case to go ahead as an apparent ADRV. This was impressive and gave the IO team significant comfort that athletes' rights were being protected and that proper checks were being carried out before it was determined that an athlete had a case to answer.

### **Disciplinary hearings**

In accordance with the procedures set out in the OCA Anti-Doping Rules, where it was determined that there was a case to answer, the NOC was notified and summoned along with the athlete to a hearing, to be held later the same day or the next day. Enclosed with the notice were copies of the documentation that had been reviewed by the OCA Initial Review Panel (i.e., the Doping Control Form, the Chain of Custody Form, and the laboratory's certificate of analysis). A copy of the OCA Anti-Doping Rules was not enclosed, although one was made available at the hearing itself.

The OCA Disciplinary Commission was made up of three or more of the Chairman of the OCA Medical Commission, one representative each from the OCA Executive Committee, Rules Committee, and Athletes Committee, and the Secretary of the Disciplinary Commission. On each occasion when a member of the Disciplinary Commission was of the same nationality as the athlete in question, he recused himself from the case.

At the invitation of the Chairman of the OCA Disciplinary Commission, an IO member attended the hearings in all six doping cases that came before the OCA Disciplinary Commission in Incheon. In each case, the alleged ADRV was under Article 2.1 of the OCA Anti-Doping Rules (presence of a prohibited substance in the athlete's sample), based on an AAF returned by the KIST laboratory (three for stimulants; four for steroids). The notice of the hearing explained the athlete's option either to accept the AAF or to require analysis of the B sample to confirm the AAF, and in each case that right was also carefully explained to the athlete by the Disciplinary Commission at the hearing itself.

The OCA Disciplinary Commission conducted each hearing efficiently and effectively, but taking great care at all times to protect the rights of the athletes, including allowing them to be accompanied by representatives from the NOC, ensuring that they could understand the proceedings (including by using an interpreter, where necessary), and giving them every opportunity to ask questions and to make any and all points, submissions and explanations that they wanted to make. Where an athlete requested analysis of his/her B sample, the proceedings were adjourned until the results were known.

The OCA Disciplinary Commission was careful to explain to the athlete that it was only dealing with Games-related consequences, and that it would be for other authorities (in particular his/her IF or continental federation) to determine if any further consequences (e.g. a ban from future competitions) should be imposed. It was also assiduous in notifying those other authorities of its proceedings and their outcome. In particular, in cases involving an AAF of a non-specified substance, where the athlete did not accept the finding but instead requested analysis of the B sample, but left Incheon before that analysis took place, the Disciplinary Commission noted that in such circumstances the Code mandates imposition of a provisional suspension pending a final determination of the case, took the position that it did not have jurisdiction to impose a provisional suspension extending to competitions other than the Games, but immediately wrote to the relevant IF and continental federation to notify them of the position so that they could issue a provisional suspension if required.

The OCA Disciplinary Commission did not decide the cases itself, but instead made recommendations to the OCA President and OCA Executive Committee for decision (which responsibility the OCA President delegated to a working party). In each case, either the athlete accepted the AAF in respect of the A sample (and waived his/her right to analysis of the B sample) or the athlete requested analysis of the B sample and it confirmed the AAF. Therefore in each case the Disciplinary Commission recommended confirmation of the commission of an Article 2.1 ADRV, declaring the athlete ineligible for participation in the rest of the Games, and disqualification of all of his/her results achieved at the Games (resulting in forfeiture of two gold medals). The Disciplinary Commission's recommendations were accepted by the Executive Committee working party in each case.

In one case, when the AAF was reported the athlete had already returned to his home country from the Games. The OCA Disciplinary Commission therefore directed the NOC to hold a hearing to establish the athlete's explanation for the AAF, and to report back to the OCA Disciplinary Commission within 14 days, which it would then use as the basis for a recommendation to the OCA President and Executive Board. This was a good practical way of dealing with the case (although it would have been preferable at least to get the athlete on the telephone to confirm he was aware of the process), but there is no provision in the OCA Anti-Doping Rules to back it up.

The OCA Anti-Doping Rules, approved by WADA in 2009, gave athletes the right to appeal anti-doping decisions and sanctions to the OCA Executive Board, which would aim to issue a decision within a week, and/or to the CAS in Lausanne, Switzerland. However, even putting aside the fact that the Executive Board would be hearing an appeal against what was in effect its own decision, neither option would be very helpful for an athlete who wanted to compete again in the Games and so needed a very quick decision. The IO was therefore pleased to see the OCA arrange for the CAS to set up a CAS Ad Hoc Division to be present in Incheon for the duration of the Games in order to afford athletes the opportunity for an expedited appeal (with a commitment from the CAS that appeals would generally be heard and determined within 24 hours of filing). The OCA Anti-Doping Rules were not amended to reflect that option, but the Chair of the Disciplinary Commission helpfully explained it in detail in his written communication of the outcome of the hearing to the athlete and his/her NOC. One first instance decision was appealed to the CAS ad hoc Division, which held a hearing the day after the appeal was filed (with an IO member attending as an observer) and dismissed the appeal in a decision issued later that day, within the 24 hour target deadline.

*Recommendations:*

- *The IO repeats the following recommendation that was made by the 2010 Asian Games IO team:*

*'The notification of the AAF to the Chef de Mission could be more detailed. It should set out the consequences for the ADRV asserted against the athlete. It should suggest that the athlete and his representatives review the results management and hearing procedures set out in the OCA Anti-Doping Rules prior to the hearing. While participating countries and their athletes are deemed to know the OCA Anti-Doping Rules, given the speed with which a hearing takes place, the notification could be more user-friendly and sensitive to the possible lack of familiarity of NOCs with these rules (and the likelihood that few if any athletes will know them).'*

- *Using the opportunity to revise their rules to be in line with the 2015 Code requirements, the OCA Anti-Doping Rules ought to be particularly revised to reflect the practices adopted during results management/disciplinary proceedings at the Asian Games, i.e., initial review of the file being conducted by the OCA Initial Review Panel rather than the Chairman of the OCA Medical Commission, requirement for NOC to conduct a hearing and report back findings to Disciplinary*

*Commission in cases where athlete has already gone home, option for expedited appeal to CAS ad hoc Division on-site at Games. A copy of the OCA Anti-Doping Rules should be enclosed with the notice sent to the NOC summoning it and the athlete to the hearing.*

- *The IO also questions why the OCA Executive Board has to review and adopt 'recommendations' of the OCA Disciplinary Commission, rather than simply leave it to the OCA Disciplinary Commission to make the decision. The IOC abandoned this practice at the Sochi Games, and the OCA should consider following suit.*
- *In most AAF cases, very few factual disputes arise that have to be resolved by the OCA Disciplinary Commission. However, if a non-analytical case were to arise (e.g., an alleged refusal to submit to a test, alleged tampering with sample collection, or alleged use or possession of a prohibited substance), there may well be factual disputes that the OCA Disciplinary Commission would have to resolve in order to determine the case. To ensure that the inquisitorial approach followed by the OCA Disciplinary Commission is sufficiently robust for these purposes, the IO recommends that (a) an OCA representative (someone who is not a member of the OCA Disciplinary Commission) should be present at the hearing, ready to address any factual issues that arise (since it is the OCA that has the burden of proof in all cases: see Article 3.1 of the OCA Anti-Doping Rules); (b) the OCA Disciplinary Commission should either have a legally qualified member or have a legal advisor present to assist it; and (c) ideally, a panel of lawyers should be established (as at London 2012 and Glasgow Commonwealth Games 2014) to step in to advise and represent athletes on a pro bono basis at hearings before the Disciplinary Commission and/or (on appeal) the CAS.*

20 November 2014

**IO Team Members:**

**Rune Andersen**, Special Adviser, Anti-Doping Norway (Norway) – *Chair*

**David Julien**, Program Development Manager, WADA (Canada) – *Team Manager*

**Ben Sandford**, WADA Athlete Committee, FIBT Vice-President (New Zealand)

**Jonathan Taylor**, Anti-Doping Lawyer, Bird & Bird LLP (UK)

**Vanessa Webb**, Anti-Doping Senior Manager, International Paralympic Committee (Canada)