THE INDEPENDENT COMMISSION REPORT #2

January 14, 2016

Independent Commission

Investigation

Submitted:

January 14, 2016

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Chapter 10: International Association of Athletics Federation

The contents of this material will be incorporated into IC Report #1 to form a single comprehensive IC Report. For purposes of convenience, this chapter has been separately set out to minimize the size of the document provided at the press conference scheduled for 14 January 2016.

Part I provides details of the information delivered to the French authorities in August 2015. Publication of such material was delayed to avoid possible interference with the activities of the French investigation. Thus, while reference was made to such referral in the IC Report #1 delivered on 09 November 2015, the underlying evidence was not disclosed at that time.

Part II discusses certain developments following the release of IC Report #1 as well as the leaked email, dated 19 July 2013, sent by IAAF Deputy Secretary General Nick Davies to Papa Massata Diack.

Part III addresses the allegations made on ARD German television and in *The Sunday Times* (as well as in other media) that the anti-doping activities of the IAAF (specifically with respect to blood doping) were inadequate in the circumstances.

P A R T I

10.1 Introduction to the Criminal Side of the IC investigation

In Report #1, the IC concluded that "*there existed a consistent disregard for ethical behaviour and a conspiracy to conduct and conceal corrupt behaviour by particular highly placed members and officials of IAAF and the ARAF*."[1] In the course of its investigation, the IC discovered evidence that the conduct of certain individuals within or associated with the IAAF went beyond mere sporting and corporate misconduct. Some of the evidence revealed was of a criminal nature.

Pursuant to the protocol in place between WADA and Interpol, the IC directed our investigators to seek assistance from Interpol within the Drugs and Criminal Department (DCO). Interpol responded by initiating Operation Augeas and facilitated the IC's contact with French authorities, who agreed to undertake an international inquiry into allegations including active and passive corruption, money laundering and criminal conspiracy.[2] The French authorities appointed the national anti-corruption and financial infractions department of the central directorate of judicial police[3] ("National Financial Prosecutor") to launch the inquiry, headed by French investigative magistrate Renaud Van Ruymbeke. Certain individuals now stand criminally charged through the French National Financial Prosecutor's office.

In addition, the IC facilitated links between the French authorities and the Singaporean Anti-Corruption Department with regards to the Black Tidings investigations.

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[1] IC report #1 pg. 124.
[2] Interpol, 2015. INTERPOL supporting French investigation into athletics corruption. [Online] Available at http://www.interpol.int/News-and-media/News/2015/N2015-185, [Accessed 6 January 2016].
[3] Office Central de Lutte Contre la Corruption et les Infractions Financières et Fiscales, OCLCIFF, Direction Centrale de la Police Judiciaire, DCPJ.

The French prosecutor's investigation is on-going. The outcome of its investigation and the related criminal charges is unknown at the time of writing. Regardless of the French investigation, the IC has concluded it is critical for the world's sporting authorities to know and understand first, the ramifications of these actions by those individuals under investigation and the governance failures within the IAAF and second, to take any necessary steps from the sport perspective to deal with such conduct.

The contents of Part I evidence the complete breakdown of governance structures and lack of accountability within the IAAF. Part I contains the IC conclusions concerning the:

1. design, formation and intervention of an informal illegitimate governance structure operating under the aegis of the IAAF;

2. corruption and extortion performed by this illegitimate governance structure group;

3. disruption of anti-doping procedures related to the Athlete Biological Passport ("ABP") protocols pertaining to Russian ABP cases; and

4. the IAAF's practices in awarding sponsorship and marketing rights, as well as the site selection of its World Championships.

10.2 The Interpersonal Links and Relationships Facilitating Corruption

10.2.1 The President

Lamine Diack ("LD") was elected by the IAAF Congress for four successive four-year terms as President of the IAAF, thereby holding office for 16 years from 1999 until August 2015. The operational failure of checks and balances within the IAAF

functioned to give LD the ability to direct changes in the established practices of the Medical and Anti-Doping Department (the "MADept.") and enabled contracts with consultants whose personal interests were not aligned with those of the IAAF.

The influence of LD within the IAAF was such that he was able to, without opposition, engage two members of his family. His son Papa Masada Diack[4] ("PMD") was contracted as a marketing consultant, and another son, Khalil Diack [aka Ibrahima] ("KD") as an independent consultant. LD was also able to engage as a presidential legal advisor, lawyer Habib Cissé ("HC"). All three of these individuals operated outside the formal hierarchical structure of the IAAF taking on organizational functions within the day-to-day operations of the IAAF, all the while being compensated by the IAAF.

With the consultants and lawyer in place, President LD appears to have created a close inner circle, which filtered and funneled communications to and from senior IAAF staff, ultimately functioning as an informal illegitimate governance structure outside the formal IAAF governance structure. This appears, in the context of the IC Terms of Reference, to be the case when it came to dealing with anti-doping matters related to Russian track and field athletes.

LD was responsible for organizing and enabling the conspiracy and corruption that took place in the IAAF. He sanctioned and appears to have had personal knowledge of the fraud and the extortion of athletes carried out by the actions of the informal illegitimate governance structure he put in place. He explained his actions to other hard working but rather naively trusting staff members of the IAAF, as his hands being tied by commitments with Russia or others.

[4] PMD held a contract to exploit marketing opportunities in emerging markets including Brazil, Russia India, China, UAE, Qatar, South Korea, Mexico, Africa and the Caribbean. He stood down as an IAAF marketing consultant in December 2014 due to allegations that he requested a payment of US $5 million during Doha's failed bid for the 2017 World Athletic Championships. His conduct has been under review by the IAAF Ethics Committee since April, 2014, whose decision was released 21 months later on 07 January 2016. He was given a lifetime ban from any involvement in the sport of track and field, was fined US $25,000 and had costs awarded against him.

As a result of evidence originally provided by the IC to Interpol, and subsequently to France's National Financial Prosecutor's office, LD was arrested, questioned and charged with passive corruption, ordered to turn in his passport; and ordered not to leave France.[5] During the course of writing up this chapter, media reports have indicated that the National Financial Prosecutor's office has changed the status of one charge from passive to active corruption, alleging bribery payments to Dr. Gabriel Dollé ("Dollé"), the former Director of the IAAF MADept.[6]

The reports also indicate that LD was aware, through an email he received from his son, PMD, that other IAAF senior staff members who were "antagonistic" in the case management of [Russian athletes] needed to be bribed to stay quiet.[7] Staff identified in the email were the Director of the Office of the President, Cheikh Thiaré, the Deputy General Secretary, Nick Davies, Dr. Gabriel Dollé and Dr. Pierre Yves Garnier, at the time in charge of the biological passport. LD apparently confirmed in the police interviews that "*Papa Massata gave money to one or the other to keep them quiet and so they are not opposed.*"[8] According to the media reports, Nick Davies, Cheikh Thiaré and Dr. Garnier refute those claims. Dr. Dollé regrets having been involved.[9] Those reports also extended to include allegations that LD had requested and received 1.5 million Euros from within Russia to finance the opposition in the 2012 Senegalese presidential

[5] The Guardian, 2015. Lamine Diack, former IAAF head, under investigation in corruption and doping inquiry. [Online] Available at: http://www.theguardian.com/sport/2015/nov/04/lamine-diack-investigation-iaaf-corruption-doping [Accessed 06 January 2016].

[6] The Guardian, 2015. French magistrates file new tougher charges against Lamine Diack. [Online] Available at: http://www.theguardian.com/sport/2015/dec/22/lamine-diack-new-charges-iaaf-sebastian-coe [Accessed 06 January 2016].

[7] Mandard,S. and Bouchez, Y., 2015. Les incroyables confessions de Lamine Diack, ex-président de la Fédération internationale d'athlétisme. [Online] Available at: http://www.lemonde.fr/athletisme/article/2015/12/18/le-pacte-de moscou_4834601_1616661.html#fkMLtvYpiIk6vTkV.99 [Accessed 06 January 2016].

[8] *Ibid. IC Unofficial translation from: "Pour intervenir en interne auprès du personnel de l'IAAF qui lui a été antagonique dans le processus de gestion de ce dossier depuis septembre 2012 et à cette fin, un travail de lobbying et d'explication a été fait auprès de C. Thiaré (50 K), Nick Davies (UK press lobbying 30 K, et calmer Jane Boulter), G. Dollé (50 K) et PY Garnier (assistance champagnolle 10 K, géré par Cheikh).» «K veut dire kilo et la devise est en dollars ou en euros»*, explique doctement Lamine Diack lors de sa quatrième audition. Et de décrypter: *«Papa Massata Diack a donné de l'argent aux uns ou aux autres pour les faire taire et qu'ils ne s'opposent pas»"*

[9] *Ibid.*

election.[10] These latter allegations were not part of the materials provided by the IC to the French officials.

10.2.2 The Presidential Legal Advisor

Habib Cissé has been LD's legal advisor for 12 years, the last three quarters of LD's presidency. While he was not an IAAF retained lawyer, he was engaged occasionally in some IAAF matters, including arguing some IAAF anti-doping cases in the French language at CAS.[11]

Initially, however, he never had specific responsibility for any doping or ABP cases; or the results management of same within the MADept. Regardless, in November 2011 LD assigned HC to specifically manage Russian athletes' ABP cases within the MADept. Thus, HC was inserted by LD into the day-to-day operations of the department only as it applied to Russian athletes. The IC is not aware of any other IAAF member federations that have senior management (internally or externally) assigned for the management of their cases. The grip of the informal governance structure in respect of Russian doping matters was initiated by this presidentially authorized alteration to the normal functions of the MADept.

HC, in his new case management function, and with the support of the MADept. Administrator, Dr. Dollé, made immediate requests of IAAF staff for highly sensitive information, specifically a list of pending Russian ABP cases (hereafter "the list of 23"). As reported by media, LD confirmed in an interview with French prosecutors that,

[10] *Ibid.*

[11] The EC decision of the IAAF released on 7 January 2016 indicates that he acted on the appeal to CAS of the ARAF two year sanction decision in the case of Shobukhova. See para 20 bb) of the decision.

"Cissé's mission was to deliver these lists to Balakhnichev [President of ARAF and IAAF Treasurer] and discuss with him an arrangement…"[12]

At the time, the requests seemed normal to the staff of the MADept. given HC's new LD sanctioned role.[13] The information obtained by HC at this time is the fundamental building block for the corruption and conspiracy that subsequently consumed the IAAF and apparently through HC, put tools in the hands of the ARAF to engage in aspects of their corruption as reported on in IC Report #1.

HC was at the heart of the schemes for disrupting IAAF results management by intentionally delaying results management and interfering with the pursuit of prosecution of Russian athletes. Thereby attempting to cover up doping infractions of Russian athletes. He was also a co-conspirator in the extortion of athletes to cover up, delay or eliminate disciplinary sanctions of Russian athletes.

As a result of information originally provided by the IC to Interpol and subsequently to the French National Financial Prosecutor's office, HC was arrested, questioned and charged with passive corruption, ordered to turn in his passport and ordered not to leave France.[14]

10.2.3 The IAAF "Consultants"

The IAAF operates through its General Secretariat along with seven IAAF Departments: Broadcasting, Communications, Competitions, Development and Member Relations, Finance and Administration, Medical and Anti-Doping, and Technology and Information. There is no marketing department as such. Aspects of that function are

[12] *Supra,* note 12.
[13] *Ibid.* LD confirmed in an interview with the French prosecutors that "Cisse's mission was to deliver these lists to Balakhnichev and discuss with him an arrangement…"
[14] *Supra*, note 10.

outsourced to Dentsu.[15] Individuals performing marketing functions on behalf of the IAAF therefore, are not part of its formal internal organization.

PMD has been engaged as an independent marketing consultant for the IAAF for approximately 15 years following the commencement of his father's presidency. The IC does not know how long KD has been engaged as an independent consultant for the IAAF.

The setup of PMD and KD as consultants helped to conceal their clandestine corruption within their general consultant activities. There was another independent marketing consultant Ian Tan Tong Han ("TAN"), a very close friend and associate of PMD. He is implicated in the return of some extortion monies. See the subsequent discussion under the heading "Black Tidings."

Senior members of the IAAF staff, when interviewed by the IC investigative staff, defined "a member of the IAAF" to include not only all employed staff, but also consultants deployed by or for the IAAF or by or for third parties. Therefore, all of the foregoing identified individuals can be considered members of the IAAF for purposes of this IC Report #2. Indeed, the IAAF Ethics Commission has apparently taken a similar view of the relationship since it investigated, *inter alia*, a complaint involving PMD, on which a hearing was held in mid-December 2015, the decision in respect of which was released on 07 January 2016.

Taken as a whole, the consultants PMD, KD and the lawyer HC functioned as an informal illegitimate governance structure intentionally formed by LD. Their familial or close personal ties to LD facilitated the emergence of this powerful rogue group outside the IAAF governance structure, yet operated under the aegis of the IAAF.

[15] See http://www.dentsu.com . Dentsu is an international advertising and public relations company whose headquarters are located in the Dentsu Building in the Shiodome district of Minato, Tokyo.

10.2.4 The IAAF Treasurer

The IAAF Congress elects the IAAF Treasurer. Valentin Balakhnichev held that position from 2011 until he stepped aside after the airing of the ARD documentary in December 2014. He had also been the President of the national athletics federation in Russia, ARAF, since its inception in 1991 until February 2015. Furthermore, he was a member of the Presidential Council of the Russian Federation on Development of Physical Culture and Sports ("Presidential Council") since 2002. Like the IAAF President LD, Balakhnichev also had his son working for the IAAF at its regional development center in Moscow.

The fraud and corruption perpetrated by the rogue group forming the illegitimate informal governance structure was facilitated by Balakhnichev's presence within the formal governance structure of the IAAF. Information provided to Balakhnichev by HC allowed ARAF and some Russian athletics coaches to enable Russian athletics athletes to continue competing despite being dirty (i.e. doped). He has been the subject of an IAAF Ethics Commission investigation,[16] which began in April 2014. The Ethics Commission reported its decision on 07 January 2016.

10.2.5 The IAAF Medical and Anti-Doping Department

The Medical and Anti-Doping Department ("MADept.") is one of the seven IAAF departments. It operates, given its sensitive mandate, within a regime of strict confidentiality, providing information to members of the department on a need-to-know basis. It is within the MADept. that the intelligence, testing and suspicions concerning athletes are monitored. The department is also responsible for overseeing the imposition of disciplinary measures as preparing and monitoring appeals upon

[16] See the press release of Michael Beloff QC on behalf of the IAAF Ethics Commission on 06 November 2015. [Online] Available at: www.iaafethicscommission.org [Accessed 06 January 2016].

approval of the Anti-Doping Committee. The integrity of the MADept. is foundational and of the utmost importance to the IAAF reputation, image and, most importantly, for athletics athletes to have confidence in the doping control process under which they all compete. While the General Secretary and the Deputy General Secretary at the time, Nick Davies, are in charge of all other matters, they do not work in the MADept., nor have a need to know the information contained within the anti-doping function. The MADept., in essence, operates autonomously from the other six departments of the IAAF and has been described by the incoming IAAF President as being "hermetically sealed" from the organization.

10.2.6 Dr. Gabriel Dollé - the Medical and Anti-Doping Department Administrator

Dr. Gabriel Dollé ("Dollé") was employed by the IAAF to run the MADept. from 1994 until he was forced out in September of 2014. LD directed Dollé to insert HC into the department to manage the results of the Russian ABP cases. The interference by LD with the normal operations of the MADept. appears to have caused Dr. Dollé to slip into his alleged role in the connivance and corruption[17] and resulted in confidential internal departmental information being passed from the IAAF to ARAF. That information became the working information from which senior Russian coaches and officials engaged in dirty (i.e., doped) athlete competition. It also facilitated the extortion of at least two athletes by Russian officials and IAAF consultants, respectively.

The IC discovered that, as a result of actions by HC and Dr. Dollé, Russian athletes' ABP cases 'likely involving doping' were deliberately stalled and delayed; or, results management and disciplinary correspondence not delivered to ARAF or to the affected athletes. Their actions allowed dirty Russian athletes to compete and alter the results on the playing field. This conduct has the same effect as a cover up.

[17] On 03 November 2015, Dr. Gabriel Dollé was charged by the French National Financial Prosecutor with "passive corruption."

10.2.7 Key Findings on the Interpersonal Links and Relationships Facilitating Corruption

1. The checks and balances of good governance were missing in the IAAF hierarchical structure.

2. The IAAF has an inadequate governance process in place to prevent the corruption that occurred. An informal governance structure, established by the President, comprising contracted personnel who controlled access to and from the President acted as a funnel through and from which information flowed back and forth between the President and the internal staff with respect to Russian doping matters. The formal governance structure of the IAAF was subsumed by this informal structure when it came to matters of Russian anti-doping and their communication.

3. It was completely improper governance to allow supervision of suspected Russian doping cases to be separately managed by the IAAF President's personal legal counsel. Doing so created an opportunity for Russian anti-doping information and intelligence to flow to the ARAF.

4. Within the governance process there is no mechanism in place to enable and encourage whistleblowers to bring corrupt practices to the attention of the executive management staff and the Council of the IAAF. Even with such a system in place however, the IAAF management chain was corrupted or beholden to the Diack informal governance structure to such an extent that any complaints would have gone nowhere.

5. There appears to be no governance rules or policies regarding the employment of family members of senior IAAF staff.

10.3 Close and Improper Relationship Between ARAF and IAAF

It will always be the case that the parent organization (i.e., the IAAF) will have working relationships with its member federations, since they are responsible for the sport (i.e. Athletics), one in the international and the latter in each domestic forum of the sport. The IAAF Treasurer, Valentin Balakhnichev, was also the President of the ARAF and held a high ranking in the hierarchy of sport for the Russian Federation, evidenced by his membership on the Presidential Council.

Balakhnichev's dual positions within the IAAF and ARAF facilitated an informal communications structure between senior IAAF staff and the member federation ARAF, as well as simplified the framework for corruption that developed between the two organizations. The delays in results management of Russian athletes and interference with their disciplinary process that occurred in the MADept. was easily coordinated by Balakhnichev and HC acting in consort fulfilling their different roles within the organizations.

Turning to Balakhnichev's involvement with Black Tidings. Balakhnichev was very familiar with PMD, who was frequently accompanied by TAN. Given TAN's constant presence with PMD, it is therefore very likely that as President of the ARAF Balakhnichev was at least acquainted with TAN. It is also likely that the link between Black Tidings, a company belonging to TAN, and Balakhnichev must have involved PMD. The link that brings Balakhnichev into contact with PMD is their respective roles with the IAAF. He was Treasurer of the IAAF and PMD was a marketing consultant to the IAAF. PMD is a close personal friend of TAN. The IC is of the view that these close ties also facilitated the framework for corruption that developed between the two organizations.

10.3.1 Key Findings on Improper Relationships

1. Cross linkage of appointments of senior administrative positions within the IAAF by individuals with senior positions within a member federation raise concerns of conflicts of interest which require careful management. Conflicts of loyalties are irreconcilable where response to one master is required.

2. There was an evident lack of political appetite within the IAAF to confront Russia with the full extent of its doping activities.

3. The IAAF was not robust and rigorous in dealing with countries, including Russia, regarding compliance with whereabouts information requirements and the effective administration of unannounced out-of-competition tests.

10.4 Usurpation of the IAAF MADept. functions

10.4.1 Backdrop

In late 2011 the pressures were building to ensure a successful IAAF World Championships, to be held in Moscow in August of 2013. Media reported that LD described to French prosecutors the scene this way: "*[w]e had to report the suspension of Russian athletes suspected of doping after the World Championships in 2013 (…) If there were no TV rights, no marketing rights, and if the athletes would have been suspended, it would have been a catastrophe*."[18] The events leading up to the beginning of the end of the MADept.'s "hermetical seal" provide the motivation for the insertion of HC into the MADept. toward the close of 2011.

[18] *Supra*, note 12. IC unofficial translation.

It is alleged by some witnesses interviewed by the IC that Balakhnichev, as President of ARAF, in 2009 oversaw the awarding of the IAAF television rights to the Moscow World Championships to certain broadcasters. There appears to be a connection between the awarding of such rights to broadcasters (probably Russian) in return for muting the discovery of some positive samples by Russian athletes. The IC has insufficient information to comment further.

Those same TV rights became the subject of a meeting in 2012 involving PMD, HC and the newly hired General Secretary, Essar Gabriel (EG), of the IAAF with Balakhnichev and a Russian TV advisor.

An issue had arisen regarding the TV rights to the Championships that had been awarded in 2009 to the IAAF. The "problem" is described as having a $6 million US price tag. The three individuals from the IAAF met with Balakhnichev in a hotel in Moscow. Once again, the IC has insufficient information to comment further on this matter. However, it is known that at this point PMD was able to bring in a sponsorship arrangement with the VTB Bank worth $25 million US.

If the foregoing information on the awarding of the Championships and the sponsorship arrangement is true; then, the IAAF should undertake a forensic examination of the relationship and how the rights were awarded to determine whether there were any improprieties.

10.4.2. The MADept.'s Derailment

Through the initiative of WADA, the ABP as a tool for anti-doping detection became a binding legal regime in 2009, although, it was not confirmed by CAS as such until the first case in 2011. See Part III of this chapter for the discussion on the extended mandate. The database under discussion covers the period from 2001 up to 2012.

The systemic corruption within Russian Athletics reported upon in IC Report #1 had employed many effective techniques for the evasion of steroids and other prohibited substances, avoidance of analytical detection and suppression, even destruction, of positive analytical results. The Russian coaches were, however, much slower in developing similar evasion techniques with respect to the evolving use of the ABP in detecting the likelihood of EPO blood doping.

They failed to appreciate the significance of the binding legal effect of the ABP from 2009 onwards and the enhanced ability to sanction athletes as a result of its use. In essence, they ignored the development and did not understand how it would impact anti-doping controls. It is these facts that appear to be at least a partial explanation of the reason for the corruption within the IAAF and the fraudulent, conspiratorial and extortionist conduct within Russia by RUSADA, ARAF, national coaches, the WADA-accredited laboratory in Moscow and medical personnel.

The ARAF was in a situation where it needed to respond to the development of the ABP and its binding legal effect which was beginning to identify Russian athletes as "likely doping" while not identifying a particular prohibited substance or method. Russian National Team Coach Melnikov was secretly recorded on 8 February 2013 by a whistleblower confirming that "*[w]e started to understand about this system [ABP] only in spring 2012, before that we didn't understand what the graphs mean and we didn't have any urine control problems.*"[19]

ARAF and the Russian national coaches were able to penetrate the so-called "hermetically sealed" shield of the MADept. through the active assistance of the Presidential legal advisor HC. In November 2011 a meeting was held[20] to assist HC in understanding how the ABP system worked in terms of its scientific operation, the

[19] See Chapter 11 in the Independent Commission Report #1

[20] Present were: HC along with Huw Roberts; Thomas Capdevielle, Deputy Anti-Doping Administrator; and Dollé.

gathering and recording of data and how the legal system enforced the expert panel's conclusion of "likely doping."

On 14 November 2011, following that initial meeting, internal communications from the IAAF deputy anti-doping director, whom the IC concludes is not involved in the corruption that went on, sent an e-mail communication to Huw Roberts (Roberts), the IAAF's internal counsel at the time, also not believed to be involved in the corruption, explaining that HC was "*… now officially involved in the management / follow up of Russian ABP cases"*. This initial step began the process of piercing the "hermetical seal" of the MADept. President LD confirmed on inquiry by internal staff that he had given his consent for HC's involvement. Thus, LD had deliberately inserted HC into the department[21] so that he could be at the heart of the IAAF results management and disciplinary process of Russian athletes whose profiles were under suspicion of doping.

Four days later HC took action. On 18 November 2011 HC requested and received a list of Russian athletes who were under suspicion of doping. This was the list of 23 as noted above, and it contained the names of 23 Russian athletes with suspicious ABP profiles that were indicative of blood manipulation, either through the use or attempted use of prohibited substances such as erythropoietin (EPO), or the use or attempted use of prohibited methods such as blood transfusions.[22] The MADept. compiled and provided the list of 23 and as requested sent it to the private e-mail account of HC, not his IAAF account.

On the list were names of high profile athletes within the Russian athletics team[23] who were at various stages of the disciplinary process. Internal staff considered the request by HC to be unusual. However, given HC's new role in Russian ABP case management, nothing was seen to be wrong from the perspective of the MADept.

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[21] *Supra*, note 12. LD e told the French Prosecutors that the number of Russian cases was multiplying. He had decided it was time for HC to go into the MADept. to manage the Russian cases as a means to slow down the whole notification process

[22] See Chapter 18 in the Independent Commission Report #1.

[23] Sixteen of those 23 athletes were selected for investigation by the IC staff and were reported upon in IC Report #1 at Chapter 18. They demonstrate how the anti-doping rules were systematically manipulated.

internal staff. The "hermetic seal" had been pierced, but that was not realised by the internal staff despite the fact that possession of the list of 23 would be unnecessary to undertake the case management role played by HC.

On 20 November 2011, HC traveled to Moscow at the expense of the IAAF and returned on 24 November 2011. Balakhnichev admitted to the IC investigators that HC passed the information on to him during his trip to Moscow.[24] Furthermore, subsequent to HC's visit, in early December 2011 ARAF national team coach Melnikov called Baranov, Shobukhova's agent, advising that she was going to have a problem. Baranov later called Shobukhova telling her she had a problem. This is further elaborated on in section 10.5 below.

Manipulation of the case management results of Russian athletes ensued within the MADept. by Dollé, aided and abetted by HC and externally within ARAF and the coaching cohort in Russia.

By early in the Olympic year 2012, HC was firmly in charge of the management of Russian ABP cases, demonstrated by HC telling a MADept. staff member that "*outstanding Russian cases did not concern him and were none of his business*."

Dollé began requesting bi-monthly lists[25] of athletes whose blood profiles were suspicious. He was particularly interested in the Russian athletes, and the staff was directed to forward the bi-monthly lists to HC. The internal staff of the MADept. thought these lists were related to workload projections, despite the fact that Dollé specifically instructed those in the department to forward the lists of Russian athletes to HC. These bi-monthly lists contained the names of all Russian athletes under investigation by the IAAF and could be used to manage illicit activity.

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[24] *Supra*, note 12. The IC notes again LD's statement to the French prosecutors as reported in *Le Monde* that "Cissé's mission was to deliver these lists to Balakhnichev and discuss with him an arrangement…".

[25] The information provided by the list of 23 and the subsequent bi-monthly lists appear to have played a role in the events that began for Yuliya Stepanova (née Rusanova) who was taken off her doping regime by Dr. Portugalov in February 2012. She was told this was being done because her name was on one of these bi-monthly lists provided by the IAAF to ARAF. The events surrounding and developing therefrom in respect to Stepanova were reported upon in IC Report #1.

As explained above in section 10.2.2, HC was part of the informal illegitimate governance structure of the IAAF. He had been inserted in his role in the MADept. by the President to manage the Russian cases. He functioned as the conduit between the President LD and the ARAF staff with respect to everything related to all anti-doping matters involving Russian athletes.

10.4.3 The Internal Workings of the MADept. in 2012 & 2013.

In June, prior to the London 2012 Olympic Games, the MADept. prepared to send out six ABP notification cases (referred to herein as the "delayed list of 6"). The paperwork for following up possible disciplinary action was delivered directly to Balakhnichev at ARAF by HC. Subsequently, these cases were stalled and the paper work went missing or was unaccounted for.

Update requests by internal MADept staff in respect of the delayed list of 6, were answered by assurances, made by both Dollé and HC that the cases would be dealt with or they would indicate that the athlete was either out of the field or would not be competing. For a while this was accepted as the Russian way,[26] meaning that athletes do what they are told and never ask questions. However, once internal staff members witnessed both Kaniskina and Shobukhova competing at the London 2012 Olympics, and that Kaniskina won a gold medal, they began to realise that they had been offered false assurances.

By the end of 2012, this new normal within the MADept. began creating friction with Dr. Garnier, senior doctor on staff at the IAAF. His frustration stemmed from his knowledge of the delayed list of 6, whose cases were now inexplicably and significantly delayed.

[26] Lower tiered Russian athletes caught by the ABP almost without exception were dealt with immediately by ARAF frequently accepting their sanction letters within days. This did not happen to high profile athletes who had done well for Russia. For such athletes delays ran for months and even years. This disparity of treatment enabled ARAF to give the appearance of dealing with ABP cases.

He developed his own list of stalled notifications containing new examples. He was also frustrated by Dollé's regular requests to "re-expertise"[27] certain athletes' samples already categorized by an expert ABP panel as "likely doping." The IC learned through witness interviews that Dollé would always challenge the opinions of the ABP Panel as they related to Russian athletes.

Dr. Garnier's breaking point came when Dollé requested that he re-examine Shobukhova's blood profile after some doctors had said her hemoglobin levels between 2009 and 2011 were so extreme it should be considered a medical emergency rather than a re-test. Dr. Garnier refused to have her case re-examined by the expert panel. It was under these circumstances that Dr. Garnier requested a meeting with IAAF Secretary General, EG. Dr. Garnier wished to inform senior management outside of the MADept. of the difficult situation within. In a subsequent discussion in January 2013 with Roberts and Thomas Capdevielle (Capdevielle), to inform them of the situation within the MADept., an undertaking was given by Roberts to do something about the cases. That undertaking proved to be more difficult to fulfill than Roberts anticipated and his inability to deliver on the undertaking ultimately led to his resignation in April 2014.

The IAAF Championships in Moscow were pending when Roberts met with LD in Dakar on 09 January 2013 to discuss the delayed cases. Upon making inquiries of the President about the delayed list of 6, Roberts asked if there was an agreement not to proceed with those cases. LD replied in the affirmative that it had been agreed not to proceed with the 6 delayed cases. Roberts offered his immediate resignation. LD gave assurances that the cases would be dealt with eventually and that the Russian athletes would not be allowed to compete. On the basis of these assurances, the resignation was withdrawn.

Upon Roberts' return to Monaco, he informed Capdevielle and Dr. Garnier what he had been told by LD. The internal staff, who had been raising questions all along, now had independent confirmation that there was corruption in relation to Russian athletes.

[27] This meant to provide the samples to the expert ABP panel to evaluate again.

Dr. Garnier confronted Dr. Dollé about his behavior in requesting "re-expertising" of Russian ABP cases previously determined by the experts as "likely doping". Dr. Garnier suggested that he was suspicious that Dollé was trying to destroy the anti-doping research conducted within the department. In April 2013, after the IAAF Council meeting in Moscow, Roberts re-approached President LD about the delayed list of 6, inquiring when the cases would be dealt with and advising that the list had grown to at least nine delayed cases. Again, he received assurances from LD that ultimately turned out to be false.

In late July 2013, with the Moscow Championships looming, Capdevielle advised Roberts the delayed cases had still not been dealt with and some athletes on the list had been entered into events for the Championships scheduled for the 10 to 18 of August. Roberts prepared his own list of now 9 delayed cases.[28] He personally delivered it to LD in his Monaco office, advising that he would not attend the Championships if any of those athletes competed. Again, assurances similar to those of the Dakar meeting were given by LD and accepted by Roberts. LD explained he was in a difficult position that could only be resolved by President Putin of Russia with whom he had struck up a friendship.

Eventually none of the athletes on the delayed list of 9 competed. Roberts and Capdevielle were satisfied no banned athletes participated in Moscow. However, neither had their disciplinary cases been followed up by the MADept., nor had their disciplinary cases been proceeded with by ARAF. The repeated delays in the disciplinary cases of these athletes led to Roberts' resignation in January 2014 and his leaving the IAAF at the end of working out his notice period in April 2014.

[28] In order of listing are: ***Borchin, Kaniskina, Kirdyapkin,*** **Kanaykin, Bakulin**, *Zaripova*, Kostetskaya, Shobukhova and Erokhin. The cases of the bolded and underlined athletes were heard on 2-3 December 2015 by CAS but no decision was released by the time of publication of this Report. Athletes in italics were scheduled to compete in Moscow. They all pulled out of the Championships along with two other Russian athletes.

10.4.4 Key Findings on Usurpation of the MADept. Functions

1. By early in the Olympic year 2012 the MADept. operations, in relation to results management and disciplinary process of Russian athletes ABP cases, were usurped and in the exclusive control of HC through the connivance of Dollé.

2. Reporting responsibilities were altered with the specific approval and direction of President LD, and HC injected into the MADept. despite having little knowledge of ABP process and no case management experience in doping matters. Case management of Russian ABPs was assigned exclusively to HC and the MADept. staff responsibilities were revoked.

3. Internal e-mail communications emanating from the MADept. were being sent to the private e-mail account of the Presidential Legal Advisor HC.

4. It was completely improper to have provided the list of suspected Russian athletes to anyone outside the IAAF MADept.

5. There was an unacceptable delay for Senior staff within the MADept. to realize the mismanagement of these cases and then to bring it to the attention of IAAF senior management.

6. There was no internal audit process in place to review the conduct and procedure of the MADept.

7. When unusual events transpired within the MADept. there was no defined reporting procedure to senior management.

8. Senior staff of the IAAF knew Russian athletes should be banned prior to the Moscow Championships and did nothing about it.

9. Senior staff of the IAAF were surprised that athletes participated in the London Olympics despite the assurances that they would not participate.

10. Senior members of the IAAF, including Dollé, and others acting on their behalf, actively interfered with the integrity of athletic competition by effectively covering up through delaying of results management of doping activities of Russian athletes, in return possibly for financial benefits.

11. It could be reasonably assumed that, because the Shobukhovas had likely paid to resolve their particular situations, the disciplinary actions could not be advanced. Such an assumption provides an explanation that best fits with the timeline. Shobukhova is the only case study available upon which to build this assumption. Therefore, the IC finds that what is said in the IC's first report is valid and reflects the circumstances.

12. At least some of the members of the IAAF Council could not have been unaware of the extent of doping in Athletics and the non-enforcement of applicable anti-doping rules.

13. The process of awarding the Moscow Championships broadcasting rights and the entry of the VTB Bank as a sponsor of the IAAF require forensic examination to ensure legitimacy of the process applied.

10.5 Extortion of Russian Athlete Liliya Shobukhova

Shobukhova's ABP had been reviewed by the IAAF expert panel and they had determined by 07 December 2011 that the case was one of likely doping. By 01

December 2011 ARAF had a copy of the illicitly obtained list of 23 created by the MADept. On that date, Aleksey Vladmirovich Melnikov, ARAF's National Team coach for long distance running and race walkers (National Team Coach) phoned Andrey Baranov, the player agent of Liliya Shobukhova. The topic of the telephone conversation was Shobukhova's inclusion on the list of 23. That list contained the information from which the extortion of Shobukhova occurred by Balakhnichev and National Team Coach Alexsey Melnikov reported on by the IC in its Report #1[29].

The list of 23 showed Shobukhova as a "likely doping" athlete. In late December of 2011 coach Melnikov informed Shobukhova in person that her name was on the list of 23 and that she needed to pay Euro 150,000 to have her name removed. On 12 January 2012, Shobukhova and her husband travelled to Moscow and paid the US $190,000 in cash to Melnikov, not knowing to whom or to which organization the money was going; but, that it would allow her to compete in the London 2012 Olympic Games. Melnikov advised them that he would speak with the IAAF and there would be no doubt about her participation in London 2012 Olympics.

This extortion sum later grew to a total of EUR 450,000. The request to increase the extortion sum was made by Melnikov by telephone to the Shobukhovas on 14 June 2012. When they questioned where the first payment had gone, Melnikov responded that it went to "the lawyer", but that with the additional payment of Euro 300,000 their case would be considered closed and she would be able to compete in the London 2012 Olympic Games and other marathons without any difficulty. The Shobukhovs paid this extortion sum on 2 separate occasions. On 18 June 2012, they packed US $192,000 in cash in their luggage, travelled to Moscow and gave it to an intermediary who then gave it to Melnikov. On 11 July 2012, they once again travelled to Moscow with US $187,000 to give the extortion money to Melnikov.

[29] See Chapter 18 in IC Report #1.

10.5.1 Events at the IAAF in relation to Shobukhova

Unknown to Shobukhova, on 12 June 2012 the MADept. issued a letter to notify her of a suspicious passport and to seek an explanation. HC personally delivered the paperwork to ARAF, a procedure outside of the standard IAAF protocol. The standard departmental practice would have been for Dollé to send the notification to the member federation, in this case ARAF, as the next step in the results management process. To this day, such notification has never been given to Shobukhova. On 17 January 2012, HC travelled to Moscow at the expense of the IAAF and departed on the 21st of January. He also travelled on 10 to 13 June 2012 to Moscow and again on either 18 or 19[30] July 2012, returning on the 21st. The IAAF expense records prove that he was present in Moscow during the unfolding of the January, June and July extortion events.

Shobukhova competed in the London 2012 Olympic Games[31]. Once the MADept. Staff became aware of her participation, they demanded that Dollé explain how this could have happened. They thought she was subject to a provisional ban because of the preparation of the 12 June 2012 notification. By September 2012 the IAAF staff involved in the anti-doping process became increasingly aware and began to realise that something illicit was going on. However, they were effectively shut out of the process relating to the Russian athletes by HC, who had taken over full control as part of the informal governance structure.

On 07 October 2012, Shobukhova competed in the Chicago marathon. She finished 4th, 56 seconds behind the winner. This fact created further tensions between the IAAF staff of the MADept. and Dollé.

[30] According to the IAAF travel records HC had a flight booked on both the 18 July 2012 and 19 July 2012 and it is unclear which one he took

[31] In the summary of the evidence that the IAAF EC published on 07 January 2016 the investigator states at para 71 p. 22 that Balakhnichev in a conversation with Dollé and HC agreed that she would be allowed to participate in the Games of London 2012. No provisional suspension was used by the IAAF to prevent her participation nor was one ever issued.

Apparently in response to pressures placed upon Dollé to delay Shobukhova's case, in December 2012, Dollé requested Dr. Garnier to have the experts "re-expertise" Shobukhova's blood profile. Dr. Garnier no longer accepted Dollé's previous explanation that he wanted to ensure that the ABP cases were all very strong in case they lost one at CAS. This was outside both the normal practice of the department and the WADA ABP protocol.

Once 3 experts have unanimously agreed that an athlete is "likely doping" (which in her case had been determined by 07 December 2011); then, the next step is to notify the athlete through the member country federation. The athlete is asked to provide an explanation which is then reviewed by the experts. Shobukhova's notification document was completed by the MADept. It was hand delivered by HC to Balankhnichev. That notification was never delivered to Shobukhova by ARAF. The IAAF medical doctor refused to take the step requested by Dollé. Based on the 5 tests in her blood profile, there was, in Dr. Garnier's opinion, manipulation of blood indicating the use of prohibited substances[32].

Shobukhova's case was still delayed by the time of the World Championships in Moscow in August 2013. Roberts was assured by LD that Shobukhova and other athletes on the delayed list of 6 (by then expanded to 9) would not compete in the World Championships. In fact, none of them did compete. However, the disciplinary cases for athletes on the delayed list, which included Shobukhova, continued to be stalled. Unknown to Roberts was the fact Shobukhova was pregnant and for this reason would not be competing during 2013 for she expected to deliver a child in September.

The internal pressure from the IAAF MADept. and the in-house counsel, Roberts, was becoming intense by late 2013. An example of such pressure comes from Report #1 which indicated that Melnikov notified Shobukhova in December of 2013 she would

[32] The difference in the level of hemoglobin obtained between 2009 and 2011 were extreme. Normal levels ate 12.5-13g. Shobukhova's readings were 18g in an in competition test. This single reading was enough to establish her doping activities.

have trouble competing during 2014 because of her ABP profile and requested a meeting in Moscow. These events were reported upon in IC Report #1 and do not require reiteration here.

By March 2014, there was still no resolution to the Shobukhova case and the MADept. staff was increasingly pushing for it to be completed. It was becoming impossible to cover up or delay Shobukhova's case any longer. Nearly two years had passed with no response from ARAF since the MADept.'s June 2012 notification letter. The pressure on Dollé and HC was likely palpable.

On 03 March 2014, Balakhnichev communicated to Dollé that Shobukhova had signed an Acceptance of Sanction form. Both Dollé and HC assured MADept. staff that Shobukhova was going to accept her doping accusations and sign the Acceptance of Sanction form. Subsequent events indicate that this was likely a lie and that any signed form in existence was likely a forgery[33].

Following complaints by the Shobukhovs regarding her sanctioning even though she had paid a large sum to counteract disciplinary sanctions, a re-imbursement of EUR 300,000 was made to a bank account they had been directed to open by Melnikov. The transaction was paid by a wire transfer from a Singapore bank account belonging to "Black Tidings." The IC obtained copies of the wire transfer and covering e-mail which was part of the evidence turned over through Interpol to the French magistrate's office and was one of the reasons for withholding this chapter at the earlier announcement of the IC's work in November of 2015.

On 28 March 2014, the MADept. received an Acceptance of Sanction form, allegedly signed by Shobukhova, which the IC concludes was a forgery. Shobukhova denies ever signing the form. In fact, once the Euro 300,000 refund was made to the Shobukhovs and the money withdrawn from the account on 03 April 2014, Melnikov continued to

[33] The IAAF EC Decision of 07 January 2016 concludes that it was in fact a forgery through the use of a hand writing expert. See p.10, point y.

request that Shobukhova sign the Acceptance of Sanction form, after the IAAF had apparently received it the week prior. She was eventually suspended in April 2014 after Capdevielle forced Dollé and HC to sign off on the suspension.

10.5.2 Key Findings in Respect of Russian Athlete Shobukhova

1. The usurpation of the functions of the MADept. in relation to Russian athletes' results management enabled the extortion of Shobukhova by HC, Balakhnichev and Melnikov.

2. The disclosure of the list of suspected doping Russian athletes to ARAF was completely improper. The preparation of such documentation enabled the corruption within the department and externally.

3. The established procedures of the MADept. and the WADA Guidelines and Protocol were not applied to the List of 23 Russian athletes.

4. Senior staff of the IAAF could not have been unaware of the extent of interference with normal functions within the MADept.

5. There was no mechanism by which members of the MADept. could report their concerns to senior management. Consequently they frequently did not know what to do or how to react to what was transpiring in relation to Russian ABP cases.

6. In the light of information provided by Shobukhova's agent, there was no immediate follow up by senior IAAF. The only action seems to have been a subsequent disclosure of the conversation between Baranov and Wallace-Jones to the IAAF Ethics Commission. The IC has not been made privy to the content to the disclosure.

10.6 Black Tidings[34] return of Euro 300,000 to Shobukhova

Shobukhova paid coach Melnikov or his designee Euro 450,000 to conceal a potential ADRV. The money was paid, but despite such payment, Melnikov was only able to delay her doping infraction. This failure led to an argument with Balakhnichev and Melnikov over the refunding of the monies extorted. The outcome of the argument was that Balakhnichev instructed Melnikov to arrange for the return of Euro 300,000 of the bribery payment to the athlete.

At the direction of Melnikov, Shobukhova opened a Russian bank account to receive a wire transfer of funds as reimbursement of her earlier payment to remove the positive drug results. A refund of Euro 300,000 was paid into that account at the end of March of 2014 from a Singapore bank account registered to Black Tidings.

The account of Black Tidings is held by Ian Tan Tong Han recognized by IAAF personnel because of his constant accompaniment of PMD. Indeed, Nick Davies is able to identify TAN when shown the version of the ADR documentary video of December 2014[35]without scrambling the features of the individual who answered the door.

The IC has been informed that Dentsu Sports, an affiliate of Dentsu Inc., set up a service company in Lucerne, Switzerland known as Athletics Management & Services AG (AMS). The purpose of AMS was to market and deliver the commercial rights granted to it by the IAAF. AMS retained TAN as a consultant on the IAAF World Championships (including Beijing 2015) and other IAAF World Athletics Series events. His contractual arrangements required him to contribute to the delivery of those events.

[34] Black Tidings in Hindi means Black Marketing or to Launder Black Money.

[35] Black Tidings had a registered address in Singapore. The Documentary filmmakers went to that address and a man answered the door but refused to cooperate and threatened to call the police. While his face is blanked out in the public version of the documentary when shown the original Nick Davies is able to identify the person as TAN.

The IC investigation collected information, evidence and conducted interviews regarding the reimbursement transaction. The collected information was processed through Cyber Analysis which generated additional corroborating evidence. Through Interpol, the IC has turned over its evidence of this transaction, which includes a copy of the wire transfer and covering e-mail, to the French authorities. The payee on the wire transfer document is the "Russian Federation".

10.6.1 The Players behind Black Tidings

Cyber Analysis indicates that TAN claims to be a sports marketing consultant working on behalf of the IAAF. His Cyber profile demonstrates access to high level IAAF officials including LD. He was a regular attendee at IAAF meetings and events. TAN's web presence reflects someone integrated into the IAAF organization at the executive level. He appears to be part of the illicit informal governance system of the IAAF. TAN has attended IAAF Council meetings. He also held a Russian visa for attendance at the Moscow Championships in 2013 and Beijing in 2015. He was an attendee at the IAAF gala dinner at the Guildhall, London during London 2012.

TAN is a close associate of PMD. The relationship is so close that TAN named his child born in 2014; "Massata" giving the appearance that TAN's child was named in honour of PMD.

TAN appears to have ongoing business interests connected to the Diack family. He is involved with companies established in 2009 one of which is located in Singapore and one in Dakar, Senegal. Black Tidings is located in Singapore and the Sporting Age is headquartered in Dakar, Senegal.

10.6.2 The Company

Black Tidings is a registered Singapore company previously known as Black Tidings Publishing Company. The Company was wound up after the transfer referred to

above. In the German ARD documentary, the filmmakers visited the registered address of Black Tidings. The man who answered the door refused to be interviewed. The then Deputy General Secretary of the IAAF Nick Davies can identify the man in the program as TAN.

Cyber social media analysis indicates that TAN is known personally to President LD. There is also a close association with HC. TAN can also be linked to Balakhnichev who was on the marketing committee for the IAAF as was PMD. TAN, PMD and Balakhnichev all have their own marketing consultancy companies. In the investigative community common knowledge indicates that "marketing consultancy" provides a convenient cover to shield illicit bribery and extortion payments.

TAN describes himself as an independent marketing consultant for The Sporting Age (China) Co. Ltd ("Sporting Age"). He also describes himself as a bidding consultant for the IAAF Athletics championships in Beijing held in August 2015. That company is headquartered in Dakar Senegal. PMD owns PMD Consulting which is also headquartered in Dakar.

Further information is unknown to the IC and would be dependent upon the outcome of the French Prosecutor's investigation and whatever cooperation those authorities may be able to obtain from the Singapore police.

10.6.3 Key Findings in relation to Black Tidings Refund

1. There is an intricate linking of various marketing companies of consultants working on behalf of the IAAF marketing efforts.

2. Companies controlled by PMD, KD and TAN could easily be used to cover up improper payments associated with their personal activities.

3. TAN was a well-known to LD, PMD and the senior staff of the IAAF.

10.7 Extortion of Turkish Athlete Asli Alptekin (nee Cakir)

As a result of winning the gold medal at London 2012 Olympic Games in the 1500 meters event Alptekin was entitled to a prize bonus of Euro 500,000 by the Turkish government as provided for by domestic law. That prize bonus money set the scene for the attempt to extort this athlete by IAAF consultants PMD and his brother KD.

Prior to the London 2012 Olympic Games, Alptekin had an abnormal ABP but was only notified after the Games in October 2012 by the Turkish Athletic Federation ("TAF"), that she could be sanctioned by the IAAF. In November 2012, through the president of the athlete's local sports club and using an IAAF e-mail address, PMD requested a meeting with Alptekin and her husband to speak with them about an IAAF disciplinary matter. Two representatives from the athlete's sports club met with PMD in Monaco during the period of 13-17 November 2012. The meeting, originally scheduled to be held at the offices of the IAAF, was, at the last minute, switched three times to different hotels in Monaco. At the meeting PMD initially asked for Euro 650,000 but by the end of the day had reduced the amount to Euro 350,000. Alptekin's representatives said they could not pay and left the meeting.

After Alptekin's representatives returned to Turkey, PMD requested to meet with them all in Istanbul. At PMD's request, a visa was arranged by the Club to be collected in Moscow and used to attend the European Cross Country Championships. PMD arrived in Istanbul on 20 November 2012 by air from Moscow and stayed at the Hyatt Hotel Macka Palas. The bill was paid by his Turkish hosts.

Meanwhile, on the same day (20 November 2012) and back at the IAAF headquarters, Dollé requested a list of suspected and confirmed Turkish ABP cases. The list was prepared and included Alptekin who was the only confirmed case. The list was forwarded at 17:46 hours CET to Dollé.

Later that evening there was a meeting in Istanbul with PMD, the athlete and her husband, the sports Club President and its French speaking Club Doctor. PMD advised at the meeting that Alptekin's problem with the ABP could be covered up or resolved by a payment. Various amounts were discussed from Euro 250,000 to 100,000. The Alptekins agreed to pay something if a guarantee was given. A partial payment in cash of Euro 35,000 was made to PMD with the understanding that after PMD had halted the proceedings the balance would be paid. PMD left Istanbul on 21 November 2012.

A week to 10 days later the TAF received from the IAAF a letter signed by Dollé stating that the athlete's explanation had not been accepted and the panel of ABP experts was proposing a lifetime ban. For PMD to have known about Alptekin's ABP problem, information would had to have been leaked from the MADept., most likely by Dollé. On 05 December 2012, there was a final communication by e-mail, this time not using the official e-mail system of the IAAF. In that e-mail, it was suggested that it might be possible to delay the imposition of a sanction until March 2013, thereby preserving the Olympic medal.

A year later there was a further attempt to extort money from the Alptekins, this time by KD. The onset of this second extortion attempt began when the TAF disciplinary panel ruled on 19 December 2013 that Alptekin had not committed an ADRV and consequently no disciplinary sanction would be imposed. There was a 45-day right to appeal this decision which would expire on 12 February 2014. A former TAF president acted as the liaison between the athlete entourage and KD explaining that PMD was a cheat but KD was trustworthy. At a 28 December 2013 meeting in Turkey, KD indicated he would ensure the IAAF would not appeal by speaking with his father President LD. In this second attempt no sum of money was identified but it was made obvious that money would have to be paid.

Alptekin, thinking that there was nothing to lose by listening to KD, paid for KD and his wife's visits to Turkey and retained the receipts for airline tickets which indicate that KD traveled using a Senegalese passport in the name of Ibrahima. Hotel invoices

corroborated these airline receipts. The most significant invoice was dated 10-12 February 2014, which included IAAF's last date of appeal of the TAF disciplinary panel ruling. The Alptekin family appears to have paid approximately Euro 20,000 to 25,000 for KD's travel and expenses, believing he was trying to help them.

In the initial meeting, the Turks state in discussions with KD that they paid PMD Euro 35,000 in cash. They felt they had been swindled as the case sped up and was not halted.

The travel related receipts revealed that there were numerous trips by KD back and forth to Nice, the closest airport to the IAAF headquarters in Monaco. The IC infers from this that KD was negotiating with some authority on behalf of the IAAF at its headquarters to influence a "no appeal" of the Alptekin TAF decision.

On his last trip back to Istanbul, and by the 44th day of the appeal period, no specific sum had been discussed, although KD did assure the Alptekin family that he was speaking with his father. The Alptekin family gained the impression KD was awaiting a bribe offer., KD left Istanbul on 12 February 2014, the IAAF's final day to lodge an appeal. On 12 February 2014, an IAAF appeal, signed by Huw Roberts, was in fact lodged.

10.7.1 Key Findings in Relation to Turkish Athlete Alptekin

1. PMD and KD breached the IAAF disciplinary code in approaching the Turkish athlete Alptekin to extort money. They also committed fraud by representing themselves as being able to cover up an ABP rule violation.

2. There may be reason to believe that senior IAAF officials and others acting on their behalf may have benefitted from decisions of the IAAF to award certain cities and countries the IAAF Athletics World Championships. [36]

10.8 Conclusion of Part I

The foregoing events created turmoil within the IAAF organization caused by the inappropriate conduct of President LD; Treasurer Balakhnichev; Presidential Legal Advisor Habib Cissé; Marketing Consultant PMD; Anti-Doping Administrator Dr Dollé; IAAF Consultant KD and Consultant Ian Tan Tong Han. The Recommendations of the IC in respect of Part I are set out below.

10.9 Part 1 Recommendations

With respect to the Links & Cross Links Facilitating Corruption

1. THAT the constating documents of the IAAF be amended to provide for reasonable term limits for the president.

2. THAT a thorough forensic audit of the marketing functions as they relate to television and sponsorship functions relating to the IAAF conducted and submitted to the IAAF Council, including the role and remuneration of any agents or consultants.

[36] Transcripts of the various discussions between Turkish individuals with KD make reference to a discussion regarding the Olympic city bidding process for the 2020 Summer Olympic Games. It is stated that Turkey lost LD's support because they did not pay sponsorship moneys of $ 4 to 5 million either to the Diamond League or IAAF. According the transcript the Japanese did pay such a sum. The 2020 Games were awarded to Tokyo. The IC did not investigate this matter further for it was not within our remit.

3. THAT the IAAF consider the need to develop and implement a policy regarding the employment or hiring of consultants who are related to persons in the senior management functions of the organization. Such policy needs to be rigorously enforced.

4. THAT a conflicts of interest policy be developed for all employees and those associated with the IAAF. All potential conflicts of interest be declared and special attention paid to such declarations.

5. THAT the hiring of consultants whether working with the IAAF or a third party on behalf of the IAAF have their terms of hire and conditions of contract approved by the IAAF Council and that one of the conditions be that they produce an annual written report directly to that body.

With respect to the Close & Improper Relationship Between ARAF and IAAF

6. THAT the IAAF should consider the governance principles surrounding potential conflicts of interest between itself and its member federations.

With respect to the Extortion of Russian Athlete Liliya Shobukhova

7. THAT regardless of the outcomes of the criminal investigations that the IAAF should pursue all individuals involved in the extortion of the athlete.

With respect to the Black Tidings return of Euro 300,000 to Shobukhova

8. THAT the IAAF extends its forensic audit to include TAN, his activities regarding the IAAF and any companies controlled by TAN, using all possible sources of information.

With respect to the Extortion of Turkish Athlete Asli Alptekin (nee Cakir)

9. THAT regardless of the outcomes of the criminal investigations, the IAAF should pursue all individuals involved in the extortion of the athlete.

P A R T II

10.10 Developments following the release of IC Report#1 and the leaked email dated 19 July 2013 from IAAF Deputy Secretary General Nick Davies to Papa Massata Diack

There are several developments following the release of IC Report #1 on 06 November 2015, many of which have been thoroughly covered by the press. Some have been commented upon in the first section of this Report #2.

One, of particular note, was the disclosure of an email dated 19 July 2013 from IAAF Deputy Secretary General Nick Davies (Davies) to Papa Massata Diack (PMD).[37] It reads as follows:

> Dear Papa,
>
> Following our discussion earlier I have already had some thoughts and believe that we need to do the following, in the strict confidence and control within a small circle of senior IAAF staff only. This mut (sic) be very secret.
>
> 1. Continue the official IAAF PR and Promo plan working with LOC in Moscow. In addition to what has already been done, we are now finalising a campaign on the Moscow Metro, and increase in the number of OOH billboards and LED screens, a special PR campaign targeted at our host broadcaster VGTRK and a special campaign with the Moscow Times newspaper. This will require approximately 200,000US$ but this has already been discussed and approved in principle in the 2012 Budget;
>
> 2. Connected to this we need to secure the following. Ensure that ARAF representatives, including Valentin and Mikhael Butov REFRAIN from speaking publicly or briefing the media in a negative way, which has sadly been the case recently. Furthermore, that they DELIVER their promises of free ticket programme guests during the event and also, very importantly, that they immediately begin to ensure that Russian athletes are made available for media promotion in the coming

[37] The IC does not suggest that Nick Davies was the centre of any particular conduct that is considered in this Report. The email does, however, illustrate the manner in which the IAAF operated and the degree of influence of persons outside the formal governance structure of the IAAF.

weeks, especially on VGTRK broadcasts and any other promo activities (Welcome in Red Square on 9 August etc.)

3. As well as this, it is important that the President can activate political support from his senior contacts in Russian politics directly and not rely totally on Valentin to do this for him, as I believe there is a lot of political infighting in Russia. Better that the President is able to go directly to ensure that the promises of the Mayor and the Sports Minister and the Defence Minister etc will be carried out as promised.

4. Finally, as soon as possible, and 'unofficially' PR campaign to ensure we avoid international media scandals related to the Moscow Championships especially in the British press, where the worst of the articles is coming from. This will require specialist PR skills (working only with me directly) from London, but I believe that if we consider using CSM we can also benefit from Seb's political influence in the UK. It is in his personal interest to ensure that the Moscow World Champs is a success and that people do not think that the media of his own country are trying to destroy it… We can work extremely hard in stopping any planned 'attack' on Russia from the British press in the coming weeks.

5. Finally, I need to be able to sit down with the Anti-doping department and understand exactly what Russian 'skeleton' we still have in the cupboard regarding doping. I think that the time to have unveiled the various athletes was a long time ago and that we now need to be smart. These athletes, of course, should NOT be part of any Russian team for these World Championships and Valentin should be pressurized to make sur (sic) this is the case. If the guilty ones are not competing then we might as well wait until the event is over to announce them. Or we announce one or two BUT AT THE SAME TIME as athletes from other countries. Also we can prepare a special dossier on IAAF testing which will show that one of the main reasons why these Russian athletes come up positive is that they get tested a lot!!! In the same way, we can make the point that the WADA laboratory is the responsibility of WADA not IAAF and that if WADA decides there really is a problem, we have a plan B to do the tests in Lausanne instead (Gabriel confirmed this to me yesterday).

Papa - as soon as I have an idea of the price of this unofficial PR campaign I will let you know, but I will do everything in my power to protect the IAAF and the President.

All the best

Nick.

The IC invited the IAAF to comment upon the contents of the email. The IAAF stated that it believes that PMD released the email to the press in an effort to distract attention away from his own status as a fugitive from French justice. In response, the IAAF states that Davies has issued the following statement:

> As Director of IAAF Communications it was one of my responsibilities to manage and promote the reputation of the IAAF. My email to the IAAF's then Marketing Consultant Papa Massata Diack, less than a month before the start of the Moscow World Championship, was brainstorming around media handling strategies to deal with the serious challenges we were facing around the image of the event. No plan was implemented following that email and there is no possibility any media strategy could ever interfere with the conduct of the anti-doping process. I did not discuss these ideas with CSM and there has never been any agreement between the IAAF and CSM for any PR campaigns. CSM has never worked for the IAAF in any capacity since Sebastian Coe joined the company. Further to your article on the subject of alleged Lamine Diack corruption published on 18 December, I have never been involved in any criminal conspiracies involving IAAF representatives, either as alleged or at all. I have never received any payments in connection with such. I had no knowledge in 2013 that IAAF officials might be involved in alleged criminal conduct in relation to doping cases, nor am I aware of any doping cases that was not brought that should have been brought, or of any doping ban that was not published when it should have been published under the IAAF Rules.

The IC investigation team interviewed Davies in June 2015 as part of the investigative phase in response to the allegations raised in the first ARD television documentary. Davies did not mention nor refer to any knowledge of cases of delays of reporting possible doping violations, nor to knowledge of any "Russian 'skeletons' in the cupboard."

The IAAF advises that, subsequent to the release of the email to the media, Davies has referred the matter to the IAAF Ethics Commission and has temporarily stepped aside pending a determination by the Ethics Commission of whether he may have a case to answer under the IAAF Code of Ethics. The IAAF also adds the following observations:

1. No steps were taken to keep concealed/delay publication of a series of positive doping tests involving Russian athletes. The IAAF anti-doping rules, which were (and are) based on the World Anti-Doping Code, governed what had to be published about doping cases and when, and the IAAF published details of all doping cases in accordance with those requirements. It did not ever fail to

publish or delay publication of details of doping cases they were required to be published under the Code.

2. In the years leading up to the 2013 World Championships in Moscow there was clearly an image problem with Russian athletics and the organisation of the World Championships itself. The image problem included well-publicised problems with ticket sales and an increasing worldwide issue with doping.

3. The doping headlines included the suspension of over 40 Turkish athletes, a total of 18 Russian athletes were sanctioned by the IAAF and there were another 18 Russian athletes sanctioned in 2013 in the months leading up to the Moscow World Championships. There were also allegations made in *The Mail on Sunday* that cast doubt about the credibility of the Moscow WADA laboratory and alleged that there had been cover-ups of cases in Russia.

4. In the lead-up to the 2013 World Championships, Nick Davies also became aware of concerns within the IAAF Medical and Anti-Doping Commission (sic) relating to the speed with which the Russian Athletics Federation (ARAF) was dealing with anti-doping cases that the IAAF had referred to it, including concerns as to whether the athletes concerned would be participating in the World Championships in Moscow.

5. Nick Davies has advised that he raised these issues with the IAAF President, Lamine Diack, to enlist his help in ensuring that ARAF were brought into line. He says President Diack agreed to do so, and it is a fact that none of the athletes in issue did compete in the Moscow World Championships. However, President Diack also complained to Nick Davies that all of the negative publicity about Russia was hurting the image of the sport and asked him in his capacity as Director of Communications to consider what could be done in terms of PR to address that. Apart from the general PR to promote the World Championships, Nick Davies' only thought was whether, if there were any new bans to be announced, that could be done after the Championships rather than

immediately, or, if immediately, in conjunction with the announcement of doping bans of athletes from other countries. However, there were no new bans to be announced at that stage, and so it was a moot point.

6. Nick Davies has confirmed that he had no idea at the time that any IAAF officials might be involved in any criminal conduct in relation to any doping cases. (He did not become aware of any allegation to that effect until the first half of 2014, when an IAAF staff member told him about the Shobukhova complaint prior to it being referred to the IAAF Ethics Commission: …) Nick Davies has also confirmed that he is not aware of any doping case that was not brought that should have been brought, or of any doping ban that was not published when it should have been published under the IAAF rules.

The IC has comments on this matter, first on a particularized basis, and second on a macro basis.

10.10.1 IC particular conclusions on the Nick Davies e-mail

On the particular email and the explanations offered, the IC notes as follows:

1. The reply is not a reply from Davies. It is a carefully crafted reply and explanation from the IAAF, delivered through its attorneys. While obviously prepared by the IAAF attorneys, it is assumed that they were instructed to provide the reply and also assumed that the IAAF is in agreement with the contents.

2. The explanation given does not, in the IC's opinion, accord with the content of the email. "Strict confidence and control," "very secret," "small circle of senior IAAF staff only" are not compatible with the benign explanations given.

3. This was obviously not the first time that Davies and PMD had discussed the matters referred to in the email. The content of earlier discussions was not revealed and no explanation was offered. It might well be normal for them to have discussed specific marketing-related matters pertaining to the World Championships and related sponsorships, as well as ticket sales. Nothing of that nature, however, should have raised matters to the threat level of doing "everything in my power to protect the IAAF and the President." In addition, the doping delays were not resolved until well after the World Championships had been completed, so the matter was not merely a World Championships issue.

4. This was not mere "brainstorming." Instead, it was a comprehensive and considered plan proposed by the IAAF Deputy Secretary General and Communications Director to a member of the IAAF President's inner circle. Whether the details of each aspect had or had not been fleshed out is immaterial to the nature, scope and flavour of the proposal. It also underscores the extent to which a marketing consultant with a limited mandate was involved as part of an inner circle operating inside the IAAF. Despite the IAAF's attempt to distance the IAAF from PMD, it is clear that he seems to have been regarded as *de facto* senior IAAF staff, including by the Deputy Secretary General.

5. There was obvious knowledge of the delays in handling the Russian cases, knowledge clearly not confined to the Medical and Anti-Doping Department of the IAAF and which had been specifically reported to IAAF President Diack.

6. Both the Communications and Marketing functions within the IAAF were aware of the issue and the in-house staff (Davies) was obviously ready to approach the anti-doping personnel to obtain information on outstanding cases. The mere sharing of such information would have been a breach of the confidentiality of the anti-doping function.

7. The IAAF staff was ready to prepare a special dossier on IAAF testing to show that one of the reasons why the Russian athletes were testing positive was because they got tested a lot. This cynically overlooks the fact that the reason why there were so many positives was that so many of the Russian endurance athletes were in fact doping.

8. It is not clear why the image problem of Russian athletics should have been an issue for the IAAF. It should have had in mind the image of athletics generally, across all member countries, rather than propping up a national federation that had allowed itself to become a doping haven.

9. Doubts regarding the capability of the Moscow laboratory accredited by WADA were not IAAF issues. These matters were being dealt with by WADA.

10. The explanation offered by the IAAF regarding allegations of cover-ups of cases in Russia does not indicate who was suspected of arranging for the cover-ups. Had it been the IAAF, one assumes this would have been mentioned and that a strategy to deal with such allegations would have been proposed. If the alleged cover-ups were laid at the doorstep of ARAF, this should have been noted and a strategy developed by the IAAF to deal with a non-compliant national federation.

11. It is not clear how continued delays in dealing with the Russian cases could have been helpful to the IAAF's image. The IAAF's perception on this point seems to have been that each imposition of a sanction was a failure, rather than a small victory for having removed yet another cheater from tainting competitions at the expense of clean athletes.

12. With respect, the statement offered regarding Davies' awareness regarding publication of doping bans is of no assistance and, moreover, is completely beside the point. The publication of bans is a separate issue from the time that investigations may commence, the robustness of follow up and the institution of

formal sanctioning proceedings that may result. The evidence does not support the statement that no steps were taken to keep concealed/delay publication ban that was not published when it should have been published under the IAAF Rules. Roberts had resigned as a result of the delays. Davies was well aware of Russian "skeletons" in the cupboard.

10.11 IC Macro-level Conclusions regarding the IAAF's Conduct

Without descending into a line-by-line parsing of the IAAF response in relation to the email, the IC finds that it is not responsive to the real issues that needed to be addressed.

More important, however, is that the email and explanation make it clear that there was far greater general knowledge within the IAAF of problems with Russia than it has been willing to acknowledge. In communications with the IC, those representing the IAAF have consistently attempted to assign the blame for illicit and corrupted activities of a small number of rogue individuals. Many are referred to as "no longer employed by the IAAF," "no longer connected with the IAAF," "never having been employed by the IAAF," and similar dismissive descriptors. The IAAF itself has been portrayed as all-but-blameless and replete with hard-working and honest employees, who were "truly shocked" when they discovered the extent of the corruption involved.[38] The general impression is given that the IAAF should not be tainted by the rogue activities.

There are three fundamental problems with such a perspective. The first is that the IAAF lacked a system of governance that could have identified improper conduct and dealt with it by anticipation or prompt follow up. The second is that, like it or not, the

[38] The IC commends the work, in particular, of Messrs. Capdevielle, Garnier and Roberts, who did their best, often in difficult circumstances, to ensure that anti-doping measures were properly and diligently implemented.

conduct does affect the IAAF. The third is that the circle of knowledge of the offending conduct within the IAAF is much larger than has been acknowledged.

10.11.1 Governance

The growing importance of good governance within international sport organizations cannot have escaped the notice of the IAAF, its members and staff. Despite this, the IAAF took no steps to ensure that best practices were put in place and were implemented, including accessible opportunities for whistleblower disclosures, whether internal or external.

Failure to have addressed such governance issues is an IAAF failure that cannot be blamed on a small group of miscreants. The opportunity existed for the IAAF to have addressed governance issues. No advantage was taken of that opportunity.

While the creation of an Ethics Commission (although not as part of a comprehensive governance package) was a good step forward, the conditions under which it operated during the period of the IC's investigation were neither obvious nor transparent. It seemed impossible for the Ethics Commission to share information in its possession with, for example, the IC, in relation to conduct relevant to each. This resulted in undoubted duplication of effort and increased the possibility of matters slipping through cracks.

The IC notes that the IAAF Ethics Commission has now issued its report on certain specific charges involving Papa Massata Diack, Valentin Balakhnichev, Alexi Melnikov and Gabriel Dollé. Diack, Balakhnichev and Melnikov were given life suspensions, while Dollé was given a five-year ban. The decisions may be appealed to CAS.

10.11.2 Corrupt Conduct

The corruption that occurred within the IAAF was not at the level of some foreign currency trader in a bank carrying out unauthorized transactions, without the knowledge or permission of the responsible bank officers. Here, it started with the President of the organization. It involved the Treasurer of the organization. It involved the personal counsel of the President, acting on instructions of the President. It involved two of the sons of the President. It involved the director of the Medical and Anti-Doping department of the IAAF. The corruption was imbedded in the organization. It cannot be ignored or dismissed as attributable to the odd renegade acting on his own. The IAAF allowed the conduct to occur and must accept its responsibility. Continued denial will simply make it more difficult to make genuine progress.

10.11.3 Circle of Knowledge

It is increasingly clear that far more IAAF staff knew about the problems than has currently been acknowledged. It is not credible that elected officials were unaware of the situation affecting (for purposes of the IC mandate) athletics in Russia. If, therefore, the circle of knowledge was so extensive, why was nothing done? Quite obviously, there was no appetite on the part of the IAAF to challenge Russia. In the 2013 timeframe, the fact that the World Championships were to be held in Russia was a factor, since the IAAF wants to ensure that its World Championships are successful, even if only to validate its own choice of the host country. Focus, therefore, may understandably be on making sure that pre-award promises are kept, that ticket sales are high, that broadcasters and sponsors are satisfied, and so forth. But these are one-off events and the problems continue unabated, both before the awards (when commitment to good conduct may be more easily obtained) and after the World

Championships (when assessments can be made absent short term considerations such as the World Championships).

10.12 Part II Findings

1. The IAAF had inadequate governance processes in place to prevent the corruption that occurred.

2. The IAAF had inadequate governance processes in place to enable/encourage whistleblowers to bring the corrupt practices to light.

3. It was completely improper to have provided a list of Russian athletes suspected of doping to anyone outside the official anti-doping unit at the IAAF.

4. The IAAF was insufficiently firm in dealing with a number of countries, including Russia, regarding compliance with whereabouts information requirements and the administration of unannounced out-of-competition tests.

5. The IAAF Council could not have been unaware of the extent of doping in Athletics and the non-enforcement of applicable anti-doping rules.

6. There was an evident lack of political appetite within the IAAF to confront Russia with the full extent of its known and suspected doping activities.

7. The IAAF Council could not have been unaware of the level of nepotism that operated within the IAAF.

8. The IC finds it completely inexplicable that the IAAF Deputy Secretary General should have entered into (or would even contemplate entering into) discussions along the lines indicated in the email to PMD dated 19 July 2013. The terms of that email make it perfectly clear that the nature of the problem was known by the IAAF senior administration, that the impact of certain behaviours was known and that steps to minimize the impact of any revelations on the reputation of the IAAF were to be considered.

9. While acknowledging the cooperation received from within the IAAF administration in connection with its investigation, the IC cannot refrain from observing a tendency on the part of the administration to attempt to sever the corruption from the IAAF itself. The fact of the matter is that individuals at the very top of the IAAF were implicated in conduct that reflects on the organization itself (as well as on the particular individuals involved). When the president of the IAAF, his personal counsel, two of his sons in positions of authority, the director of the medical and anti-doping department and the deputy secretary general are all involved in questionable or criminal conduct, the reputation of the IAAF itself is brought into question and it is that reputation that must be restored.

10.13 Part II Recommendations

1. THAT the IAAF publicly recognize the assistance provided by the whistleblowers in establishing the facts of corruption in Russian athletics and offer any necessary support in their relocation and employment.

2. THAT the IAAF offer encouragement and assistance to whistleblowers in matters of doping and other corruption.

3. THAT any reinstatement of the Russian national federation be provisional and be subject to ongoing verification that its conduct complies with the World Anti-Doping Code and IAAF regulations.

4. THAT the anti-doping function within the IAAF be completely separated from the sport-political and commercial aspects of the IAAF activities.

5. THAT anti-doping activities within the IAAF be adequately financed and supported.

6. THAT to restore athlete and public confidence in the integrity of Athletics, the IAAF adopt and implement policies that will place an onus on its member federations to demonstrate, subject to verification, that they comply with all applicable rules, including, in particular, anti-doping rules, failing which they will be unable to enter competitors, host competitions and hold any office or position within the IAAF.

7. THAT the IAAF re-evaluate its governance principles and structures to put in place a governance structure that will prevent or identify any conflicts of interest or corruption in future.

8. THAT the IAAF establish an independent compliance commission charged with investigating, reporting and recommending sanctions in the event of non-compliance by or within any national federation.

P A R T III

Allegations on ADR Television and in *The Sunday Times* regarding IAAF and Suspicious Test Results

Executive Summary

1. The IC does not accept the conclusion in the reports of Drs. Ashenden and Parisotto provided to the ARD and Sunday Times, in which it is stated that sanctions could have been obtained on the basis of the values reported in the IAAF database provided to them for analysis.

2. The IC is quite satisfied that no such sanctions could have been obtained other than through the ABP protocols.

3. The IAAF was among the most active ADOs in the field of testing under the original EPO protocols and, subsequently, the ABP protocols. It has consistently followed accepted methodologies and has played an active role in the advancement of the applicable science.

4. Follow up activities in the face of suspicious values have generally been thorough and reasonable in the circumstances.

5. The IC does not endorse suggestions that the IAAF has not been sufficiently active in relation to EPO testing from the outset of a reliable test for rEPO. While

nothing is perfect, the IAAF has been extremely active in this aspect of the fight against doping in sport.

Background

Hajo Seppelt, the German journalist with ARD who played a leading role in the exposure of state-sponsored doping and corruption in Russian athletics, obtained a database which purported to be an IAAF database showing the blood test results of thousands of athletes during the period 2001-2012. Seppelt declined to identify the source who provided the database. The database was not leaked by the IAAF or by WADA. The IAAF believes that the database was improperly obtained and has instituted legal proceedings designed to identify the source. It was not disclosed whether the IAAF database was provided freely or for payment. Seppelt shared the database with the British newspaper, The Sunday Times.

In May 2015, *The Sunday Times* approached Michael Ashenden, a well-known Australian scientist to analyze the database and to provide a report on the contents. Ashenden has been compensated for his work at the rate he usually receives for his expert advice. The terms of engagement were not disclosed, despite the IC's request for such information. Thus, the IC cannot determine whether there were existing or negotiated hypotheses in relation to the raw data contained in the database.

The version of the database provided to Ashenden (by Seppelt) was anonymized, in the sense that the names of the athletes were electronically blacked out. However, when working with the database, Ashenden was able to determine the names of the athletes, which affected his ability to treat the data and results on an anonymous basis. Unbeknownst to Ashenden, The Sunday Times had also approached another Australian scientist, Robin Parisotto (Parisotto) for his analysis of the same database. The IC is not aware of the terms of this engagement. Each report was prepared independently. The

two scientists later consulted each other regarding their conclusions at some stage prior to the publication of materials based on the reports.

On 01 August 2015, ARD German television broadcast a program entitled "Doping – Top Secret: The Shadowy World of Athletics" containing many allegations regarding widespread doping in athletics, and commencing on 01 August 2015, The Sunday Times published several articles under the titles such as: "Shadow over the London marathon." It is clear to the IC that neither ARD nor The Sunday Times could have aired or published their material without the benefit of the reports prepared by Ashenden and Parisotto. The IC does not intend to canvass the many stories published by The Sunday Times and in other papers subsequent to those appearing in The Sunday Times. These stories are matters of public record and it falls to the discerning reader to judge the content, tone and accuracy of each story.

The IC Investigation

WADA Chairman Sir Craig Reedie announced on 02 August 2015 that the new allegations would be immediately turned over to the IC for further investigation. The announcement was posted to the WADA website, as was a follow up announcement on 07 August 2015, which included a reference to the formal offer by the IAAF to cooperate fully with the IC with respect to its inquiries. By 14 August 2015, the IC was able to issue a statement (also published on the WADA website) that it had already started its work and that its experts had been at the IAAF headquarters the previous day to begin analyzing the database. The investigative methodology developed by the IC (accepted as appropriate by the WADA experts and by the IAAF) was also disclosed. The elements of the investigation are identified below in the summary of the experts' findings.

1. Obtain a copy of the leaked database and confirmation by the IAAF that it is – or was –all or part of an IAAF database

The IAAF database referred to had been maintained as a personal database in Excel format by Giuseppe Fischetto, who worked as a delegate for the IAAF and European Athletics (EA) from 2008 – 2012. From 2008 onwards, the database contains the results from many samples from EA events. For many of the EA samples, EA was the testing authority and results management authority. At the end of 2009 or beginning of 2010, the IAAF agreed to act as results management authority for EA and requested EA to enter its data into ADAMS. Some 350 EA tests were entered into ADAMS in 2011, albeit with a significant delay from the time of collection of samples (6 – 12 months), although the WADA experts did not see any specific patterns that might suggest the intentional delay of the entries of Doping Control Forms (DCFs). In addition, the IAAF database contains the results of many samples for which the IAAF is not the testing authority. These were tests performed by other NADOs, event organizers, or WADA. The database contains no information subsequent to 2012.

The IC has obtained a copy of that database, as well as a copy supplied officially by the IAAF to the IC, and a further copy of what purported to be yet another copy of the same database. All copies were compared and found to be identical, except that the database supplied to the IC by the IAAF is fully up to date (i.e., late 2015), whereas the database obtained by ARD and provided to The Sunday Times and thereafter to the two scientists contains no information beyond 2012.

2. Obtain a copy of the report prepared by the Australian scientists

Ashenden and Parisotto have refused to make their reports public, as has *The Sunday Times*.

Subject to conditions of confidentiality, a copy has been provided to the IC with the further agreement that it can be confidentially shared only with the WADA experts assisting the IC in the investigation of the allegations.

Permission to provide a copy of the reports to the IAAF was specifically refused.

The reports provided to the IC are to be destroyed immediately after the IC's own report has been published.

No one has, to the knowledge of the IC, challenged the scientific credentials of either Ashenden or Parisotto. Ashenden, in particular, has been acknowledged and has appeared as an expert in many doping cases. It is the role of expert witnesses to assist courts (and, for purposes of doping matters, CAS panels) with opinion evidence based on their particular expertise, unlike "ordinary" witnesses, who can testify only on facts within their personal knowledge. It remains for the courts and arbitration panels to determine which evidence of which experts they may prefer. Expert opinion evidence is not necessarily correct. There may be, and often are, significant differences of opinion, even among experts in the same field.

While other experts might disagree with the conclusions of Ashenden and Parisotto, no one has challenged the methodology applied in reaching their conclusions, subject only to the pivotal concern that looking solely at information included in the IAAF database is not sufficient to factor in all of the information that might possibly have had some impact on the values recorded in the database (such as altitude, vigorous exercise prior to the tests, analyser error, variations between the use of different equipment). This is not to say, however, that there are no other investigative models that might also have been available.

3. Obtain from WADA the precise dates of the progress toward adoption of the ABP and the application of the applicable protocols for bringing anti-doping rule violation charges based on the ABP, as well as any statements by WADA (or others) regarding inappropriateness of the use of suspicious or abnormal test results as proof of doping

The scientific consensus on the elements of the ABP was reached at the end of 2007. Such consensus regarding the use of markers of blood doping for sanctioning purposes

was reached when (1) the technical aspects associated with the collection, transport and analysis of blood samples and (2) the procedure for results management based on a statistical evaluation of a series of individual values and expert reviews were in place. The technical documents associated with the collection (TDBSCR), transport (BSTR) and analysis (TDBAR) of blood ABP samples as well as results management for the ABP (TDRMR) were drafted in 2007 to reflect such consensus.

Between 2007 and 2009, the technical documents were circulated among the ADOs willing to implement a blood passport program. In January 2009, the IAAF modified its Blood Testing Protocol to be in line with the technical documents and implemented a blood ABP program prior to the official release by WADA of the ABP guidelines in December 2009 and began entering its DCFs in ADAMS.[39] The IAAF's first ABP blood test was performed on 15 January 2009.

It took another two years for the legal consensus to emerge, in 2009, although it would require successful prosecution of ABP cases before CAS in order to validate that consensus. WADA published its ABP Guidelines in December 2009. It was not until April 2011 that the first CAS award on ABP was published. The same month, the IAAF launched its first ABP case.

4. Verify what portions of the IAAF database have been recorded in ADAMS

In order for laboratory data to be linked to a particular athlete, the DCF must be entered into ADAMS, thus creating a match between the athlete information and the laboratory results. The WADA experts examined which portions of the IAAF database consisted of samples with matched results in ADAMS.

[39] The IAAF protocol allowed, for the first time, the bringing of anti-doping rule violations charges based on the ABP under IAAF Rule 32.2.

They found that 5,134 of the 12,360 samples (41.5%) were found as matched samples in ADAMS. The first samples matched in ADAMS were from January 2009, when the IAAF began entering blood data into ADAMS. There are several samples in the IAAF database in early 2009 that are not matched in ADAMS. Of these, 184 samples are from the IAAF Cross Country World Championships (Amman, Jordan) and 609 were from various EA events. Blood analysis at these events was not performed in compliance with the ABP guidelines, so these data were not suitable for uploading into ADAMS and for use in the ABP. From the Berlin World Championships on 11 August 2009 onward, 5,134 of 5,278 samples (97.3%) from the IAAF database were matched in ADAMS. Therefore, any ADO with a sharing agreement with the IAAF will have access to relevant samples taken since 2009 in accordance with ABP guidelines.

Looking closer at the unmatched samples found in the IAAF database after 11 August 2009, the WADA experts found no particular patterns. These unmatched samples can be caused by data entry errors in the sport/discipline, so the actual number of unmatched samples is difficult to define precisely, but it is less than 141. Of these samples, 18 were from the European Cup 10,000 m. in Marseille (04 June 2010) which is a European Athletics event and the rest from various other competitions. There were 5 athletes with atypical blood values, 3 of whom were later sanctioned, 1 of whom had no other blood samples in ADAMS and 1 of whom had a single abnormal value.

No obvious patterns were discovered that would suggest attempts to withhold data from ADAMS.

In addition to what is found in the leaked database, the WADA experts also looked at whether there are samples in ADAMS from the same period that are not in the IAAF database. They found 35 samples where the IAAF was the testing authority that are not found in the leaked database, but are found in ADAMS. No particular patterns were observed with respect to these samples. As the list was likely updated after January 2009 using reports from ADAMS that were manually attached to the spreadsheet, it is possible that these samples were missed in this process.

5. Identify suspicious test results that should have led to targeted testing

In the years prior to achievement of scientific consensus on the ABP, the IAAF followed its own protocols then in place, namely that suspicious blood results were used as markers of possible EPO use and were generally followed as soon as possible by scientifically reliable urine tests. Since the detection window for EPO tests is quite narrow, this process enjoyed only limited success, but it was continued by the IAAF until 2009. No examples of any more robust or successful protocols during this period were brought to the IC's attention. The IAAF was an active participant with WADA and others in the development of the concept and design of the ABP

Between 2001 and 2009, the IAAF used population-based criteria, re-evaluated each year by its Medical Committee, for purposes of identifying athletes to target for urine-based EPO analysis. The limits established were designed to flag athletes most likely to be using EPO, not to flag situations not typically associated with ESA use, such as low OFF-Scores, low HGB, or low HCT. The major changes for the criteria over time were the addition of the OFF-Score in 2005, the elimination of the use of HCT in 2008, small refinements in the values based on published information and, finally, the switch from population based limits to using the more personalized ABP for ESA targeting.

One of the main drawbacks of the population based limits is that they are not appropriate for all individuals. The distribution of blood based variables such as HGB and reticulocytes are affected by heterogeneous factors such as age, gender and ethnicity and, therefore, no particular set of limits will be perfectly suited to each individual. This was a critical argument against imposing "no-start" rules in athletics, due to the very heterogeneous athlete population. (Ashenden, for example, was of the view that a no-start rule could have helped, even though he had acknowledged in a previous publication that as many as 10% of "normal" people who were not doping

could well be excluded from participation.) Overcoming this caveat had been one of the main motives for developing the passport approach of calculating 'personalized limits' for each individual. Prior to the passport, one approach was to stratify the limits accordingly, such as what was done by the IAAF for gender. Since these limits were being applied for targeting purposes, not directly to sanction athletes, further stratification by age or ethnicity was not critical.

Applying the different IAAF criteria to the blood values in the IAAF database, the WADA experts identified 1,090 samples belonging to 671 athletes that fell outside the limits. This represents 8.8% of the 12,364 samples in the database. Of these, 635 samples were taken during 2001-2008 and would have required follow-up according to the IAAF EPO Testing Protocols. After 2009, the ABP was used for target testing.

The WADA expert group then applied population based limits based on published studies in much the same way as the IAAF database had done (No HGB minimum and no OFF-score minimum) for purposes of comparison. Samples beyond 99% confidence limits have a 1/100 chance of occurring normally and samples beyond the 99.9% limits have a 1/1,000 probability of occurring in a normal population. The limits are based on a modal Caucasian population at sea level.

Applying these limits to the entire database, 677 samples fell outside the 99.9% limits (5.4% of samples) and 1,567 samples fell outside the 99% limits (12.7% of samples). Therefore, the IAAF criteria identified a total number of atypical (1,090) samples within the range of 99 and 99.9% limits.

Note that the percentages of samples identified cannot and should not be used as a measure of prevalence of doping. Indeed, the number of samples outside the 99% population is expected to be higher than 1% in a normal population, since these samples are being chosen based on more than one criterion (i.e., Ret%, HGB, HCT, or OFF-score), with the possibility of some samples being outside more than one of the criteria.

The WADA expert group then compared the samples identified using the IAAF criteria v. the 99 and 99.9% limits. There are 244 samples unique to the IAAF criteria, based either on high Ret%, elevated HGB in males, or elevated HCT, which is easily explained by the small differences in criteria of these variables. There are also 100 samples unique to the 99.9% limits not identified by the IAAF limits, based on low Ret% or high OFF-score. These discrepancies reflect the small differences between these criteria, but should not be expected to impact significantly the quality of targeting athletes.

By today's standards, the lower limit (0.2) for reticulocytes could be considered too low. In general, however, low reticulocytes typically occur after cessation of EPO, so the chances of obtaining a positive urine test are actually quite low. Second, the measurement of Ret% was not standardized until 2009. One of the main sources of variation for the measurement of Ret% is the type of blood analyser used. This is one of the reasons why the ABP uses exclusively Sysmex technology, since it demonstrated the most robust Ret% measurements.

The WADA expert group concluded that the targeting system used by the IAAF was fit for purpose in identifying atypical samples to direct EPO target testing.

It then evaluated whether there were any trends apparent in the number of atypical samples over the period covered by the database. Looking at the number of blood tests performed per year by the IAAF, the WADA expert group noted a significant increase in blood testing in 2005. Prior to 2005, the IAAF performed fewer than 500 tests per year. There was a sharp increase in the number of atypical blood samples. In a year without a World Championships (e.g., 2008, 2010 and 2012), fewer ABP blood samples are collected.

6. Verify the actions of the IAAF in dealing with such suspicious test results, including the timeliness and frequency of any subsequent actions, by examining the IAAF records on a case-by-case basis, and report accordingly to the IC

The IC requested WADA to direct that its experts audit the actions of the IAAF in dealing with the atypical tests results contained in the IAAF database, particularly prior to the adoption of the ABP.

Certain considerations emerged in relation to this audit. One related to reactive vs intelligent EPO testing. Some abnormal blood values can indicate the use of ESAs, even though ESA use has ceased and would not be detectable in a urine sample. In these cases, such as with a very high OFF-score, a reactive EPO test in-competition is arguably less effective than an intelligent follow up test during the athlete's next preparation period for a key event. Therefore, the frequency of EPO follow up tests, and even the delay between these tests and the abnormal blood value, are not as important as performing intelligent testing based on training/competition/travel schedules. Similarly, intelligent testing for an ABP profile is not necessarily to follow up an atypical blood profile rapidly with many tests. And in some cases, one must wait until the following competition year to try to target a preparation period to confirm a pattern. Thus the 'intelligence' behind a particular test is difficult to assess rapidly, and remains to some degree subjective. These points make the automation of ADO monitoring by WADA difficult and the evaluation of ADO activities time consuming.

From 2001-2009 the IAAF performed approximately 7,177 EPO tests. From 2001-2004, it performed less than 500 tests per year, but from 2005 onward this number tripled to roughly 1,400 per year. After 2009, target testing was based on the analysis of the ABP profile. From 2009-2014 the IAAF performed 7,989 EPO tests. The number of EPO positives increased significantly since 2009. This can be attributed to the use of the ABP for target testing purposes and improvements in the sensitivity of the EPO assay in the labs.

The WADA audit showed that from 2001-2009 there were 635 atypical blood samples in the 7,177 EPO tests performed. The audit team used the IAAF testing records to assess the follow up of atypical blood samples with a urine EPO test. It observed rapid EPO target testing following atypical blood samples, with extremely rare exceptions that could be due to the quality of the testing records obtained and cases where other ADOs were the testing authorities. Some atypical blood samples from the IAAF database that could not be matched to an EPO test in the IAAF records were circumstances in which the testing authority was not the IAAF. Follow up on such cases, where European Athletics had ordered the original blood samples, indicated that it had also followed up with an EPO test.

After 2009, the IAAF used the ABP for target testing purposes and abandoned its previous EPO targeting protocol. In line with the general acceptance of the limits of the EPO analysis at that time, the IAAF also adopted the practice of not necessarily collecting a urine sample with every OOC blood sample. If such a blood sample were atypical, it was impossible to perform a reactive EPO test without retesting the athlete. Thus, after 2009 the reactivity of EPO testing could be said to have diminished, but EPO positives have increased threefold since 2009.

On the other hand, given the improved sensitivity of EPO analysis in the labs, and the obvious continued use of EPO in several countries, it could be beneficial for the IAAF to consider increasing the number of urine samples when collecting OOC blood samples.

Overall, the WADA expert group concluded that the reactivity and the number and frequency of the IAAF's response to atypical blood samples was commendable.

7. Provide timelines established by the foregoing verifications (e.g., date of test, date of receipt of results, date of decision to target test, date(s) of targeted testing, date(s) results were received, date(s) of decision to proceed with sanctioning process, date(s) of process and decision(s) to sanction, date(s) of any provisional sanction)

The IC also asked the WADA experts to provide, as an outcome of the audit, the timeline of the tests, receipt of results, dates of decisions to target test, sanctioning decisions and any imposition of provisional sanctions. Given the amount of data and the desire of the IC to provide a timely report, the IC agreed that the analysis could be prioritized to focus on the follow up of major medal winners in the IAAF database and to provide a summary of the analysis. For purposes of the analysis, the experts considered samples that fell outside the IAAF limits and/or the 99.9% limit described as scientifically reliable. Because the IAAF limits had been designed for EPO target testing, the experts broadened their search to include any sample outside the 99.9% limit. Of the atypical blood values identified, they looked for athletes who had a top-three finish in an Olympic Games, World Championships (including indoor), marathons (not only the big 6), Commonwealth Games, cross-country World Championships and Youth or Junior World Championships at any point in their careers. Some medals had been won prior to the start of IAAF blood testing in 2001.

The experts reminded the IC that an atypical result in the context of the population based criteria is not proof of doping. Such atypical results could be due to normal physiological variation, pathological conditions, analytical issues, or doping. In addition, the frequency of pre-analytical and analytical issues is expected to be high during the 2001-2008 period prior to the standardization of blood collection, transport and analysis.

That said, there were 309 medal winners with at least one atypical blood value outside either the IAAF limits and/or the 99.9% limits. Of these, 181 had only one blood sample outside these limits. 104 had between 2 – 5 atypical blood samples and 24 had 5 or more samples beyond these limits. The latter group was seen to contain athletes with natural elevated HGB levels or elevated RET%, with low variation.

Of the 309 athletes, 67 were confirmed to have received sanctions based on EPO testing, the ABP, sample manipulation, or detection of other prohibited substances. This represents 22% of all major medal winners with at least one atypical blood value.

Of the remaining 242 athletes, 84 had atypical samples according to these population based values after the implementation of the ABP. Note, however, that a sample can be atypical after 2009 according to the population based limits used for purposes of this analysis, but not generate an ATPF (atypical passport finding) according to the Adaptive Model, and would not be sent to an expert for review. There were several cases of individuals with naturally elevated HGB or RET%, who generated several 'atypical' samples which are completely normal for them. (Athletes who did generate ATPFs have been considered in other parts of the report.)

There were 158 athletes who had atypical results during 2001-2008 who did not receive sanctions:

1. 88 athletes, who had atypical results prior to 2009, who were targeted for EPO testing, but who retired before the advent of the ABP;

2. 70 athletes, who had atypical results prior to 2009, who were targeted for EPO testing, and also had blood tests after 2009 that were either normal or 'suspicious' according to the Adaptive Model and external expert reviews. (It is possible that many of these could have been included among the 'suspicious' athletes identified by Ashenden and Parisotto. The IAAF was aware of these cases and shared a report thereon with the WADA expert team.)

8. Verify the actions of WADA regarding IAAF follow-up on suspicious values in the test results, while bearing in mind that the relevant ADO with full responsibility is the IAAF, not WADA, which has a primary role as monitor, rather than principal, in matters of doping in Athletics, and report accordingly to the IC

The IC requested the WADA experts to review the actions of WADA regarding IAAF follow up on suspicious values in the test results.

The IAAF started to enter the DCFs in ADAMS as soon as the haematological model of the ABP was adopted in January 2009. Between January 2009 and September 2012 it was possible for WADA to see all passports in ADAMS, but not whether a passport was atypical. In addition, it was not possible to know whether an atypical passport had been sent to an expert for review. In September 2012, the implementation of the ABP module in ADAMS greatly facilitated the monitoring role of WADA because WADA was now automatically alerted regarding any ATPF. Nevertheless, the IAAF still relied on the ABP software for communication with its expert panel until December 2014 and it was only then that the expert reviews became available in ADAMS in respect of the athletes for whom the IAAF was the passport custodian.

The IAAF was a top priority for WADA from the time monitoring of the ABP started until December 2014.

9. Determine to what extent, if any, were IAAF actions the result of WADA's actions. Determine what internal processes were in place at WADA to coordinate follow-up with the IAAF and other ADOs in relation to suspicious test results

There were a few bumps along the way to achieving satisfactory coordination of activities. The IAAF preferred to rely on standalone software provided by the WADA-accredited laboratory in Lausanne to manage its program. The blood profiles were downloaded from ADAMS and the passports were generated and eventually shared with the experts through the ABP software. The ABP module of ADAMS was implemented by WADA in September 2012 with the implementation of the Adaptive

Model, including automatic notifications in the case of passport updates, automated ATPF notifications and easily operated expert assignment for passport evaluations. This implementation made the ABP software obsolete and also facilitated WADA`s monitoring of the ADOs that were using ADAMS. Despite these enhancements, the IAAF chose to still rely on the standalone ABP software for results management. It would only be at the end of 2014 that the IAAF went to the `full-ADAMS` status, as discussed below.

Logistical problems affected the IAAF`s ability to deal with cases. In 2011, it had tested all athletes participating in the IAAF World Championships in Daegu, some 1,880 tests. This wide screening was on a scale not seen in any other competition or sport (e.g., approximately 5 times the number of tests performed in London 2012 despite a larger pool of athletes at those Games). At the end of 2011, 186 passports were atypical with a specificity of greater than 99.9%. WADA`s view was that the IAAF anti-doping department was not equipped to deal with such a high number of atypical passports at that time.

Added to that, WADA disagreed with the IAAF procedure of preparing a full documentation package to the full panel of experts for review, a costly and time-consuming exercise, which WADA considered to be a waste of time and resources, especially since the IAAF did not have an Athlete Passport Management Unit (APMU) associated to a WADA-accredited laboratory for the sake of expertise and independence in the management of the ABP. The IAAF insisted on performing this function itself. The internal process was incompatible with the requirement that all atypical passports be reviewed by at least one expert in a timely manner. The IAAF promised to speed up the process, but wished to keep its APMU internal.

In September 2012 WADA implemented the Adaptive Model directly into ADAMS to facilitate the review of atypical passports through automated notifications to the APMU. This also enabled WADA to monitor results management for the ABP without having to request the Passport Custodian whether an atypical passport had been sent to

an expert for review. Although WADA promoted a full use of the ABP module of ADAMS, the IAAF still continued to rely upon the standalone ABP software to communicate with its expert panel until December 2014. In 2012, the number of track and field athletes sanctioned based solely on the ABP was 19 – more than all other ADOs taken together.

However, in November 2012, because there were 161 atypical passports in respect of which WADA had no news of proper test management, WADA requested a further meeting with the IAAF. This was refused by the IAAF Medical Director, Gabriel Dollé, who said their agenda was already full. WADA insisted, however, and the requested meeting was eventually held in January 2013. During that meeting, the IAAF acknowledged that it was exposed to a high number of atypical passport cases, with important differences according to the nationality of the athletes, with Russia, Turkey, Ukraine, Kenya, Morocco and Spain presenting both a high prevalence of (suspected) blood doping and the practical difficulties of conducting OOC testing in those countries. WADA expressed its concern about the slowness of the results management for the ABP. The IAAF explanation was that this took time because the IAAF delegated management of cases to their member NFs, which had no idea how to manage an ABP case.

2013 and 2014 were years of difficulty between WADA and the IAAF, particularly with the lengthy delays in results management in ABP cases and the unwillingness of the Director of the IAAF medical and anti-doping department (Gabriel Dollé) to be responsive to WADA concerns. Internally at the IAAF, tensions between the anti-doping staff and the Director were growing, to the point that resignations were threatened over his conduct and refusal to act regarding certain of the Russian cases. Huw Roberts had already resigned as IAAF Counsel in April 2014 over the delays in

dealing with the Russian cases.[40] Between January 2014 and August 2014, as a result of the internal frictions, although no passport cases were brought forward by the IAAF, the data was still being collected as a result of the testing program. Dollé`s employment was terminated in September 2014.

This seemed to unlock the situation at the IAAF. In December 2014, the IAAF engaged the APMU associated with the WADA accredited laboratory in Montreal to manage its blood ABP program. The laboratory official in charge of the function reviews all passports on an anonymous basis, with all atypical passports sent, without delay, to an independent expert for review through ADAMS. The laboratory official also provides real-time target testing and long-term testing recommendations to the IAAF. Since then, WADA has had no concerns regarding the IAAF haematological ABP program. As to the steroidal module of the ABP, the IAAF was among the first ADOs to implement such a passport program in full compliance with the ABP guidelines and associate technical documents. It also engaged the WADA accredited laboratory in Montreal as APMU. The Montreal laboratory director reviews all steroidal passports for the IAAF on an anonymous basis and provides suggestions for subsequent IRMS analyses and other target testing recommendations in real-time through the APMU report.

Indeed, since 2015, monitoring of the IAAF ABP is no longer a top priority for WADA, which is now focusing its resources on the ABP programs of other ADOs that are not compliant with TDRMR.

[40] Some of these were not administrative delays caused by an overload of work and possible under-resourcing of the department, but were "political" delays arising from the conduct of the IAAF President and his personal counsel.

10. Identify any athletes having abnormal values in test results who were later discovered to have doped as a result of targeted testing, with timelines and outcomes

The WADA experts were asked to identify all athletes having abnormal values in test results who were later discovered to have doped as a result of targeted testing, with timelines and outcomes. The experts reviewed all IAAF sanctions based on blood-related data on a case-by-case basis, including ABP cases, ESA positives and sample-switching cases. Passport information with timelines was taken from ADAMS and the dates of results management were taken from documents obtained from the IAAF. The IC does not consider it necessary to identify each and every individual athlete for purposes of reaching its conclusion. It has, nevertheless, reviewed each circumstance in the course of reaching its conclusions.

As of 11 December 2015, the IAAF has the most ABP cases of any ADO:

51 sanctioned athletes

8 at CAS

6 cases awaiting decisions

5 with ABP documentation packages prepared

for a total of 70 athletes. The IAAF is second in the number of ESA positives: 143 ESA cases, with a significant difference pre-ABP and post-ABP: 41 ESA cases from 2001-2008 (5 per year) and 102 cases from 2009-2015 (15 per year). Since the ABP was launched in 2009, the IAAF has the most blood doping cases of any ADO.

The evaluation of timelines of such cases is made difficult by the fact that intelligent testing for an ABP profile is not necessarily to follow up an atypical blood profile rapidly with many tests. For example, it is the duty of an expert to propose, in his/her review, the best timing for follow up testing. In practice, the experts make testing suggestions associated with the competition schedules of the athletes, requesting tests pre-, in- or out-of-competition, as required to complete the profile. In some cases one

must wait until the following competition years to try to target a preparation period to confirm a pattern.

The WADA experts reviewed the completed ABP cases. Some of the delays were very long, partly due to failures of unanimity of the three experts and the need for additional tests, often in countries to which access is difficult and, partly, in the case of certain Russian athletes, of deliberate delays tied to the action of officials within and outside the IAAF. In general, the effects of the delays could be mitigated by the start dates of the sanctions and the cancellation of results. Some cases have been appealed to CAS, which adds delays in the final resolution of any particular situation. The experts also reviewed cases awaiting decisions, many of which are Russian. They collected and reviewed the timeline of all EPO positives. They also dealt with 7 sample-switching cases from 2007, following DNA analysis that demonstrated that the samples had not been provided by the athletes whose samples they purported to be. The athletes' subsequent appeals to CAS were rejected.

In general, while the IAAF experienced some delay in the management of ABP cases (between the ATPFs and the sending of the passport to experts for review), starting in 2013, delays became more reasonable and since January 2015, it has one of the most reactive ABP programs.

11. Draw attention to any misstatements made in media releases and other statements

When the IC established its approach to this matter, it originally contemplated a section in this report that would deal with published materials and possible misstatements in the media. Upon reflection, the IC has decided that this would add no particular value to the exercise. It is not the role of the IC to purport to retrospectively edit such materials, nor to risk being perceived as attempting to interfere with the freedom of the press. The Sunday Times and other media outlets presumably conducted their own due diligence on all relevant matters prior to publishing. They are presumed to fully understand their responsibilities. The IC wishes neither to encourage nor discourage

potential disputes. It has made its findings in relation to the fundamental premise of the commissioned reports of the two scientists (that blood doping prosecutions pre-2009 could have been brought successfully on the basis of the information in the IAAF database), finding the scientists to have been incorrect.

12. Make appropriate findings and recommendations

These have been made and are referred to below.

Meeting with Experts

The IC thought it would be appropriate to meet with the WADA and IAAF experts, together with Ashenden, and invited them to a meeting in Montreal on 21 December 2015. The primary objective of the meeting was to determine the degree of any scientific differences underlying the various positions of those commenting on the allegations and to assist the IC in reaching conclusions as appropriate in relation to scientific matters. Those in attendance were:

Richard W. Pound, QC, Chair of the IC

Prof. Richard H. McLaren, IC member

Reid Aikin, WADA expert

Michael Ashenden

Pierre-Yves Garnier,[41] IAAF Scientific & Medical Manager

Huw Roberts, IAAF Counsel

Yorck Olaf Schumacher, ABP expert (independent, brought by IAAF)

Pierre-Edouard Sottas WADA ABP Manager

Jonathan Taylor, IAAF Counsel

In the interests of full disclosure, WADA arranged for the airfare and accommodation of Ashenden at the request of the IC, since in-person meetings are more effective when technical matters are involved and the respective experts can discuss matters freely amongst themselves. WADA did not make any other payments to Ashenden or the other experts involved in the meeting. The meeting involved two "plenary" sessions (beginning and end), one session with the IAAF alone, one session with Ashenden alone and one session with the WADA experts assisting the IC.

Not unexpectedly, the main focus was on how or whether it could have been possible for Ashenden (and Parisotto) to have drawn such definitive conclusions regarding doping within athletics based solely on the incomplete database in their possession. Subsidiarily, the efforts of the IAAF to respond to an acknowledged crisis of doping were considered.

Notwithstanding Ashenden's firmly expressed opinion that the IAAF was not sufficiently active in the fight against blood doping and that it should have prosecuted athletes on the basis of the information contained in the database well prior to the advent of the ABP, and his subsequent testimony before the Select Committee, he freely

[41] In the *Le Monde* issue of 19 December, there is an unproven allegation attributed to LD that Dr. Garnier received a payment to cover up doping irregularities. Dr. Garnier has denied that any such payment was made.

acknowledged to the IC, in the presence of the IAAF and WADA experts, that it would have been extremely difficult to get a conviction prior to adoption of the ABP.

The IC's view, and its finding on this matter, is that it would not have been possible to obtain a conviction on the basis of the IAAF database prior to the introduction of the ABP.

The IAAF published a rebuttal (dated 06 November 2015) in relation to the scientists' reports. Much of the rebuttal consisted in comparing earlier statements of the scientists with those made publicly in the context of The Sunday Times publications and in the Select Committee hearing. The WADA experts have declared the rebuttal to be scientifically sound. They confirmed:

- That the IAAF has been among the few ADOs that started collecting blood sample in the 2000s despite there being no obligation in the World Anti-Doping Code to do so.

- That until the ABP started at the end of the 2000s, there was no reliable procedure in place in anti-doping to use blood profiles as sole evidence of blood doping. This was not only because of the lack of standardization in the way blood samples were collected, transported, analyzed and interpreted, but also and mainly because of the lack of proper procedures for the gathering of specific documentation to attest proper chain of custody, results validity, identity and integrity – all critical aspects required to meet any legal challenge.

- That the database seized on Dr. Giuseppe Fischetto's computer, the one that was given to Dr. Ashenden and Dr. Parisotto was incomplete. This main goal of this database was to gather information for improved intelligent target testing, while ADAMS was the "official" IAAF database for the use of blood profiles to prosecute an athlete.

- That all information required for a proper evaluation of a blood passport, as collected from 2009 for each ABP test in the so-called ABP Supplementary forms, was not included in the database. Although it may be hard to blame Drs. Ashenden and Parisotto, since they did not have such information in hand, to draw definite conclusions on the basis of incomplete data is a serious issue and they should have taken more precautions in that regard. It is not for the IC to attempt to reconcile the scientists' various and changing positions on such matters.

Accusations of Inactivity by the IAAF

In relation to suggestions that the IAAF did nothing (or too little) regarding blood doping, some context may be helpful:

1. For many years, there was no reliable test for EPO.

2. A urine-based test was developed for EPO in 2000.

3. The detection window for EPO is quite short, generally a maximum of a few days from the time of administration.

4. Around 2002, certain population based markers were accepted as possible indications of EPO use (e.g., HGB, HCT, RET%, OFF-scores), although the markers themselves did not constitute proof of doping; only the urine test was considered as providing reliable proof of EPO use.

5. While testing on this basis was more effective than mere urine tests, targeted or otherwise, the process was recognized as unsatisfactory and a search began for the possibility of a system based on individualized values in the form of a biological `passport` that would be specific to each individual athlete.

6. WADA, the IAAF and other ADOs worked together to develop the technical elements of such passports and scientific consensus was achieved in late 2007.

7. Legal consensus came later and could be said to have been theoretically achieved by December 2009, when WADA released its ABP and technical documents. In that sense, WADA and its legal advisors were satisfied that they could successfully defend a legal challenge to the use of the ABP for sanctioning purposes. Whether their theory would withstand CAS scrutiny was not determined until CAS decisions were issued in early 2011.

8. Much can be said of the so-called timidity of lawyers in not being willing to use pre-ABP data to prosecute suspected doping infractions, but their role in the circumstances was to give advice regarding the likely outcome of any such proceedings in front of CAS. Advice would be based on the likelihood of success, the effects of losing an appeal and the costs of litigation. The fact that no organization undertook an EPO prosecution in the absence of a biological profile is reflective of the prevailing legal views.

9. Ashenden himself was fully aware that no successful prosecution of a suspected doping infraction could likely have occurred on the basis of pre-2009 data, although such data might, in certain circumstances, be used to supplement ABP

data. He provided no references to any scientific publications in which it may have been suggested that successful prosecutions could have occurred on the basis of such data, nor to any case brought on the basis of such data alone.

10. Achieving the necessary consensus on both issues involved cooperative sharing of expertise and the IAAF had at least as much expertise as any other ADO.

11. ABP is an evolving process, with better methods, better analysis and increasing data.

12. WADA has been an enthusiastic supporter of the ABP concept, initially in its design, later in its implementation and more recently in the monitoring of ADO performance.

13. In the latter role, WADA has had to try to find a balance between monitoring occasional less-than- optimal performance and the fact that the IAAF was by far the most active ADO using the ABP, thus being the `poster boy` for other ADOs. This accounted for WADA's insistence on better results management, persuading the IAAF to change some of its procedures, and to fully embrace the ADAMS system.

Findings

1. It is likely that Ashenden and Parisotto (as well as Seppelt and The Sunday Times) may not have realized that the IAAF database was not complete. Certain

information that might have been considered relevant was not contained in the database.

2. More important, what has been referred to throughout the discussion as the IAAF database was, in reality, no such thing. It was a compilation of various tests results, some from the IAAF, some from WADA and some from other ADOs that was assembled by Dr. Guiseppe Fischetto for purposes of targeting athletes for EPO testing. It contained, for example, no out-of-competition testing results whatsoever between 2007 and 2010, whether in Russia or anywhere. It is not because there was no such testing, but simply that the Fischetto database did not contain the information. Throughout this period, the IAAF collected urine samples from Russian athletes, both in and out-of-competition, and tested many such samples for rEPO, leading to discovery of various anti-doping violations.

3. The number of blood samples collected out-of-competition in Russia during the same period was limited due to focusing on pre-competition occasions in which blood tests as markers only could be followed up quickly and due to difficulties in Russia, whose accredited laboratory was only ABP accredited in mid-2011. Getting samples out of Russia within the required 36 hours was not possible due to the assertion of national laws prohibiting such transfers.

4. Notwithstanding any opinions to the contrary expressed by Drs. Ashenden and Parisotto, the IC finds that it would not have been legally possible to bring a successful sanctioning process against any athlete based on the values in the IAAF database.

5. The IAAF has cut back on the number of urine samples taken to identify EPO use, focusing more on the collection of blood samples.

6. The IC was provided with no explanation for the differences in approach and cautions expressed by the same scientists in previously written scholarly publications on the subject matter and the opinions expressed in the work commissioned by The Sunday Times. The differences are quite significant.

7. The IAAF rebuttal dated 06 November 2015 was accepted as scientifically sound by the WADA expert group assisting the IC and the IC concurs with that judgment.

8. It was, in any event, improper to group "suspicious" results and "likely doping" into a single category, notwithstanding the inherent weaknesses of using only the database information as a basis for conclusions on doping.

Recommendations

1. THAT the IAAF establish rules to shift the onus for whereabouts requirements and effective out-of-competition testing with respect to countries having been designated as high risk, such that those countries must be able, as a condition of eligibility, to demonstrate to the comfortable satisfaction of the IAAF compliance commission that no impediments exist.

2. THAT the IAAF report to WADA no less often than twice per year in respect of any difficulties encountered with respect to whereabouts and testing in any country in which it has recognized a national federation, with a view to possible joint declarations of Code non-compliance.

3. THAT the IAAF report to WADA in respect of all independent expert determinations made in respect of ABP submissions regarding international and national athletes, including the names of the experts consulted for the purpose.

4. THAT the IAAF consider the possible benefits of increasing the number of urine samples taken at the time of obtaining blood samples.

5. THAT the IAAF consider the legal and privacy implications of maintaining informal databases such as the Fischetto database that was subsequently obtained and used by third parties

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Appendix A: Chronology of Events – Liliya Shobukhova

1999	LD Elected president of IAAF.
2000	PMD becomes consultant to IAAF.
2003	HC becomes advisor to LD.
27 March 2007	The IAAF announced Moscow the winning candidate at the IAAF Council Meeting in Mombasa.
2010	Shobukhova wins the London Marathon and receives a 500,000 USD prize.
2011	**2011**
4 February	Moscow Local Organizing committee has first meeting regarding Moscow Championships – Most urgent question on the agenda was the buying of TV rights for broadcast in Russia. http://eng.rusathletics.com/nov/news.8117.htm
11 November	HC inserted into MADept. on instructions of LD. HC has a meeting with MADept to learn and understand the ABP process.
14 November	LD confirms HC's new position to internal staff in MADept. HC's role is to manage Russian ABP cases.
18 November	HC requests a list of Russian athletes with suspicious ABP profiles. List of 23 compiled and sent to private e-mail address of HC.
20-24 November	HC travels to and present in Moscow. Meets with Balakhnichev.
1 December	Andrei Baraonov, Shobukhova's agent, receives call from ARAF National Team Coach Alexei Melnikov. Informed by him that he has an IAAF list with Russian athletes suspected of doping and Shobukhova is on the list.

December 2011	Baranov informs Shobukhova of the list upon her return from a training camp.
12-15 December 2011	HC travels to Moscow.
Late December 2011	First extortion request – Melnikov informs Shobukhova personally of the list and tells her that with a EUR 150,000 (190,000 USD) payment her name will be removed from the list.
27 December 2011	Shobukhova orders 100,000 USD from bank account to supplement 90,000 USD in safe deposit box.
2012	**2012 Olympic Year**
12 January	Shobukhovs meet Melnikov in Moscow and hand over 190,000 USD.
17-21 January	HC travels to Moscow.
January 2012 (possibly same dates as HC's travel)	Problems over the TV rights for Moscow Championships. PMD, HC and Essar Gabriel meet with Balaknichev in Moscow hotel to discuss TV rights for the Moscow Championships. PMD also able to secure 25 million sponsorship contract with VTB bank during same trip.
January 2012	Dollé requests bi-monthly suspicious Russian ABP cases to be delivered to HC.
February 2012	Stepanova advised by Melnikov that she is on the IAAF ABP list and is subsequently taken off her doping regime.
12-19 May 2012	HC travels to Moscow.
Early June 2012	The ante for the extortion payment is upped. Melnikov calls Shobukhova to inform her that she needs to pay an additional EUR 300,000 to compete in London 2012 Olympic Games.
5 June	Shobukhova orders USD 100,000 to safety deposit box.

June 2012	IAAF MADept. sends out 6 ABP notifications for Russian ABP cases. HC manages all Russian cases.
12 June	IAAF prepares notification paperwork to notify Shobukhova of a "likely doping" ABP and requests explanation. HC was to have hand delivered this notification to ARAF (Balakhnichev).
10-13 June	HC travels to Moscow.
14 June	Melnikov calls Shobukhova to request 2 separate payments of EUR 300,000. Informs them that the second payment must be made before 17 July as "the lawyer" is arriving that date.
17 June	Shobukhovas travel to Moscow. They hand over 192,000 USD to an intermediary who delivered the cash to Melnikov.
18 June	Melnikov confirms receipt of cash.
11 July	Shobukhovas travel to Moscow and hand over to Melnikov 187,000 USD. Melnikov advises that she will compete in London Olympics and he will meet with Balakhnichev and "the lawyer" to discuss her case.
18 or 19-21 July	HC travels to Moscow.
27 July -17 August	Shobukhova competes at the London 2012 Olympics in addition to other athletes indicated on the IAAF ABP list. She does not finish the marathon.
September 2012	Thomas Capdevielle observes Shobukhova competing in the Olympics, confronts Dollé for an explanation.
September 2012	HC informs Capdevielle that Russian ABP did not concern him and was none of his business.
10 September	Dr. Pierre Yves Garnier, doctor within the MADept. writes email to Dollé that Kanaskina, a Russian athlete with a profile that the experts confirmed as "likely doping," competed in the Olympics and won a medal.

25 September	Dr. Garnier email to Dollé requesting information on stalled Russian cases.
26 November	Melnikov calls Baranov to attend a meeting in Moscow on 4 December with Balakhnichev and himself.
3 December	HC travels to Moscow.
4 December	Baranov and Melnikov have discussions centering on travel more frequently to Russia, which Baranov accepts. Also asked whether his bank account could be used for money transfers, to which Baranov objects. Baranov observes in same hotel lobby across from where he is meeting Balaknichev, HC and short fat man of African descent. They were waiting to be called over to his meeting. Balakhnichev came over to Baranov and Melnikov and informed them they were not required at the meeting.
5 December	PMD travels to Moscow.
6 December	HC returns from Moscow.
7 December	PMD returns from Moscow.
19 December	Dr. Dollé requests that Dr. Garnier "re-expertise" Shobukhova's profile despite the unanimous decision of all 3 experts of "likely doping." He refuses.
25-31 December	Dr. Garnier requests meeting with General Secretary, Capdevielle and Huw Roberts, IAAF in house counsel, to inform of the frustrations within the MADept. and the 6 delayed cases. Roberts undertakes to do something about the 6 delayed cases.
2013	**2013 Moscow Championships Year**
8 January	Roberts travels to Dakar, Senegal to speak to LD about the delayed cases. LD confirms that there is an arrangement not to proceed with the cases. Roberts resigns, but Diack assures him that the cases will be dealt with eventually and those athletes would not participate in World Championships. Roberts

	withdraws resignation.
February 2013	Dr. Garnier openly accuses Dollé of corruption based on all the irrational requests for re-expertising athletes.
14 April	Roberts approaches President LD again inquiring about the 6 delayed cases. President affirmed those athletes would not compete.
27 July	Capdevielle informs Roberts that the 6 delayed cases had still not been dealt with.
29 July	Roberts compiles his own list, which has now grown to 9 athletes
3 August	Roberts confronts President LD with the new list. President LD confirms that the athletes will not participate in the World Championships. Some athletes on the list were entered in the competition.
5 August	Capdeveille also realized that the athletes on the delayed list, in particular Zaripova, are entered to compete in the World Championships.
9 August	Capdeveille has a chance encounter with Melnikov who told him "Zaripova out." ARAF press release indicated she withdrew due to injury
Early October 2013	Roberts reminds President Diack about the delayed athletes. Presidents promises to have it resolved by 31 October 2013.
15 December	Roberts asks Secretary General to relay to President Diack that if the cases are not dealt with he will have to resign.
End of December 2013	Melnikov notifies Shobukhova that she will have trouble competing in 2014 because of her ABP profile A meeting is set for 24 January 2014.

2014	2014 Year of the ADR Documentary & IC formed
6 January	Roberts resigns but will work out notice.
24 January	Shobukhova flys to Moscow for meeting with Melnikov. He informs her that she has problems with the ABP and it is impossible to resolve her disciplinary issues. Melnikov instructs Shobukhova to sign the Acceptance of Sanction form. She refuses to sign. Melnikov informs them that they will probably need more money to resolve it, but did not reveal to whom it was going. Melnikov instructed them not to tell her agent, Baranov.
25 January	Shobukhova informs Baranov of the details of her meeting with Melnikov.
23 February	At a marathon in Tokyo, Baranov recounts to IAAF Road Race Manager, Sean Wallace Jones about Shobukhova's extortion and that the payments and negotiations occurred with Balakhnichev and 2 "black men from IAAF" who often visit Moscow. Wallace-Jones calls Dollé immediately following his conversation with Baranov.
3 March	Balakhnichev communicates with Dollé that Shobukhova has signed an Acceptance of Sanction Form.
12 March	Melnikov informs Shobukhova that she is not to attend a training camp on 13 March 2014, but is to come to a meeting in Moscow at ARAF.
13 March	Melnikov meets Shobukhova in the ARAF cafeteria and tries to force her to sign the Acceptance of Sanction form. She refuses. Melnikov then requests they go up to his office, where Balakhnichev is waiting. Balakhnichev orders Shobukhova to sign the form which she refuses. He threatens her that if she does not sign she will be banned for 4 years instead of 2 and would have "problems" returning to competition. Shobukhova requests her money back. Balakhnichev

	orders Melnikov to return the EUR 300,000 . Shobukhova questions the amount and Melnikov informs her that EUR 150,000 had gone to "the lawyer." Shobukhova informs them that she wants her money back from the lawyer before even considering signing the form. Balakhnichev informs Shobukhova that if money is requested from the lawyer, he would sue them, but if the money is not requested, then he could help in getting her a 2 year sanction instead of 4.
20 March	Melnikov instructs Shobukhova to open a new bank account.
27 March	EUR 300,000 is deposited into Shobukhova's account from Singaporean account called "Black Tidings."
28 March 2014	A signed and dated Acceptance of Sanction form is received at the IAAF. (Shobukhova denies ever signing the form). The IC has determined it to be a forgery.

Appendix B: Chronology of Events – Asli Cakir Alptekin

2012	2012
10 August	Alptekin competes at the London 2012 Olympics and wins gold medal in the 1500 m. Receives 500,000 EUR as prize money from Turkish Government.
Approx. 28 August	Turkish Athletics federation (TAF) receives letter from IAAF notifying that out of 9 samples, 2-3 show increased hemoglobin levels.
Approx. 1 September	Letter forwarded to Alptekin.
Approx. 15 September	Alptekin sends reply to TAF and IAAF
Approx. 6 October	Former TAF president contacts president of Alptekin's running club and informs him that PMD would like to meet with Alptekin and himself.
Approx. 25 October	President of the running club contact Alptekin and informs her that PMD would like to meet.
13-17 November	2 representatives from Alptekin's running club travel to Monaco to meet PMD. The meeting originally scheduled at IAAF is rescheduled 3 times to different hotels in Monaco. PMD requests EUR 650,000 initially, then reduces to EUR 300,000 to solve her problem. Representatives refuse to pay and leave Monaco.
20 November	PMD travels to Istanbul to meet Alptekin at the Hyatt Hotel Macka Palas. Turkish hosts pay his stay. At IAAF Dollé requests a list of suspected and

	confirmed Turkish ABP cases. Alptekin was the only confirmed case. Dollé sends the list to PMD at 17:46 CET. In the evening PMD meets with Alptekin her husband, the sports Club President and its French speaking Club Doctor. PMD calls someone 3 times, which the Turks are led to believe is Dollé. PMD advises that with a payment her problem with go away and Dollé will assist. Amounts between EUR 100,000 – 250, 000. Alptekins agree to pay is guarantee is given, and a partial payment of EUR 35,000 is made in cash to PMD.
30 November	TAF receives letter from IAAF and signed by Dollé stating that Alptekins explanation was not accepted and that a life time ban is proposed.
5 December	Final email from PMD, but not from IAAF email. Suggests it may be able to delay sanction until March 2013, thereby preserving Olympic medal.
2013	**2013**
April 2013	Alptekin seeks advice from expert Doctor in Holland who states there are grounds for an explanation and takes her case.
19 December	Dutch expert report is submitted to TAF and Alptekin is found not guilty. IAAF has 45 days to appeal.
End of December	Another former TAF President contacts the President of the running club. Explains that PMD is a cheat and that LDs other son, Khalil Diack (KD) was truthful. He informs him that KD is travelling to Istanbul with his wife and wants to meet Alptekin.
28 December	Alptekins meet KD indicates that he will speak to father and IAAF will not appeal. No specific sum of money is requested, but it is made obvious that some would be needed to make the appeal go away.

2014	2014
Between January 2014 and 12 February 2014	KD makes several trips between Nice and Istanbul. Alptekins pay for KD's and KD's wife trips and accommodations totaling EUR 20,000- 25,000. Based on the number of trips to Nice, the IC infers that KD was negotiating with some authority in IAAF at its headquarters regarding a "no appeal" of the Alptekin decision.
12 February	KD meets with Alptekins on 44th day of appeal period. No specific sum is discussed, but Alptekins had impression he was waiting for an offer. KD leaves Istanbul. IAAF lodges appeal, signed by IAAF in-house counsel Huw Roberts
Post Appeal	KD sends Whatsapp to Alptekin apologizing for the appeal being lodged, that there was no justice, but he couldn't do anything.