



**Via Electronic Mail**

July 20, 2016

Thomas Bach, President  
 International Olympic Committee  
 Route de Vidy 9  
 1007 Lausanne, Switzerland

Dear President Bach:

Thank you for the commitment you have personally expressed to comprehensively and appropriately address the documented findings of a State-directed, Russian effort to win-at-all costs undermining the values of Olympism, including by directly corrupting the results of the two most recent Olympic Games. As a community of National Anti-Doping Organizations, who, like you, are committed to clean sport and the wellbeing of the Olympic Movement, we applaud the International Olympic Committee (IOC) Executive Board for the resolved expressed in its 19 July 2016 Statement to “take the toughest sanctions available” in response to the findings of Prof. Richard McLaren detailed in the World Anti-Doping Agency (WADA) Independent Person (IP) Report released on Monday of this week. As a stakeholder group that works tirelessly on a daily basis to effectuate your clearly articulated vision for fair play, the rights of clean athletes and “Zero Tolerance” towards doping, we and the athletes of the

Olympic Movement that we hear from daily and that we represent always, thank you for your leadership on this matter.

Due to the seriousness of the findings made in the IP Report, the IOC's commitment to take the toughest sanctions available is exactly the type of leadership required in order to set the standard for international sport and ensure that no country's sport system, government or Olympic program may ever again act with such willful disregard for the values of clean sport and the rights of all athletes to compete free of the specter of state sponsored doping and subversion of anti-doping processes. And, it is this type of clear decision making in not tolerating institutionalized, government run doping and abuse of athletes that will set the legacy of the Olympic Movement for generations to come to ensure the integrity of the Olympic Games and the value the Olympic Movement brings to all communities of the world.

Therefore, as your steadfast partners in clean sport, we and the clean athletes we represent, declare our support for your and the IOC Executive Board's decision to enact the legal consequences under the Olympic Charter and World Anti-Doping Code based on the findings in the IP Report.<sup>1</sup>

As recognized in the IOC's Statement, the foregoing decisions by the IOC Executive Board are an initial response only and, of course, do not constitute the "toughest sanctions available" to the IOC. Nor, as the IOC has recognized, do the foregoing sanctions represent a complete and fully commensurate response to the "shocking and unprecedented attack on the integrity of sports and on the Olympic Games."

A full and complete response must, of course, include a determination regarding the status of the Russian Olympic Committee at the Rio Games and, as the IOC's Statement indicates, include a final determination regarding the eligibility of Russian athletes to compete in the Rio Olympic Games. Although the IOC has expressed an intent to wait upon the Court of Arbitration for Sport (CAS) decision in the pending case involving the International Association of Athletics Federations (IAAF) and Russian track and field athletes, given the urgency of this matter, the short time frame before the Rio Games, the interest of the world's athletes in having clarity and finality concerning these issues, we urge you and the IOC Executive Board to take prompt action on these eligibility questions now.

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<sup>1</sup> Those actions enacted by the IOC EB, include:

- (1) not giving patronage to any sports event or meeting in Russia;
- (2) not granting accreditation to any official of the Russian Ministry of Sport or any person implicated in the IP Report; and
- (3) asking winter sport International Federations (IFs) to freeze preparations for major events in Russia (however, given the extensive involvement in cheating and subversions of anti-doping processes related to summer sports- seems as if this ban should apply across summer sports as well).

With regard to the important issue of the timing of the IOC's response, we note that the IOC has full power and authority to act now in this matter and that its legal basis for acting is separate and distinct from that possessed by the IAAF.

In light of the strength of the IP Report which the IOC, WADA and the Olympic Movement have fully accepted, and given the short amount of time remaining before the Rio Olympic Games, we believe it is appropriate and necessary for the IOC to take decisive action to uphold the Olympic Charter and the integrity of the Rio Olympic Games. This is a responsibility that cannot and should not be delegated by the IOC. As a consequence, we call upon the IOC to exercise its leadership authority under the Olympic Charter and take the following steps in response to the IP Report to protect the Rio Olympic Games:

- (1) Suspend the Russian Olympic Committee (ROC) and exclude it from the Rio Olympic Games;
- (2) As a consequence of the suspension of the ROC, provisionally deny entry to all Russian athletes nominated by the ROC to participate in the Rio Olympic Games; and
- (3) Establish a task force consisting of the members of the currently existing WADA –IOC Pre-Games Testing Task Force to apply a uniform set of criteria to determine whether individual Russian athletes should be permitted to participate in the Rio Olympic Games under a neutral flag; thereby striking a fair balance between your stated concerns between “collective responsibility and individual justice” so that no truly clean elite Russian athlete is barred from the Rio Olympic Games.

Anything less than these three (3) outcomes is not a reasonable and proportionate measure to protect the value of the Olympic promise given the circumstances caused by the state run doping program that corrupted the Olympic Games and this action would certainly would fall well short of the “toughest sanctions available” to the IOC Executive Board. If these actions are taken, the world will know that you and the IOC Executive Board have the resolve to protect the integrity of the Olympic Games and the rights of ALL athletes including Russian athletes from the abuse of state-run doping programs. Accordingly, we urge you and the IOC Executive Board to promptly implement the foregoing measures.

With respect to the issue of whether there are individual Russian athletes who should be permitted to compete in the Rio Olympic Games notwithstanding the suspension of the Russian Olympic Committee, the recent Statement of the IOC Executive Board reiterates the call upon IFs made in the IOC Statement of 21 June 2016 to evaluate “eligibility of each Russian athlete . . . based on an individual analysis of his or her international anti-doping record.” However, we understand that since the IOC issued its initial call to IFs a month ago to individually evaluate all Russian athletes that only a single IF (the IAAF) has publicly stated that it has undertaken such an individualized analysis.

It is apparent that any such individualized analysis must, at this point, be conducted by a Task Force created by the IOC, which the IOC has the authority to do under Article 59 of the Olympic Charter. There is simply insufficient time remaining before the Rio Games and insufficient time and expertise available to the IFs within the sixteen (16) days remaining before the Games to accomplish the individualized analysis recommended by the IOC. Moreover, there is the risk that individualized IF processes implemented at this late date would be subject to disparities and inconsistencies which would further undermine the WADA Code goal of having a uniform, harmonized world anti-doping program.

We note, for instance, that the IOC and WADA jointly implemented and authorized a Pre-Olympic Games Testing Task Force, consisting primarily of experts from various NADOs, and that this Task Force would have sufficient expertise to accept a delegation by the IOC Executive Board pursuant to Article 59.2.4 of the Olympic Charter in order to conduct individualized assessments of whether individual Russian athletes can provide sufficient indicia of participation in an independent anti-doping system to merit them being permitted to participate in the Rio Games despite the doping and cover-up program in Russian which masqueraded as a WADA compliant anti-doping program over the past five (5) years.

In summary, the initial steps taken to date by the IOC Executive Board are fully supported by the undersigned but, as acknowledged in the IOC's Statement most recent statement, these initial steps do not constitute the "toughest sanctions available" and therefore are not a sufficient response to the "unprecedented attack on . . . the Olympic Games" confirmed in the IP Report.

We believe that the foregoing is the most efficient, logical and effective way to protect the values of Olympism and the integrity of the Olympic Games and we stand ready to assist the IOC in any way you may require to implement the foregoing. For instance, a number of our organizations have individuals participating on the WADA –IOC Pre-Games Testing Task Force and we are willing to make them available to you during the period of the lead up to the Games to conduct the assessment of individual athletes. If there is any other way we can be of assistance to the IOC to address these urgent issues please let us know.

Thank you for the tremendous time and effort you are committing to these matters and for your public stand for clean sport and against the actions of those who have sought in a corrupt and criminal way to hijack the Olympic Movement for their own selfish ends. This is a defining moment for the Olympic Movement that we all cherish and support through our daily work as your partners in clean sport. As time is of the essence, we trust that you and the IOC Executive Board will move forward expeditiously on these requests and we stand ready to assist in any way possible.

Sincerely,

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Paul Melia  
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Canadian Centre for Ethics in Sport

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