

Doping Disputes

PRESENCE CASES AND BEYOND

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PLAN

- I. Classic « Presence » Case
- II. Beyond Presence Cases



I. CLASSIC PRESENCE CASE



I. DIFFERENT PHASES

- Sample Collection
- Analysis
- Results Management
- Disciplinary Process
 - Rights of appeal
 - Consequences



I. SAMPLE COLLECTION

- In-competition and out-of-competition
- Obligation to submit at any time
- Monitoring by the Doping Control Officers
- Witness of the sealing etc
- Tamper-free equipment



I. ANALYSIS

- Delivery to the Laboratory
- Chain of custody – external and internal
- A sample analysis – initial screen and confirmation procedure
- Threshold substances
- Endogenous substances



I. RESULTS MANAGEMENT

- Post-analytical review – TUE? Departure from Standard?
- Notification of Adverse Analytical Finding
- Right to request and attend B Sample
- Right to request documentation packages
- Provisional suspension – mandatory, optional and voluntary



I. DISCIPLINARY PROCESS – ROAD TO CAS

- First instance – NADO, NF, IF
- Rights of appeal for **national case**
 - National Reviewing Body
 - Right of WADA & IF to go to CAS
- Rights of appeal for **international case** – Straight to CAS
- New elements under the 2015 Code
 - Single hearing
 - Right of a cross appeal



I. CONSEQUENCES – INELIGIBILITY (I)

- Four Years for intentional violations
- Two years for non-intentional violations
- Further reductions:
 - No Fault
 - No Significant Fault
 - Specified Substance
 - Contaminated Product



I. CONSEQUENCES – INELIGIBILITY (II)

- Need to Establish Origin
- Concrete evidence – not just speculation
- Identify the actual source of the prohibited substance
 - Medication
 - Supplement
 - Food
 - Social drugs
 - Water contamination
 - Famous Examples: Gasquet, Jeff Adams, Contador



I. CONSEQUENCES - DISQUALIFICATION OF RESULTS

- Automatic Disqualification
- Disqualification post ADRV «unless fairness requires otherwise»
- Forfeiture of prize money, medals etc
- Repayment as condition of eligibility (IAAF)



II. BEYOND PRESENCE CASES



II. BEYOND PRESENCE CASES – OTHER VIOLATIONS

- Whereabouts and Missed Tests
- Tampering
- Administration & Trafficking
- Assistance/Complicity
- Prohibited Association



II. BEYOND PRESENCE CASES – OTHER TOOLS

- ABP – steroid and blood – Martha Dominguez/Zaripova
- Retesting
- Investigations and co-operation with law enforcement/customs
- Substantial Assistance & whistleblowers
 - The Russian Example – Shobukhova/Stepanova
 - Culture Change?



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