

## **INTERIM REPORT NO.5 OF THE EXTERNAL REVIEW COMMISSION**

1. This fifth interim report sets out the progress the IBU External Review Commission has made since the last IBU Executive Board meeting, on 27 April 2019.

### **Investigation of allegations of past wrongdoing**

2. The Commission continues to liaise and cooperate with the Austrian criminal authorities in relation to their investigation into the former IBU President and Secretary General, and into a number of Russian biathletes and support personnel.
3. In addition, the Commission has taken the following further additional steps to progress its own investigation of the matter:
  - a. We have interviewed a number of further witnesses/potential witnesses. In particular, the Commission's Legal Secretary and I interviewed Dr Grigory Rodchenkov, former head of the Moscow anti-doping laboratory, in relation to his allegations relating to the IBU and Russian biathlon referenced in the WADA report that prompted the pending criminal investigations. Dr Rodchenkov provided significant further information and documents, and has agreed to continue to assist the Commission with its inquiries. The Commission is grateful to Dr Rodchenkov and his counsel for their ongoing assistance.
  - b. The Commission is closely monitoring 'Operation Aderlass', an investigation by the German and Austrian criminal authorities into allegations of blood doping involving 21 athletes from five sports and eight countries, initiated following an ARD report on Austrian cross-country skier Johannes Dürr. The Commission has established a dialogue with the criminal authorities and national anti-doping agencies involved in Operation Aderlass, with a view to determining whether it is possible to share any mutually relevant information.
  - c. The Commission continues to work through the significant information and data gathered to date, including emails and other documents from the IBU's server, materials available from the criminal investigation file, and materials provided by WADA. It has also taken steps to advance its analysis of blood data collected by the IBU outside of the ABP program, and plans to engage the IBU APMU to assist with this analysis. It has also spoken to WADA and the IOC to follow up various leads.
  - d. The Commission's Legal Secretary had a useful discussion with Lowell Bailey, former US Olympic biathlete and former member of the IBU Athletes' Committee. The Commission continues to encourage any biathletes who are interested in speaking with the Commission to contact us through the whistleblower portal (at <https://www.bkms-system.com/ibuerc>) or by contacting Commission member (and former biathlete) Vincent Defrasne or

the Legal Secretary to the Commission (contact details available through the Chair of the IBU Athletes' Committee).

- e. The Commission received a response to its formal request for information and documents from the Russian Biathlon Union, and will be following that up with the RBU.

### **Constitutional reform**

4. The Commission is pleased that the Executive Board agreed at its meeting on 27 April 2019) to include a new Biathlon Integrity Unit in the draft IBU Constitution to be proposed to member federations at the Extraordinary Congress meeting in October 2019. In the Commission's view, this decision sends a strong message that the IBU wants to pursue best practice in sports governance and to work under the highest standards of integrity and transparency. In the view of the Commission, centralising all integrity-related issues under the management of an expert and operationally independent unit will position the IBU as a leader in integrity in winter sports.
5. Further to the specific mandate provided by the Executive Board at its April meeting, the Commission has engaged with Dr Steinle in order to incorporate the provisions required to establish the new Biathlon Integrity Unit into the new draft Constitution that he has developed with the Constitution Review Group, and to propose various further additions to that draft in line with international best practice in sports governance. We have also produced drafts of a number of supporting rules, including Biathlon Integrity Unit Rules and Vetting Rules. These various drafts are being provided to the Executive Board for input in advance of a final meeting of the Constitution Review Group in Munich on 13 June 2019 (which Commission member Dr Dorda will attend in person and I hope to attend either in person or by telephone), where the new draft Constitution is intended to be finalised for circulation to member federations in June 2019.

### **Next steps**

6. The Commission's next in-person meeting is scheduled for 12 July 2019, where we will discuss progress to date and agree next steps, which I will then report to the Executive Board at its meeting on 13 July 2019. In the meantime, the Commission members will continue to cooperate remotely in order to progress the various matters set out above.

Jonathan Taylor QC  
Chair, IBU External Review Commission  
3 June 2019