



# MEDIA RELEASE

## OLYMPIC GAMES TOKYO 2020

### THE ANTI-DOPING DIVISION OF THE COURT OF ARBITRATION FOR SPORT RESPONDS TO WADA

*Lausanne, 27 January 2022* - Following the publication of the report of the WADA Independent Observers relating to the Olympic Games Tokyo 2020, the Anti-Doping Division of the Court of Arbitration for Sport (CAS ADD) has sent a written reply to the WADA President and Director General to express its position. The WADA IO report included some comments and recommendations concerning the operation of the CAS ADD in Tokyo. In particular, one comment concerned the absence of invitation to WADA to attend a CAS ADD hearing and another one criticized the lack of anti-doping knowledge of “some members of the CAS ADD”.

The CAS ADD noted with disappointment that the issues mentioned in the report were not addressed directly to the CAS ADD while in Tokyo, which would have been easier rather than waiting for the publication of the report 6 months later. The CAS ADD is of the view that the recommendations formulated in the report were not necessary in view of the circumstances, considering that no failure in the CAS ADD proceedings in Tokyo occurred.

With respect to the notification issue, it appears that WADA was informed of all CAS ADD cases in Tokyo and received all decisions. In one particular case, which was initiated and settled within three hours, there was no material time to send a formal invitation to WADA to attend a hearing, which was eventually held by telephone and was very short. The situation was exceptional and although WADA might have been upset at not being invited to the telephone hearing, it was objectively not a matter of concern, considering that WADA was not a party to the procedure. In any event, such exception does not mean a change of practice of the CAS ADD to notify WADA of all new cases, hearings and final decisions as a matter of principle.

With respect to the so-called “lack of knowledge” of the CAS ADD arbitrators, such statement appears to be based on subjective assessment by an employee of the WADA legal department and has at no point been raised with the CAS ADD directly. All six CAS ADD arbitrators on duty on the occasion of the Tokyo Games were selected by the International Council of Arbitration for Sport (ICAS) on the basis of their solid experience, national and international, and background in the area of anti-doping regulations (same for the arbitrators appointed on the occasion of the Beijing Games).

It is the understanding of the CAS ADD that the mission of the Independent Observers is to check that the anti-doping policies and procedures are correctly applied, but not to express personal opinions on the performance of the arbitrators or on the quality of the CAS ADD decisions. In view of the forthcoming Olympic Winter Games Beijing 2022, the CAS ADD has asked that the WADA IO in charge of the monitoring of anti-doping procedures has experience of CAS procedures and remains independent from WADA, in order to guarantee an independent evaluation process, bearing in mind that WADA has a direct interest in attending these first instance procedures as it has the right to file an appeal against such CAS ADD awards.