

Intelligence and Investigations (I&I) Department

Annual audit conducted by the Independent Supervisor from:

- 5 - 23 September 2022 at WADA's European office in Lausanne (Maison du Sport international, Av. de Rhodanie 54); and
- 19 to 23 September 2022 at WADA's headquarters in Montreal (Stock Exchange Tower, 800 Place Victoria)

In keeping with article 9(a) of [WADA's I&I Policy](#), on an annual basis, an Independent Supervisor is required to conduct an audit of WADA I&I. Such audits are intended to ensure that the work of the Department is regularly reviewed to ensure it continues to meet international best practice standards in a lawful and ethical way, while protecting the rights of individuals at all times.

Annually, the Independent Supervisor is required to submit a written report to WADA's Director General and [Executive Committee](#) (ExCo). To ensure transparency, once approved by the ExCo, the conclusions of the report are made public on WADA's website. The ExCo approved this year's report at its [17 November meeting](#) in Montreal, Canada.

Outlined below are the report's conclusions and suggested improvements concerning the fourth annual audit conducted by the Independent Supervisor, Jacques Antenen. Mr. Antenen is currently Commander of the Vaud Cantonal Police in Switzerland. He is also a former Investigating Judge of the Canton of Vaud and Special Federal Prosecutor of the Swiss Confederation.

Audit report conclusions — points to consider, potential improvements and areas of concern

I. Glossary

- ADO: Anti-Doping Organizations
- CAS: Court of Arbitration for Sport
- CIS: Compliance Investigation Section
- CIM: Confidential information manager
- CIU: Confidential information Unit
- Code: World Anti-Doping Code
- Department: Intelligence and Investigations Department
- GY (the director): Günter Younger
- HR: Human Resources
- IA: Intelligence Analyst
- I&I: Intelligence & Investigation

- IP: Investigation policy
- ISPPPI: International Standard for the Protection of Privacy and Personal Information
- ITA: International Testing Agency
- IU: Investigation Unit
- NADO: National Anti-Doping Organization
- NTR: Nothing to report
- Supervisor: Independent supervisor
- WADA: World Anti-Doping Agency
- WB: Whistleblower

A. According to the Department

1. The credit request to the European Union in support of the "[II Cap Building](#)" project ([Anti-Doping Intelligence and Investigations Capacity and Capability Building in Europe](#)) was approved. As anticipated, this has made it possible to recruit additional staff on a temporary basis. This staff is in charge of the basic and ongoing training of investigators involved in anti-doping efforts, particularly within ADOs.
2. It is important to develop and expand globally the part devoted to educating and training staff capable of collecting information and investigating within NADOs and ADOs (such as the ITA, in particular). The process of obtaining new public funding for this expansion is underway.
3. Considering the development of this educational component and the strengthening of anti-doping efforts within NADOs and ADOs, the Department is, to an extent, at a turning point. In the future, most individual doping cases and cases not considered organized doping will not be handled by the Department, except in some special cases. The Department will evolve in its mission by focusing on investigations of non-compliant organizations for an estimated 60% of its time, partner education and support (20%) and major investigations resembling the fight against organized crime (20%).
4. In light of the above, the process of sorting cases, especially those that reach the Department through [Speak Up!](#), can and should be improved. Too many minor cases are being investigated; these could be delegated to NADOs or other partners from the outset.
5. That said, even taking this development into account, the HR problem persists. An additional analyst must be found as soon as possible to support the CIU/CIS on a permanent basis, as was done temporarily in the first six months of 2022.
6. Solutions are needed to ensure that the Department can employ effective IT and analysis tools without being hampered by data protection issues.
7. Collaboration with criminal prosecution authorities, which is an essential condition for the success of certain investigations, does not function in the same way with all the States for reasons to do with jurisdiction or, in some cases, simply willingness.

B. According to the Supervisor

1. Formally, at the time of the audit, the number of staff in the Department had increased by one compared to the previous year. On paper, there are now 16 people. However, this increase is

offset by the secondment of Lausanne's former Senior Intelligence Analyst for an indefinite period. His work now benefits AMA as a whole, so it would be logical to compensate the Department for this loss.

Furthermore, there are now only three analysts, and there will temporarily be one fewer due to a maternity leave.

This situation is clearly untenable, and recruitment is urgent. The risk of team members having a burnout should not be underestimated.

2. In light of the Department's new missions (see A.3 above), it will probably need to review its organization.

Indeed, the Department is in the process of fundamentally redefining its missions, since a large proportion of its investigations to date are or will be delegated to NADOs or specialized partner organizations such as the ITA. The Department already has a lot of work to do in training the staff in charge of these investigations and will have more in the future. Additionally, it will have more resources at its disposal to redirect the bulk of its activities to investigations of non-compliance and occasionally major investigations with a similar scope to investigations of organized crime. With this transition, anti-doping will increasingly resemble governmental models whereby a central authority, often federal, centralizes the most important cases and decentralizes "non-systemic" cases.

It follows from this that the role of the CIS will become central. As a result, there is no reason for it to retain its current status of being distinct from the other units (which likely stems from the way it is funded). In any case, it does not make sense to have a unit (or section) comprised of one person.

Additionally, given the Department's limited resources, it is reasonable to ask whether it would not be wise to give analysts more assignments (provided they receive more staff) -- in particular, allowing them to proceed to hearings themselves.

3. Referring to his remarks last year regarding the increasing influence of data protection within WADA, the Supervisor notes that the Department's team members voiced growing concern on this matter. He agrees with them and must question the soundness of certain actions that result in investigators self-censoring and being prevented from using certain data -- which is, however, available and accessible -- that is essential to establishing the truth. In his view, this is too restrictive an approach. It is important not to mistake one's role. It is the role of the AMA and the I&I Department to provide evidence of possible cheating by an athlete, his or her entourage or an organization. It falls to lawyers of the opposing party to assert any alleged misuse of data that brought the cheating to light.

Furthermore, with regard to the transmission of data to third parties, included criminal prosecution authorities, it is advisable, in the supervisor's humble opinion, to show openness. In the event of a refusal to pass on data, there is a risk—hypothetically, at least—that the criminal prosecution authorities, who may judge that they are entitled to this data, have it passed on to them under compulsion (search or subpoena, depending on the legal system). This would harm the image of WADA and the anti-doping cause in general.

4. Although most of the team members feel that teleworking is not detrimental to their daily activities, efficiency and quality of work, the Supervisor believes that a department such as I&I, which has a small structure, needs greater cohesion than a larger organization. This cohesion depends partly on personal, direct interaction. He therefore judges it necessary to rethink the requirements on team workers regarding in-office work; in his opinion, business trips aside, they should be in the office at least two days a week.

If this proposal is not feasible for legal or juridical reasons, then, in the very least, team members could come into the office on overlapping days.

Having said that, it is clear that these remedial steps cannot be taken with the current offices, which do not provide I&I with enough space or privacy. It is understandable that team members currently prefer to work from home rather than in an unwelcoming space that they need to share with colleagues in other WADA departments. However, it is important that the examination of work processes not be influenced by current logistical conditions. This question cannot really be considered until the offices currently under construction are available to team members—in spring 2023, at the earliest.

5. As is the case each year, the Department's team members must continue to undertake professional development to ensure they have the most current anti-doping knowledge. Some of them also wish to receive training in leadership, management or interviewing techniques.
6. The audit was conducted with an extremely positive attitude and under ideal conditions since, as already mentioned, all the team members except one were met with. The supervisor was given access to all of the documents and information he felt he needed in order to complete his mission.

For obvious reasons, this report is anonymized. Only the Director is named.

Jacques Antenen

Former Commander, Vaudois Cantonal Police
Former Investigating Judge, Vaud Canton
Former Special Federal Prosecutor of the Confederation

Lausanne, Montreal and Lutry, October 2022