



INTELLIGENCE AND INVESTIGATIONS DEPARTMENT

SUMMARY OF OPERATION HERCULES

21 October 2021



**WORLD
ANTI-DOPING
AGENCY**

Operation Hercules

Operation Hercules investigated allegations that a doping and protection scheme existed within the Ukrainian Athletics Federation (the “FLAU”), as well as allegations that the National Antidoping Organization of Ukraine (the “NADC”) contravened the International Standard for Testing and Investigations (the “ISTI”) by conducting unjustified advance notice sample collection from athletes. Operation Hercules found no evidence of a doping and protection scheme within the FLAU. However, potential evidence of erythropoietin (“EPO”) trafficking was identified against an individual. In addition, Operation Hercules has compelling evidence to suggest that, in contravention of the ISTI, the NADC conducted unjustified advance notice sample collection by testing athletes, including groups of athletes, at the NADC offices since 2012. Moreover, the NADC has, on occasion, recorded samples collected “in-competition” as “out-of-competition”, including as recently as 2021.

No Advance Notice Testing

The ISTI states that, save exceptional and justifiable circumstances, sample collection must take place with no advance warning to the athlete. Sample collection that takes place with no advance warning to an athlete is fundamental to an effective, unpredictable testing program.

1 EXECUTIVE SUMMARY

Operation Hercules was an investigation into allegations that a doping and protection scheme existed within the Ukrainian Athletics Federation (the “FLAU”), and that the National Antidoping Organization of Ukraine (the “NADC”) contravened the International Standard for Testing and Investigations (the “ISTI”) on various occasions by conducting non-exceptional and unjustified advance notice sample collection from athletes; in other words, testing athletes ‘by appointment’.

The Ukrainian Athletics Federation

Operation Hercules found no evidence of a doping and protection scheme within the FLAU. However, potential evidence of EPO trafficking by one individual was identified. That individual has denied the allegation and Operation Hercules has reported this matter to the Athletics Integrity Unit for its consideration.

The National Antidoping Center of Ukraine

Testing ‘By Appointment’

The ISTI states that, except in exceptional or justifiable circumstances, sample collection must take place with no advance warning to the athlete.¹ Sample collection that takes place with no advance warning to an athlete is critical to the International Standard for Code Compliance by Signatories, and fundamental to an effective, unpredictable testing program.

Operation Hercules has convincing and corroborated evidence suggesting that since 2012, the NADC has conducted unjustified advance notice sample collection from Ukrainian athletes at the NADC offices. By way of practice, this process involved the NADC telephoning athletes and requesting their attendance at the NADC, the following day, for testing. The practice also included athletes being notified by their coaches to attend the NADC for testing.

¹ What are “exceptional and justified circumstances” is not defined by the Code or International Standards. Rather, they are matters for assessment in the totality of each circumstance. The fundamental importance of no advance notice testing would suggest that the convenience of testing an athlete in the office of a National Anti-Doping Organization is not an exceptional or justified circumstance.

The evidence suggests that the NADC would adopt this practice often before important international events. There were times when an entire discipline of the national team was present at the NADC awaiting testing. An occasion was also discovered where an athlete called the NADC to say they would be near the NADC on a certain date and were available for testing. The NADC accepted the athlete’s offer and tested them ‘by appointment’ at the NADC.

While some individuals admitted to investigators that “small groups” of athletes were tested ‘by appointment’ at the NADC offices, their journey to such admissions was evasive and dependent upon the evidence with which they were presented at the time. For example, one individual, after initially denying the practice, said there “might” have been a few rare times before 2016 when it had occurred, but not since. Investigators then presented further evidence and the individual then admitted that the practice operated in 2017, but not after. Upon being presented with further evidence the individual admitted the practice had continued throughout 2018 and into “early” 2019.

The discovery of these practices has raised serious questions about the integrity of NADC’s testing practices, and the competence of some staff. Moreover, the apparent longevity and brazenness of these testing practices suggests significant organizational failings within the NADC.

Reporting of in-competition samples as out-of-competition samples

Operation Hercules has compelling evidence to suggest that in 2021, at least six in-competition samples were knowingly reported as out-of-competition samples.² Such conduct would contravene various articles of the World Anti-Doping Code and the ISTI.³

The Doping Control Forms for the six misreported samples confirm they were

² The ISTI defines “in-competition” as the period commencing at 11:59 p.m. on the day before a Competition in which the athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition.

³ More specifically, Code Article 5.4 (Testing Requirements) and ISTI Article 4.1.1 (Planning Effective Testing).

collected on the day of competition, well before the final race of the event. However, in each instance, the DCFs listed the sample as being collected “out-of-competition”.

The evidence suggests the samples were misreported under instruction and for the purposes of meeting the minimum number of out-of-competition tests required from an athlete prior to attending the 2021 Tokyo Olympics.⁴ That said, one interviewee told investigators that the misreporting was the consequence of a misunderstanding caused by a training camp being held at the same time as the competition. Investigators were not persuaded by this explanation.

The failure to correctly record a sample as either in or out-of-competition has ramifications that affect the analysis conducted by the Laboratory. For example, the analysis menu of an out-of-competition sample includes less substances than the analysis menu of an in-competition sample. An out-of-competition sample is not analyzed for substances that are only prohibited in-competition. Thus, Adverse Analytical Findings can be missed,⁵ and an athlete can evade an anti-doping rule violation.

To this end, Operation Hercules has reanalyzed all misreported samples as in-competition samples. No Prohibited Substances were discovered.

The Response of the NADC

On 14 September 2021, Operation Hercules met with a NADC executive (the “**NADC Executive**”) and discussed the material findings of this investigation. This meeting was per standard practice of the Intelligence and Investigations Department.

The NADC Executive said they were unaware that athletes had been tested ‘by appointment’ or that athletes had attended the NADC for testing. The NADC Executive said they were unaware that some in-competition samples had been misreported as out-of-competition samples.

⁴ World Athletics required a minimum of three no-notice out-of-competition tests, collected by the applicable National Anti-Doping Organization, for all athletes in a national team prior to the 2021 Olympic Games; see URL

The NADC Executive said they were greatly concerned by the alleged conduct and assured Operation Hercules that an internal investigation would be conducted, and the results shared with WADA. As of the date of publication, no results have been provided to WADA.

Key Recommendations

Due to the gravity of the evidence discovered by this investigation, and the risk posed by any continuation of the alleged non-compliance by the NADC, Operation Hercules took the proactive step and provided all pertinent information from its full investigation report to the relevant entities prior to the finalization of this summary report. The EPO trafficking information was shared with the Athletics Integrity Unit for its consideration, and all information relating to the NADC was shared with the relevant departments of WADA, namely, the Compliance, Rules and Standards Department and the Testing Department, for their immediate action.

As at the date of publication of this report, the work of those WADA departments is ongoing.



Aaron Walker
Deputy Director

Intelligence and Investigations Department

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Gunter Younger
Director

Intelligence and Investigations Department
World Anti-Doping Agency

<<https://www.athleticsintegrity.org/downloads/pdfs/know-the-rules/en/Rule-15-Obligations-Summary-Tables.pdf>>.

⁵ Adverse Analytical Findings for substances such as: Stimulants, Narcotics, Cannabinoids and Glucocorticosteroids.