

From: Hein Verbruggen [REDACTED]
Sent: mardi 9 septembre 2014 14:58
To: [REDACTED]
Subject: RE: CIRC

Dear CIRC-Members,

I refer to your mail of 26 August.

I certainly do not wish to discuss the specifics of your investigation.

I only wanted to know whether the CIRC will examine the questions that I raised in my report. So I am not asking for a discussion, only for a "yes" or a "no" to a question which seems perfectly legitimate to me.

As you know the examination of the issues raised in my report was as from the beginning a condition for my participation in the CIRC's investigation. I refer in particular to my e-mail to you of 2 May and your e-mail of 14 May. The issues and questions that I raise in my report clearly fit in with the terms of your e-mail of 14 May. The fact that you invite me for a meeting in the knowledge of that condition seems to indicate that the CIRC accepts to examine the issues raised in my report but at the same time I wonder why, if that were the case, it is not stated clearly. If the CIRC does not accept, I think it is only fair that you let me know and correct my belief.

I think that I am entitled to a clear answer and the absence of such answer only adds to my scepticism that has existed as from the beginning concerning the freedom of action of your commission and its possibility to examine all relevant issues independently.

In its mail to me of 14 March the CIRC confirmed that its investigation will be « as broad as possible and in the best interests of cycling ». In its mail of 25 June the CIRC thanked me for my willingness « to send the CIRC information and documents of relevance to its mandate ». Following this I have done a lot of work and I think I was clear and straightforward in my report, but I still have no clear answer from the CIRC.

The report that I sent you could be no more relevant to the mandate of the CIRC as it is about key issues of the fight against doping in cycling. The whole cycling community has the right to know what happened in relation with the issues and questions that I raise in my report. Yet the CIRC seems not to accept this or at least seems to refuse to confirm clearly that it accepts. As those key issues concern to a large extent also the role of WADA, the CIRC's apparent reluctance to confirm to me that these issues will be examined makes me fear that they will not be examined, mainly because of the fact that WADA (and also USADA) is involved.

In this way the CIRC confronts me with and confirms my basic fear that is based upon WADA's interest that its role will not be examined, WADA's

involvement in the set-up of the CIRC and the drafting of its terms of reference, as well as the original political aim of Mr Cookson with the creation of an investigating commission.

As I already pointed out it strikes that when the first IC (IC1) was created Mr Pound immediately cast doubts on its independence arguing that Mr Coates -who had proposed the president of the IC- was a member of the IOC and that I was also (see attachment: "Pound: The appointment of Coates is troubling". As a side note, it was the IOC-President's recommendation to the UCI, to appoint John Coates.....). The fact that a number of IOC members are member of WADA and that one IOC member in particular has a dominant influence on WADA - at least until the last presidential election - and plays a main role in my report, is all of a sudden no issue any more if only it is WADA who has its say in the composition of the commission and in its terms of reference.

Similarly it was an absolute sine qua non for WADA for not boycotting an independent commission that the commission's report would be made public without any possibility for the UCI to see the report prior to its publication ("Fahey: All findings of the inquiry must be released publicly and not forwarded to the UCI for your consideration first"). I enclose in this respect WADA's statements and mails concerning IC1 on the one hand and on the other hand the independent commission for which negotiations took place between WADA and UCI in 2013 before the presidential elections.

With the CIRC however there is only one person whom the CIRC has to report to and that is Mr Cookson. This does not seem to bother WADA at all. The CIRC's ToR do not stipulate that the CIRC's report will be published. So WADA and Mr. Cookson have arranged that they themselves may determine who may read the report or any part of it.

The difference in WADA's attitude now that WADA was instrumental in the creation and the ToR of CIRC, is striking : the rules are different depending upon who is the president of the UCI.

And so we are back to the political aim with which the CIRC was created.

I certainly do not blame the CIRC or its Members for this but the CIRC must understand that if I have no guarantee that the issues raised in my report will be examined and the questions in my report will be answered in an independent, neutral and complete way I cannot participate in the CIRC's investigation as I indicated as from the beginning.

Already in my e-mail to you of 2 May, I wrote:

So I would appreciate a clear confirmation from your side that WADA/USADA's roles will be investigated. I have obviously no intention to collaborate into a witch hunt on my person that is co-initiated by those with a clear interest to stay out of the picture. In this case I would insist on a preliminary meeting between us in which we first exchange our mutual views on the CIRC's definition of "paragraph 3 of the ToR". After that each of us will then have to determine for himself if further meetings make sense.

Regarding confidentiality, whether you will examine my questions or not, I cannot imagine that the report that I sent you will not be added as an attachment to your report. I would have expected that it would also be

published as an attachment to your report, but I must note that that depends exclusively on Mr. Cookson for whom the CIRC is an instrument against my person as from his election campaign.

Anyway I cannot see why I would be under an obligation of confidentiality regarding the report that I sent you.

On the contrary and as stated in my previous message I reserve all my rights for informing others of my report or for making it public. This applies also to all my letters or mails to the CIRC, including the present one.

I will keep the date of 8 October blocked in my agenda, awaiting a clear answer of the CIRC in relation with my report.

Kind regards,

Hein Verbruggen