

INTERIM REPORT NO. 1 OF THE EXTERNAL REVIEW COMMISSION

1. I am pleased to present this first interim report of the External Review Commission to the IBU Executive Board, setting out the progress we have made since the Terms of Reference were issued and the Commission was established on 6 November 2018.
2. Following extensive communications by telephone and by email, the Commission had its first in-person meeting in Munich on Friday 7 December 2018, attended by myself, Dr Anja Martin, Dr Christian Dorda, Lauren Pagé (the Commission's Legal Secretary), and Dr Tanja Haug (law partner of Dr Martin, who will provide further support for the work of the Commission). We noted that the fourth and final member of the Commission – a former biathlete – is yet to be appointed. We agree with the IBU Executive Board that it is vital to the transparency and credibility of the Commission's work to have a biathlete centrally involved in the Commission's mandate. I had a very positive and constructive discussion on this topic with Clare Egan, the Chair of the IBU Athletes Committee, and we are looking forward to the final details of this appointment being agreed, so that we can welcome and integrate our fourth member into the Commission's work.
3. Already prior to our 7 December meeting, we had taken various steps to commence the Commission's mandate:
 - a. Contact has been made with the heads of the respective criminal authorities in Austria and Norway, to communicate clearly that the Commission stands ready to assist them by all possible means. The Austrian criminal investigators have recognised the Commission's legitimate legal interest in reviewing the documents in the Austrian criminal file, and on that basis have granted the Commission access to those documents, which we are now in the process of reviewing. It is already clear that there is important evidence in that file.
 - b. Contact has been also made with: (i) Günter Younger, Director of WADA's Intelligence & Investigations Department, who supervised WADA's investigation of IBU-related matters; (ii) Jim Walden and Avni Patel, who are counsel to Dr Grigory Rodchenkov; (iii) Margarita Pakhnotskaya, Deputy Director-General of RUSADA (the Russian NADO); and (iv) Vitaly Stepanov, former RUSADA employee and now whistle-blower. We are very grateful to them for indicating their willingness to cooperate with the Commission and assist it with its work.
 - c. We have been provided with the information that WADA supplied to the IBU from the Moscow anti-doping laboratory's LIMS database relating to the results of analysis of samples provided by biathletes.
 - d. In addition, contact has been made with two important witnesses and the process of obtaining and formally recording their evidence has been started.

- e. We have provided a formal notice to be issued to IBU staff to suspend any normal document destruction policies until further notice, to ensure that any potential further evidence not already obtained by the Austrian police is preserved. We would be grateful if the IBU would circulate the notice to IBU staff (and publish it on any IBU intranet, if the IBU has one), and provide the Commission with confirmation of such circulation.
 - f. We have identified two third party providers that can provide a straightforward mechanism for any stakeholder in the sport (whether an athlete, an official within the IBU or any of its member federations, or any other interested third party) who believes s/he has information that may be relevant to the Commission's work to provide that information safely, securely, and confidentially to the Commission via a web-based site. We will draft a notice to publicise this invitation to share information by these means once the provider has been chosen and the mechanism has been set up, and would ask the IBU Executive Board to ensure the notice is posted on the IBU's official website. In addition, we would be grateful if the members of the IBU Executive Board and IBU staff would take every opportunity to publicise to stakeholders that they are encouraged to take up the invitation to provide the Commission with any information that they believe might be relevant to the Commission's work.
4. To help to build awareness and public confidence in the Commission's work, I have accepted requests for interviews from journalists from the Norwegian Broadcasting Corporation (Arve Lote) and German television station ARD (Hajo Seppelt and Nick Butler), taking the opportunity to explain the mandate of the Commission.
5. The steps we have planned next include the following:
- a. We are in the process of setting up a secure and confidential file-sharing system, to facilitate communication and collaboration between Commission members, and to assist in the collation and organisation of evidence as it is received.
 - b. We are also in the process of analysing the IBU statutes, rules and regulations for the relevant period to identify the most relevant provisions in respect of which any disciplinary proceedings may be brought, if the Commission determines that any individuals have a case to answer for breach of those provisions.
 - c. Once we have completed our review of the initial evidence obtained to date, in particular from the Austrian criminal file, from WADA, and from the two witnesses, we will be drawing up a witness interview plan, starting with current and former IBU directors, officers, employees and representatives. We expect to be in a position to start those interviews in the first quarter of 2019.

- d. We will also be obtaining and assessing information from various other sources. We hope that this will include information provided by stakeholders to the Commission by one of the means noted above.
 - e. Dr Dorda will be contacting the working group set up by the IBU to produce revised statutes, rules and regulations, to establish the most efficient and effective means of coordinating with and providing the input of the Commission to that group.
6. I will be available by phone should the IBU Executive Board wish to ask any questions or otherwise discuss with me any aspect of this report during its meeting on 14-15 December 2018.

Jonathan Taylor QC
Chair, IBU External Review Commission
12 December 2018