

INTERIM REPORT NO.4 OF THE EXTERNAL REVIEW COMMISSION

1. This fourth interim report sets out the progress the Commission has made since 11 March 2019, the date of the last IBU Executive Board meeting.

Investigation of allegations of past wrongdoing

2. Since 11 March 2019, we have continued to carry out our mandate to liaise and cooperate with:
 - a. the Austrian criminal authorities (we have reviewed a significant volume of documents available in the criminal case file to date, and continue to review any updates to the file as and when they become available); and
 - b. WADA and the IBU APMU in relation to the analysis of various data collected by the IBU through the screening of blood samples that it conducted until around 2015.
3. In addition, we have taken several steps to advance the Commission's work on the investigation side of its mandate:
 - a. The Commission had a productive meeting in Lausanne on 13 March 2019, during which progress to date was discussed and next steps were agreed. The meeting also provided an opportunity to introduce new Commission member Vincent Defrasne (former biathlete, nominated to the Commission by the IBU Athletes Committee). From his work to date, it is already clear that Mr Defrasne will provide an invaluable contribution and important athlete perspective to the work of the Commission.
 - b. Mr Defrasne and Commission Legal Secretary Ms Lauren Pagé staged a Q&A session for biathletes and support staff at the IBU World Cup in Holmenkollen on 19 March 2019, to explain the Commission's work, establish an open line of communication with biathletes, and invite biathletes and support staff to come forward with any information that they might wish to share with the Commission. The Commission is grateful to all those who attended the meeting for the productive dialogue that took place. Based on those discussions, it is clear that biathletes are keen to see stronger governance structures put in place at the IBU, and greater transparency in dealing with anti-doping and other integrity-related issues.
 - c. The Legal Secretary also had an opportunity to speak with a number of biathletes one-on-one, including Clare Egan, Martin Fourcade, Michal Šlesinger and Sebastian Samuelsson, and intends to reach out to a number of others.
 - d. We conducted further interviews with current and former IBU staff members and IBU Committee members at the IBU World Cup in Holmenkollen on 18-19 March 2019, and at the IBU offices in Salzburg on 15-17 April 2019.

- i. The interviews permitted the Commission to gain a better understanding of the working environment at the IBU, the roles of different staff members, the relevant reporting structures, and the degree of knowledge of the interviewees regarding the allegations that the Commission is investigating.
 - ii. The visit to the IBU offices also permitted the Commission to obtain copies of further relevant documentation and correspondence from the IBU document filing system.
 - iii. Regrettably, two former IBU staff members have (to date) refused the Commission's request for an interview.
 - iv. While the IBU has been able to provide the Commission with some data from previous IBU blood screening, as well as the software used to analyse it, unfortunately, the IBU has been unable to date to locate and turn over to the Commission a laptop used by IBU staff until around 2015 to collate blood analytical data.
- e. The Commission has prepared a detailed list of further individuals to interview, including further former IBU staff, members of the Executive Board and IBU committees, IBU external advisors, current and former biathletes, and other key witnesses with knowledge of biathlon in Russia.
 - f. The Commission continues to receive very good cooperation from RUSADA, which has continued to be very cooperative in providing relevant information from its files about the previous testing of biathletes and previous correspondence between the IBU and RUSADA (we are in the process of reviewing all the information that has been provided to date).
 - g. The Commission has made a formal request to the Russian Biathlon Union to provide information required to investigate fully the outstanding allegations of wrongdoing. (Cooperating with the Commission's investigation is one of the RBU Reinstatement Criteria).

Constitutional reform

- 4. In addition, the Commission has been mandated to recommend constitutional reforms to the IBU Constitution where necessary to ensure that its structures and policies and procedures reflect the highest standards of integrity and transparency, as well as international best practice, so that it has a strengthened ability to respond robustly to any future breaches of its rules.
- 5. As part of the current constitutional review, the outcomes of which are to be put to the IBU Extraordinary Congress in Munich in October 2019, the Commission has recommended that the IBU set up an operationally independent Biathlon Integrity

Unit to deal with all integrity-related matters concerning biathlon, including not only anti-doping but also betting/manipulation of results, ethical breaches, and safeguarding. The organisation and structure of the Biathlon Integrity Unit would be similar in principle (although smaller in size) to the Athletics Integrity Unit set up by the IAAF.

6. The reasons for this proposal, and the many benefits that the Commission believes would result for the IBU and its stakeholders, were set out in a paper that the Commission presented to the IBU's Constitution Review Group on 15 April 2019, and will present to the full IBU Executive Board at its meeting on 27 April 2019. The plan would be to write the new Integrity Unit into the draft Constitution that is currently scheduled to be sent to IBU member federations in June 2019.

Next steps

7. The steps we have planned next include the following:
 - a. The Chair and Legal Secretary of the Commission will attend the IBU Executive Board's meeting on 27 April 2019 in Munich to present the Commission's recommendation to set up a Biathlon Integrity Unit.
 - b. The Commission will conduct further interviews of people who may have information relevant to the allegations of past wrongdoing.
 - c. The Commission will continue to collect, review and assess evidence from all available sources. As a priority, the Commission will review documents and correspondence collected during its recent visit to the IBU offices in Salzburg, and any updates to the Austrian criminal file (as and when they become available).
 - d. The Commission continues to monitor the whistleblower web portal that it set up through BKMS (available at: <https://www.bkms-system.com/ibuerc>), and to follow up on any information provided.
 - e. The Commission will continue to monitor anti-doping developments in cross-country skiing to determine whether there might be any information relevant to its work.
 - f. The Commission will likely hold its next in-person meeting in June or July 2019, to discuss progress following a number of further interviews and document reviews, and to plan next steps. In the meantime, the Commission members remain in continuous contact and cooperate remotely.

Jonathan Taylor QC
Chair, IBU External Review Commission
24 April 2019