

May 21, 2024

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President, World Aquatics

Mr. António SILVA
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Mr. Sam RAMSAMY
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Executive Committee Member, World
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Mr. Dale NEUBURGER
Treasurer, World Aquatics

World Aquatics Bureau Members

Mr. Juan Carlos ORIHUELA
Vice President, World Aquatics

Re: Report On the Cover-Up of Critical Code Compliance Violations and the Mishandling of Positive Drug Tests in International Swimming

Dear President Hussein, Dear Members of the World Aquatics Bureau:

One fundamental question should animate emergency deliberations of the World Aquatics Bureau. That question is: Will World Aquatics choose transparency over secrecy and help bring an end to the incessant fumbling of serious anti-doping matters that go to the core of the credibility of the global anti-doping movement?

Within three days World Aquatics should take three simple steps to begin to reclaim trust from aquatics sports athletes:

1. Immediately release for public viewing on World Aquatics' website the Chinese Anti-Doping Agency (CHINADA) report and all related data and attachments and all communications between WADA and FINA concerning the decisions made to take no action on 28 positive drug tests for Chinese swimmers in 2021 (making only redactions that would prevent specific data from being tied to specific athletes).¹
2. Immediately assume results management of the 28 adverse analytical findings (AAFs), *i.e.*, positive drug tests, from 23 Chinese swimmers which CHINADA had a duty, under the World Anti-Doping Code and WADA International Standard for Results Management, to bring forward in 2021 as anti-doping rule violations (ADRVs) but did not, and instruct the International Testing Authority with which World Aquatics contracts for results management services to

¹ Doing so would be no different than the public releases of data made by WADA in connection with the various McLaren reports concerning Code compliance violations by Russia.

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commence results management on the 28 AAFs, potentially leading to a hearing or hearings in which CHINADA's contamination in the kitchen theory is tested.

3. Authorize the Anti-Doping Advisory Body (ADAB) of the Aquatics Integrity Unit (AIU) to receive all documents and data related to the handling of 28 AAFs for swimmers from China in 2021 by FINA and World Aquatics and to issue a public report concerning the ADAB's findings.

Pursuant to Article 17.1(b) of the World Aquatics Constitution, it is the duty of the Bureau "to interpret, implement and enforce the Constitution and the World Aquatics Rules," including the anti-doping rules for international aquatics sport and the constitutional provisions requiring independent review of integrity matters related to anti-doping by the independent Aquatics Integrity Unit (AIU) Anti-Doping Advisory Body (ADAB). This letter summarizes the appeal and report of the undersigned single member of the ADAB to the Bureau concerning instances of interference with independent expert review of the handling of the 28 positive drug tests of swimmers from China. Additional details are provided in my accompanying report.

World Aquatics' recently announced "anti-doping audit review committee" for the 28 positive tests from swimmers from China is designed to fail and cannot be reasonably relied upon to assure aquatics athletes that this anti-doping matter is being properly, professionally, and independently handled as required by World Aquatics' own rules. By choosing an unconstitutional ad hoc process that will only obscure and not clarify what happened with the 28 AAFs in 2021 World Aquatics has unwisely attached its wagon to WADA's tragic course of non-transparency that is discussed in detail in the attached report.

The time is now for a new approach that chooses transparency over half-answers and half-truths that only raise more questions.

World Aquatics' Avoidance of the Required Independent Expert Review Process in 2024

On April 20, 2024, the *New York Times* and German broadcaster *ARD* reported that in the summer of 2021 WADA and FINA failed to follow proper procedures and joined CHINADA in not proceeding on anti-doping rule violation cases in relation to 28 AAFs from in-competition urine samples given by 23 swimmers from China. In response, on May 3, 2024, World Aquatics announced to its member federations an "anti-doping audit review committee [to] . . . enhance . . . understanding of the anti-doping review and decision-making process within our federation as it concerned this particular case [because] . . . the confidence of all athletes, in our system is vital to our future together."² However, as explained below and in the attached report, the "anti-doping audit review committee" created by World Aquatics circumvents the mandatory,

² The ADAB was formally advised of this decision through an email from Justin Lessard, Aquatics Integrity Unit Senior Manager, on May 9, 2024.

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independent, expert review process required by the World Aquatics Constitution for such anti-doping matters and is inadequate to get to the bottom of what happened in 2021.

One reason the choice to form an “anti-doping audit review committee” is odd is that the World Aquatics Constitution has already established an independent expert monitoring body for anti-doping matters known as the ADAB. The ADAB, of which I am a member, is a group of independent anti-doping experts specifically appointed to independently monitor, review, and evaluate *any and all* anti-doping integrity matters within international aquatics sport. The five current ADAB members collectively have more than 100 years of professional experience in anti-doping, which is why we were appointed to be independent monitors. However, the ADAB has been inexplicably and forcibly shut out of the review of what happened with the 28 AAFs in 2021.

Within days of the concerning media reports about the 28 AAFs the members of the ADAB did our job. We specifically requested relevant documents from World Aquatics and set a meeting with Justin Lessard, FINA’s Legal Manager in 2021, to obtain background information regarding what happened in 2021. However, from the start, World Aquatics declined to provide the ADAB the documents we requested and needed to conduct our review. For weeks we engaged in back-and-forth correspondence with World Aquatics insiders who have sought to justify the unjustifiable—which is that the independent experts who are constitutionally mandated to independently monitor all anti-doping matters at World Aquatics have been unequivocally shut out of the anti-doping review process.

If provided the relevant documents, the members of the independent ADAB have the experience and familiarity with the relevant anti-doping rules and procedures to understand what should have happened. We know what documents should exist, and our professional anti-doping background is likely to be essential to getting to the bottom of what transpired.

Unlike World Aquatics’ ad hoc “audit review committee,” which includes no anti-doping professionals, no one who has personally led an international anti-doping investigation, and no one who apparently possesses relevant scientific expertise, the ADAB is also not subject to the criticism that we were appointed by World Aquatics insiders only after this controversy arose. The independent members of the ADAB were chosen to monitor World Aquatics’ anti-doping processes long before this controversy arose, helping to insulate us from claims or concerns of bias.³

While the good faith of the two athletes and the coach appointed to the review committee can be assumed, it is readily apparent that they have not led international anti-doping investigations or had occasion to acquire the detailed understanding of anti-doping results

³ Notably, ADAB member Dr. Jordi Segura, who was asked in 2021 by FINA’s legal counsel to undertake a limited review of a small subset of relevant documents pertaining to the 28 AAFs because of that involvement, has from the outset recused (*i.e.*, entirely removed) himself from any participation in the review of the 28 AAFs.

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management procedures that will be necessary to reach conclusions in the short time frame within which they have been given to operate. As for Mr. Miguel Cardenal Carro and Mr. Ken Lalo, the Chair and Vice-Chair of the AQIU, who have abandoned the constitutionally mandated independence of the AQIU process and accepted appointment by World Aquatics to a so-called “audit review committee” that is taking over the very work the World Aquatics Constitution unambiguously assigns to the ADAB and the AQIU alone, they should know better. It is concerning that Mr. Cardenal and Mr. Lalo have joined in blocking review of this anti-doping matter through the independent AQIU they pledged to uphold when they were appointed to the AQIU Supervisory Council by the World Aquatics Congress. Their actions have undermined the credibility of the very entity, the AQIU, that they are supposed to participate in leading at arm’s length and independently from World Aquatics. At best, Mr. Cardenal and Mr. Lalo have misstepped in leading the AQIU which unfortunately, due to their actions taken in concert with World Aquatics insiders over the last several weeks, cannot at this point be credibly called an “independent” aquatics *integrity* unit.

When this criticism reaches World Aquatics Executive Director Brent Nowicki, Mr. Cardenal, Mr. Lalo and any others who agreed to support review by an ad hoc “audit review committee” appointed by World Aquatics instead of review by the ADAB and through the constitutional AQIU process, they may protest that the ad hoc panel is free to “consult” the ADAB—indeed, that is exactly what Mr. Nowicki and Mr. Cardenal have said when trying to explain why the ADAB is being stiff armed. This response is, however, not sufficient.

First, one does not know what one does not know. Lacking relevant anti-doping experience, the ad hoc panel simply cannot be expected to know all the questions they should be asking. Moreover, given that the message has come through loud and clear that the ADAB should sit back and “shut up” until called upon, there is no reason to believe the ADAB is likely to be meaningfully consulted.

Second, for any future consultation with the ADAB to be meaningful, the ADAB would still need access to the very documents the ADAB has been denied for the last three weeks. The communications of the last three weeks make it abundantly clear that an opportunity for the ADAB to review the relevant documents is the one thing that World Aquatics insiders plainly want to prevent. Therefore, without intervention by the Bureau such access is obviously not going to happen. Furthermore, unless the CHINADA report and other relevant documents are immediately provided to the ADAB, it is clear any future consultation would not take full advantage of the expertise of the ADAB nor therefore would it be meaningful or lead to a robust review of what transpired in 2021.

In order to regain credibility and legitimacy for the AQIU, the World Aquatics Bureau must immediately intervene to prevent the continuing obstruction of the ADAB’s independent expert review of FINA’s handling of the 28 AAFs and the Bureau should therefor order Mr. Nowicki to provide the entire file relating to the 28 AAFs to the ADAB.

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**Independent Anti-Doping Experts Have Purposefully and Without Good Cause
Been Denied by Mr. Nowicki and Others the Opportunity
to Review and Assess the Relevant Documents**

Beginning a few days after the April 20 news stories the ADAB persistently sought for weeks to perform our independent expert monitoring duties as required by the World Aquatics Constitution, but we were met with a brick wall of refusals communicated by Mr. Nowicki, Mr. Cardenal, and by Aquatics Integrity Unit Senior Manager (and FINA Legal Manager in 2021) Justin Lessard. The ADAB repeatedly requested the opportunity to review the relevant documents and provide a report on the results management activities of FINA in relation to the 28 AAFs. Yet, the ADAB was steadfastly denied the access necessary to complete a full review of, and comprehensive report on, what transpired with the 28 AAFs in 2021.

No cogent explanation has been given regarding why the ADAB was not given access to the documents needed to assess what happened in 2021 and prepare a report regarding FINA's and WADA's handling of the 28 AAFs. Granting that World Aquatics has an interest in conducting a review of the same documents for its purposes does not explain why the ADAB has been denied the opportunity to conduct its own review. Any interest World Aquatics may have in conducting its own review is not a reason for barring the ADAB from conducting a review. No explanation has been given for why, even if World Aquatics wants to conduct its own inquiry, the ADAB is not being allowed to independently review the documents and reach its own conclusions.

Given the constitutional duties of the ADAB to act independently as the unit within the AQIU tasked with conducting anti-doping reviews and making reports on anti-doping matters, Executive Director Nowicki lacked good cause to deny the ADAB the opportunity to review the documents the ADAB needed to review to fulfill its constitutional responsibilities. Therefore, Mr. Nowicki's refusals must be considered obstruction of the constitutionally required independent review process. The World Aquatics Bureau should therefore order Executive Director Nowicki to immediately provide the ADAB with the documents the ADAB needs to complete its independent review.

**The Ad Hoc "Audit Review Committee" Announced
by World Aquatics is Designed to Fail**

From the outset, the ad hoc "audit review committee" announced under the auspices and authority of World Aquatics has, whether intentional or not, been designed in such a way that it will inevitably fail to be successful in getting to the bottom of what happened in 2021. Mr. Nowicki's 3 May 2024 announcement to member federations concerning the audit review committee did not mention the crucial detail that the scope of the review to be conducted by this committee has been significantly limited. In fact, the restraints placed upon the scope of the committee's review ensures that it will not accomplish anything meaningful through its review.

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Although not explained in his letter to the national federations, Executive Director Nowicki has elsewhere confirmed in writing that the review committee “*is not to re-examine the science or legal decisions made, and it is not to re-open this procedure in any form of investigation.*”⁴ (emphasis added). These dramatic limitations will prevent the audit review committee from conducting a thorough or useful review.

Given that the most significant decisions made in relation to not proceeding on the 28 AAFs were scientific and legal ones, it bears questioning, what if anything significant can be reviewed if scientific and legal decisions are taken off the table? The short answer is that nothing useful can be accomplished with legal and scientific decisions having been ruled out of bounds from the start.

No serious review of any sort, and certainly no serious review of anti-doping decision-making, begins by putting on blinders that prevent consideration of legal and scientific questions. This would be like setting out to write a report on Albert Einstein’s impact on world history without considering Einstein’s impact on physics. It is analogous to announcing a review into the circumstances of whether a physician committed medical malpractice in a particular case—but failing to explain that the malpractice review will not consider medical and legal questions.

A review of a decision to not proceed on 28 positive drug tests that from the start refuses to consider scientific and legal decision-making cannot be robust, nor can any conclusions reached through such a review be legitimately regarded as useful, reliable, or trustworthy. With all due respect, the audit review committee has been irretrievably hamstrung by World Aquatics imposing upon it a scope of review so incredibly narrow that it shuts out any realistic possibility that even a scintilla of reliable substance is likely to seep through into the committee’s conclusions. Due to the incredibly truncated scope of review, any conclusions the committee does reach are likely to be so uninformed that they will deserve to be regarded as more farcical than forensically legitimate.

Two further observations may help to bring this point home. First, one of the intentional decisions made by FINA’s legal team in 2021 was to not seek review by FINA’s independent panel of scientific experts then known as the Doping Control Review Board (“DCRB”). Incredibly, all members of the DCRB, save one, were never shown or told of the 28 AAFs, the CHINADA report and/or any of the related scientific data, reportedly hundreds and perhaps thousands of pages of data. Instead, FINA’s legal team decided to ask just a few limited questions *only* to the Chair of the DCRB, Dr. Jordi Segura, without showing even Dr. Segura all the documents. Dr. Segura acting under the direction of the FINA legal team then produced a conclusory 2-page report that plainly did not address all of the scientific issues in the case.⁵

⁴ May 1, 2024, email from Mr. Nowicki, *see* **Exhibit A**.

⁵ Because the lack of scope in Dr. Segura’s short report is essential to fully appreciate the significance of excluding the seven (7) other experts on the DCRB from the review, a copy of Dr. Segura’s report is attached to the enclosed report as **Exhibit F**.

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Excluding the DCRB from the review and analysis of all this scientific data should be regarded as quite odd given the number of positive drug tests and the significance of the scientific claims being made to substantiate the allegations of hotel kitchen contamination, the sole basis upon which CHINADA argued for not proceeding with the 28 AAFs as active cases. Taking the review of scientific and legal matters off the table from the start will prevent consideration of why the decision to exclude the DCRB was made, who made that decision, and to what extent that decision may have altered the outcome of the decision-making.

Furthermore, when asked within the past several weeks by a past DCRB member about *why* all but a single DCRB member were excluded from the review of the file in 2021, Mr. Nowicki responded in writing with the purely legal justification that, “pursuant to the FINA Doping Control Rules and FINA Constitution in effect at the time, the DCRB was not involved in deciding whether FINA should appeal decisions of National Anti-Doping Organisations.”⁶ However, this legal explanation by Mr. Nowicki is in my view not consistent with the FINA Constitution or the FINA Doping Control Rules in force in 2021. Nothing in either the Constitution or rules from that time forbids consultation with the DCRB.

Moreover, contrary to Mr. Nowicki’s explanation, there is a clear record that in the past the DCRB did evaluate anti-doping decisions made by NADOs and/or national federations. Thus, it is apparent that reaching a complete understanding of FINA’s handling of the 28 AAFs would necessarily involve drilling down into why the full DCRB was not asked to review the multitude of science questions raised by 28 AAFs and an explanation of mass kitchen contamination. However, such questions can never even be asked in a review where legal and scientific decisions made in 2021 are off limits.

Second, another question of immediate importance to swimmers competing in the upcoming Paris Olympic Games is whether FINA had appeal rights in relation to the 28 AAFs in 2021 and, if so, whether FINA’s decision not to appeal then forecloses World Aquatics from bringing anti-doping cases today against some of or all of the 23 athletes who had positive tests in 2021. Given the presumptive period of ineligibility for the presence of trimetazidine in a sample is four years’ ineligibility, the 23 swimmers with positive tests, even though not prosecuted in 2021, could be ineligible for the Paris Games if cases could be brought forward in 2024 and a contamination defense were not accepted. Therefore, the question of whether cases can still be brought forward should be addressed as an integral and essential part of any thorough review of this matter. This, of course, is a legal question which the unduly narrow scope of review imposed by World Aquatics prevents the audit review committee from even considering, and the failure to include current eligibility questions within the scope of the mandate given to the audit review committee is a grave disservice to current aquatics athletes and demonstrates that the interests of current aquatics sport athletes were apparently not front and center when the scope of the review committee was conceived and the decision was made to block the ADAB from participating in the review.

⁶ From a 30 April 2024, email of Mr. Nowicki, *see* **Exhibit E**.

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Thus, not only has the ADAB been improperly shut out of the review process for the 28 AAFs and been denied access to documents which it should be able to review in its role as an independent expert monitor of World Aquatics' anti-doping program, but the arbitrary limits placed on the so-called "audit review committee" that World Aquatics has set up will (unless modified) cause it to fail to get to the bottom of the key questions that athletes and other stakeholders have about the 28 AAFs. For these reasons and others explained in my attached report, aquatics sport athletes preparing to compete in the Paris Olympic Games cannot reasonably have confidence that the review process presently being conducted by World Aquatics is adequate or fit for purpose.

World Aquatics Must Stop Playing "Hide the Ball" from Aquatics Sport Athletes, National Federations and Aquatics Sport Stakeholders and Instead Opt for Transparency

It is time for the leaders at WADA and World Aquatics to concede that WADA and FINA failed to require CHINADA to follow critical World Anti-Doping Code compliance duties in 2021 and to commit to rebuilding trust. Regrettably, however, thus far in 2024 WADA and World Aquatics have compounded their earlier errors by doubling down and trying to obscure what really happened three years ago.

As explained in the attached report, in 2021 WADA should have directed FINA to takeover results management of the 28 AAFs and required CHINADA to pay for FINA's handling of the cases due to CHINADA's refusal to comply with its critical Code compliance duties. WADA should then have pursued against CHINADA the patent, critical Code compliance violations that CHINADA engaged in by refusing to conduct results management as required by the Code and International Standards. However, for reasons unknown and yet unexplained, neither WADA nor FINA held CHINADA to account. Instead, WADA and FINA walked away from their duties to clean sport and equal application of the rules and did not hold the Chinese anti-doping agency and Chinese athletes to the same standards to which athletes and anti-doping organizations from other countries are held.

Furthermore, in 2021 WADA and FINA could have, and should have, made public both the CHINADA report and CHINADA's refusal to fulfill its critical duties under the World Anti-Doping Code. The world should have been given the opportunity to see the CHINADA report and evaluate the data related to the claims of kitchen contamination just as the world was shown the evidence when Russia failed in its Code compliance obligations. This is not confidential information.⁷ There was nothing confidential about the kitchen contamination investigation data which Chinese public authorities produced and provided to WADA and FINA. Nor is there likely to be much at all that is confidential in the CHINADA report.

⁷ Confidential information under the WADA International Standard for the Protection of Privacy and Personal Information includes only personally identifiable information related to an individual. The vast majority of the data in the CHINADA report would, including any investigation of environmental contamination would not fall in that category.

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WADA has already set the precedent for making Code compliance information public. Just as the entire world reviewed the McLaren reports and other reports regarding Russia's manifold failures to adhere to its Code compliance obligations, the CHINADA report and all the environmental testing data and investigative information concerning alleged contamination in the hotel kitchen should have been made generally available. There was, and is, no good reason to keep it secret.

One month ago WADA and World Aquatics had a second chance to do the right thing. When the *New York Times* story came out, WADA and World Aquatics should have promptly released the CHINADA report and associated data (redacting any athlete names as necessary) so that the world could judge what really happened in 2021. That they did not do so is telling. WADA certainly could have released the redacted CHINADA report, and they or World Aquatics could and should do so today. It is no different than the sort of data that WADA has previously made publicly available in relation to the McLaren reports about Code compliance violations in Russia, and it is important the information be made available for peer review and public scrutiny.

References to individual athletes in the CHINADA report can be easily redacted just as Professor McLaren did with the data and information in his reports. Moreover, given that no anti-doping rule violation cases were ever initiated by CHINADA, it is highly likely that references to individual athletes would be minimal. It would provide a public service to lift the shroud of secrecy that WADA and FINA threw over this matter in 2021 and bring these documents into the sunlight for the public to see and evaluate. Given public interest in handling of the 28 AAFs, the established fact (see the attached report) that proper procedures were not followed to hold CHINADA accountable for its Code compliance violations, and the continuing damage that is being done to public trust in the anti-doping system due to continuing unnecessary secrecy, it is frankly inexcusable that WADA and World Aquatics are even now treating these non-confidential documents as if they were reports from the Manhattan Project in the middle of World War II.

As explained in the attached report, should WADA or World Aquatics ever release the CHINADA report as they should it will add details that confirm the extent to which WADA and FINA mismanaged the handling of the 28 AAFs in 2021, and may provide insight into why WADA allowed CHINADA to get away with self-evident Code compliance violations with impunity. Perhaps it will also demonstrate that the evidence of contamination in the kitchen is not as robust as WADA has claimed, or maybe it won't—the point is the continuing secrecy for no good reason feeds fears of the worst.

It may also be that merely trying to prevent criticism of WADA and FINA is the real reason why the last month has been filled with obfuscation and hiding documents rather than clarity and transparency from WADA and World Aquatics, and if that is all it is, that will be the cruelest cut of all, that officials at WADA and World Aquatics were willing to take the world down this path merely to cover their own tracks.

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Finally, none of this is how public dollars should be used. WADA is largely funded by the governments of the world and public funds should not be spent to hide what the public has a right to see. Nor should World Aquatics assist WADA in its quest to hide from scrutiny documents that are not truly confidential and should not be hidden. World Aquatics should show proper regard for public transparency even if WADA will not do so.

World Aquatics Should Take All Possible Steps to Immediately Bring Forward the 28 AAFs as ADRVs in 2024 in Advance of the Paris Olympic Games

As explained in more detail in the report accompanying this letter, because CHINADA did not commence formal proceedings against the 23 athletes with positive tests, nor notify them of AAFs to which they were required to respond, under the applicable rules World Aquatics can immediately initiate results management cases against the swimmers with positive tests who are likely to compete in the upcoming Paris Olympic Games.

The ADAB questioned Mr. Justin Lessard, FINA Legal Manager in 2021, in depth on 26 April 2024. Mr. Lessard was intimately involved in the handling of the 28 AAFs in 2021 and confirmed he did not recall any individual letters having been sent by CHINADA and copied to FINA that would have notified the 23 swimmers with positive test results of their adverse analytical findings. Mr. Lessard acknowledged FINA was required to be copied on such letters notifying swimmers of adverse analytical findings on tests conducted by a national anti-doping organization. The fact that FINA received no such letters is strong evidence that the 23 swimmers were never formally put on notice of their AAFs and that official individualized anti-doping proceedings were not initiated against the athletes.⁸ Moreover, WADA's General Counsel acknowledged as much in his explanation of events when he conceded that CHINADA's decision "was effectively to ascribe the positives to environmental or food contamination due to the findings in the kitchen and they decided that they would not move forward with the case, [that] they wouldn't proceed with them as anti-doping rule violation cases." This means that any anti-doping organization with results management authority can still initiate proceedings against the 23 swimmers.

Bringing these positive drug tests forward as formal cases and testing CHINADA's contentions of kitchen contamination in an arbitration proceeding is imminently sensible and is likely the best way currently available to balance and protect the interests of all athletes, including:

⁸ Of course, the CHINADA report already in World Aquatics' possession will certainly further confirm that no formal anti-doping proceedings were initiated against the 23 athletes. This raises concern regarding, whether the ADAB may have been shut out of the review of relevant documents, precisely so that questions regarding whether these cases might still be brought forward would never be raised?

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- the swimmers from China whose reputations have been called into question by the controversy over the irregular way in which WADA and FINA conducted the review and handling of these cases,
- those athletes who lost medals to the swimmers in the Tokyo Olympic Games who competed with pending AAFs, and
- those athletes who will compete against the swimmers from China in the upcoming Paris Olympic Games.

Even if the results management hearing and appeal process for these 28 AAFs could not be completed before the Paris Games, only a formal anti-doping proceeding culminating in a contested hearing before neutral arbitrators will provide the sort of clarity and confidence in the process that all three of these groups of athletes require.

Accordingly, as this matter is still well within the ten-year statute of limitations in the World Anti-Doping Code, World Aquatics should promptly commence anti-doping rule violation proceedings against the relevant athletes in advance of the Paris Olympic Games. As explained in my attached report, the World Aquatics Bureau is able to immediately bring these cases forward by asking the International Testing Agency (ITA), to commence expedited formal results management proceedings against all of the 23 Chinese swimmers with AAFs and bring these cases forward to a hearing in advance of the Paris Olympic Games. Even if a thorough and fair process will not permit the hearing process to be completed before the Games begin, initiating results management of the 28 AAFs will provide hope that the global anti-doping system is recovering the will to operate pursuant to the rules without secret exceptions to the rules being made.

Conclusion

Without a cogent explanation, World Aquatics' leadership has abandoned the robust, independent, expert review process for anti-doping matters required by the World Aquatics Constitution and replaced it with a narrowly scoped, insider-driven, review process which has been designed in such a way that it must inevitably fail to get to the bottom of the decision-making in 2021. The narrow scope of World Aquatics' current review process will make it impossible to ascertain what transpired in relation to the 28 AAFs from Chinese swimmers in 2021 and will prevent the review committee from reaching appropriate determinations regarding the consequences for athletes competing in 2024.

Moreover, World Aquatics is needlessly asserting confidentiality over documents that should not have been hidden from the public. World Aquatics' secretive conduct only fuels the reasonable concerns of athletes about how this matter has been handled. Accordingly, stakeholders and athletes preparing to compete in the upcoming Paris Olympic Games have no reason for confidence that integrity matters connected to the 28 AAFs from 2021 are being appropriately investigated. To remedy these defects the ADAB should be provided the requested

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documents and be permitted to complete its review of these matters and to issue a report. Even before the ADAB's report is issued all relevant documents should be publicly released to the greatest extent possible.

Finally, given the present circumstances it is in the interest of clean sport and necessary for World Aquatics to demonstrate a renewed commitment to integrity, transparency, and equal treatment of athletes. World Aquatics should immediately bring forward each of the 28 AAFs as anti-doping rule violation cases. These cases should be brought by the ITA and, if necessary, expedited for final decisions on eligibility to be reached in advance of the Paris Olympic Games. However, even if decisions in the cases cannot be reached before the Games, there is no compelling reason why an effort should not be made to bring these cases forward for the benefit of all affected athletes. The peace of mind of clean athletes is worth the effort.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "William Bock, III". The signature is fluid and cursive, with a large initial "W" and "B".

William Bock, III

In my capacity as a single member of the AQIU-ADAB

cc: ADAB Members
Mr. Miguel Cardenal Carro
Mr. Ken Lalo