

Fighting Together Against Doping



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ETHIOPIAN NATIONAL ANTI-DOPING OFFICE

Ethiopian National Anti-Doping Office Intelligence and Investigation Procedure NUMBER 471/2020

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ACRONYMS

ADAMS:-The Anti-Doping Administration and Management system

ADO: - Anti-Doping Organization.

ETH-NADO:-Ethiopian National Anti-Doping Office

ISPPPI: - International Standard protection of privacy and personal information.

WADA: - world Anti-Doping Agency

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1. INTRODUCTION

ETH-NADO has been legitimately established by Federal Democratic Republic of Ethiopia council of minister's regulations No. 400/2017 in line with 2015 world anti-doping code to execute the mission of promoting doping clean sport nationwide as well as inspiring true sport- protecting the rights of athletes. So, aside to other anti-doping programs, the office has been obliged to carryout intelligence and investigation on doping related matters as per Article 6/13 of its establishment regulation.

Since doping is currently becoming more intricate rule violation, it needs different means of investigation beyond the lab analytical findings. Particularly Possession, Administration and Trafficking of Prohibited Substances are sophisticated Anti-Doping Rule Violations which requires deep and through intelligence and exploration.

Article 5.8 of World Anti-Doping Code also constitutes that each of the Anti-Doping Organization (ADO) shall install the intelligence and investigation systems as per the International Standard for Testing and Investigation. Accordingly, this Intelligence and Investigation procedure of ETH-NADO has been established in order to explore Anti-Doping Rule Violations in Ethiopian Sports.

The procedure endeavors to set out new investigative methods and techniques as well as forge new partnerships with the government and non-government authorities in fighting against doping in Ethiopia. Therefore, this document comprises of the introduction, scope, objective, principles, the intelligence and investigation team, the team role and responsibilities, intelligence, investigation, handling confidential information and communication.

2. OBJECTIVES

This procedure has 2 main objectives which is to

- To undertake effective doping tests on all athletes who are national residents, license holders or members of sport organizations in Ethiopia or who are present in Ethiopia based on intelligence.
- To enhance ETH-NADOs capacity of protecting clean athletes by conducting effective investigation on potential Anti-Doping Rule Violations.

3. SCOPE

This procedure applies to all intelligence collection activities and investigative activities conducted by the ETH-NADO intelligence and investigation team.

4. PRINCIPLES

In conducting intelligence and investigations, the ETH-NADO intelligence and investigation team shall respect;

1. The world anti-doping code and international standards;
2. The Ethiopian anti-doping rule;
3. ETH-NADO Establishment Council of minister's regulations No. 400/2017;
4. Internationally recognized best practices and investigative and legal principles;
5. Work with integrity ,ethics , professionalism;

5. ETH-NADO INTELLIGENCE AND INVESTIGATION TEAM

ETH-NADO shall form an intelligence and investigation team in order to gather intelligence from different sources and conduct investigations securely and confidentially as per the international standard for testing and investigation and execute its powers and duties stated on Article 6/13 of the establishment regulation of the office. The team might be comprised from the following authorities of governments, if necessary non- government and other stakeholders.

1. ETH-NADO representative
2. Ethiopia Federal Police Representative
3. Addis Ababa Police Representative
4. Ethiopia Food Medicine and Health Administration and Control Authority Representative
5. Addis Ababa City Food Medicine and Health Administration and Control Authority Representative
6. Ethiopia National Intelligence and Security Office

No-one with an actual or perceived conflict of interest shall be appointed or remain as a chairperson or member of an intelligence and investigation team to ensure that all investigations are conducted without bias, in an impartial and objective manner.

In addition, the intelligence and investigation team can establish its networks by identifying the potential Anti-Doping Rule Violation areas and assigning regular informants who provides frequent intelligence to the team.

5.1 Roles and responsibilities of the intelligence and investigation team

The Intelligence and Investigation Team shall have the following roles and responsibilities.

1. Identifying the potential Anti-Doping Rule Violation areas and assigning regular informants.
2. Plan to conduct intelligence and Investigation.
3. Establishing the way how intelligence should be gathered for each of the suspected Anti-Doping Rule Violation.
4. Collecting Intelligence information on possible information gathering systems installed by ETH-NADO from many sources.
5. Analyzing the collected intelligence information. If necessary, the team can forward recommendation that an analyst to be assigned by ETH-NADO to see the case along with scientific experts.

6. Producing a summarized and bulletin report on the intelligence conducted and providing the summary of the finding to ETH-NADO.
7. Conducting further investigation based on the analyzed intelligence report.
8. Collecting additional information through interview, oral recollections, documentary records, expert evidence and site inspection or other techniques to further corroborate the claim and proving or disproving any matter or matters of fact arising out of the information gathered. It could mean seeking out corroborating evidence without compromising the confidentiality of the informant.
9. Concluding the intelligence and investigation cases by making the determination of whether the case requires additional follow-up or if the team believes the case is closed.
10. Establishing additional ways of intelligence gathering techniques and methods.
11. Performing other similar activities.

6. INTELLIGENCE

6.1 Gathering of Anti-Doping Intelligence

As stated on Article 5 /2 of its establishment regulation, ETH-NADO is committed to have anti-doping intelligence from all available sources since blood or urine results on their own are not enough to establish a violation, they are recorded and used for target testing. Article 5.8 of the World anti-doping code also constituted that the Investigations and Intelligence team of ETH-NADO shall ensure as it is able to obtain, assess and process anti-doping intelligence from all available sources.

The procedure for acquiring information by the Intelligence and investigation team shall be in compliance with the provisions of the Laws of Ethiopia, Access to Information proclamation No.590/2008 thereby ensuring protection of the informants as well as observing the limitations to the right of access to information.

ETH-NADO shall acquire intelligence and conduct investigations to support anti-doping programs through intelligence-led multidisciplinary approach. It will be used for the development of an effective, intelligent and proportionate test distribution plan; to plan and target testing; and/or to form the basis of an investigation into a possible anti-doping rule violation(s); and furthermore, Intelligence gathering can also arise from test results.

According to Article 6/18 of its establishment regulation, ETH-NADO has been obliged to encourage anyone with knowledge a possible breach of anti-doping rule to share that information with ETH-NADO. Consequently, the intelligence and investigation team shall establish a secure communication platform to confidentially capture or receive all relevant information from sources, including ADAMS, Chaperone and Doping Control Officers, Athletes and Athlete Support Personnel (including Substantial Assistance provided pursuant to Code Article 10.6.1), sports organizations , other anti-doping organizations ,members of the public (e.g., by means of a confidential telephone hotline), Sample Collection Personnel (whether via mission reports, incident reports, or otherwise), laboratories, pharmaceutical companies, National Federations, law enforcement organs, media and other regulatory and disciplinary bodies.

6.2 Steps of intelligence

ETH-NADO shall follow the following steps as per WADA information gathering and intelligence sharing guideline.

1. **Direction:** Two-way discussion between the ETH-NADO management and the intelligence and investigation team shall be conducted to clarify objectives and set priorities. ETH-NADO shall set the direction of standing priority (test distribution planning, analysis by sport or discipline) and specific tasking (related to recently emerged doping substances, a specific athlete or coach).
2. **Collection and collation:** During the collection and collation phase information will be gathered from various sources and stored in a way that will assist the intelligence and investigation team with the analysis. The

information collection process might be planned in order to make it more effective and to avoid duplication while gathering intelligence from various sources. The intelligence and investigation team shall evaluate the information collected and the storage of information (identify the relationship among the data and exposure of various patterns and trends in order to corroborate the reliability of sources and the accuracy of information itself.

3. **Analysis:** In order to produce intelligence, the analysis shall be conducted by involving the process of examination and interpretation of collected information.
4. **Reporting:** The intelligence and investigation team should produce and provide the intelligence report to ETH-NADO management by analyzing the collected and evaluated information. The report can also be disseminated by ETH-NADO to external partners for the purpose of information sharing and /or action.

6.3 Assessment and Analysis of Anti-Doping Intelligence.

Within the intelligence cycle, upon receiving information, the reliability of the source should be evaluated and the accuracy of the gathered information assessed including witness interviews, document review, cyber analysis and forensic analysis. ETH-NADO Intelligence and investigation team shall upon receipt of intelligence, obtain additional information or evidence to corroborate the information without compromising the confidentiality of the informant and also assess all anti-doping intelligence upon receipt for relevance, reliability and accuracy, taking into account the nature of the source and the circumstances in which the intelligence has been captured or received.

The intelligence and investigation team evaluates the reliability of the source first, and then assesses the accuracy of the information itself.

Since intelligence is the product of the analysis of information, identifying and analyzing doping issues within specific sports will require a broad analysis. The analysis will reduce

levels of uncertainty; explain a situation; predict an outcome; and explain the significance of trends, patterns and relationships where the process involves examining collected information to establish patterns and relationships that could be meaningfully interpreted.

7. INVESTIGATION

ETH-NADO is responsible for detecting and establishing Anti-Doping rule violation by identifying evidences in order to promote doping clean sport. Therefore, the office shall conduct investigations including but not limited:

- a) The investigation of atypical findings and adverse passport findings in accordance with the Ethiopia national Anti-Doping Rule.
- b) The investigations on any other analytical or non-analytical information or intelligence where there is reasonable cause to suspect that an anti-doping rule violation may have been committed;
- c) Investigation into whether an Athlete Support Personnel or any other persons are involved in a rule violation by an Athlete; and
- d) Investigations in relation to the production, movement, importation, distribution and supply of prohibited substances and performance-enhancing drugs in sport by non-athletes.

7.1 Investigating atypical finding and adverse passport finding

The Intelligence & investigation Team shall investigate confidentially and effectively the Atypical Findings and Adverse Passport Findings arising out of testing conducted on ETH-NADO's on its behalf and /or which the office is the result management authority.

ETH-NADO will provide WADA upon request with further information regarding the circumstance of Adverse Analytical Finding, Atypical findings and other potential Anti-Doping rule violations, such as (without limitation):

- a) The Competition level of the Athlete in question;

- b) What whereabouts information (if any) the Athlete in question provides, and whether that information was used to locate him/her for the Sample collection that led to the Adverse Analytical Finding or the Atypical Finding;
- c) The timing of the Sample collection in question relative to the Athlete's training and Competition schedules; and
- d) Other such profile information as determined by WADA.

7.2 Investigating other possible anti-doping rule violations

1. The ETH-NADO intelligence and investigation team will investigate confidentially and effectively any other analytical or non analytical information or intelligence that indicates there is reasonable cause to suspect that an anti-doping rule violation may have been committed, in accordance with Code Articles 7.6 and 7.7, respectively.
2. When there is reasonable cause to suspect that an anti-doping rule violation may have been committed, the ETH-NADOs shall notify WADA that it is starting an investigation into the matter in accordance with Code Article 7.6 or Code Article 7.7, as applicable. Thereafter the ETH-NADO shall keep WADA updated on the status and findings of the investigation upon request.
3. The ETH-NADO shall gather and record all relevant information and documentation as soon as possible, in order to develop that information and documentation into admissible and reliable evidence in relation to the possible anti-doping rule violation, and/or to identify further lines of enquiry that may lead to the discovery of such evidence. ETH-NADO shall ensure that investigations are conducted fairly, objectively and impartially at all times. The conduct of investigations, the evaluation of information and evidence identified in the course of that investigation, and the outcome of the investigation, shall be fully documented.
4. The ETH-NADO should make use of all investigative resources reasonably available to it to conduct its investigation. This may include obtaining information and assistance from law enforcement and other relevant authorities, including other

regulators. However, the ETH-NADO should also make full use of all investigative resources at its own disposal, including the Athlete Biological Passport program, investigative powers conferred under applicable rules, and the power to suspend a period of Ineligibility imposed on an Athlete or other Person in return for the provision of Substantial Assistance in accordance with Code Article 10.6.1.

5. Athletes and Athlete Support Personnel are required under Code Article 21 to cooperate with investigations conducted by ETH-NADO intelligence and investigation team. If they fail to do so, disciplinary action should be taken against them under applicable rules. If their conduct amounts to subversion of the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), the ETH-NADO should bring proceedings against them for violation of Code Article 2.5 (Tampering or Attempted Tampering).

7.3 Frameworks of investigation

A framework for investigations shall be established including:

- a) The appropriate authorization to conduct the investigation;
- b) Terms of reference which establish a focus and set limits on the investigation;
and
- c) An investigation plan which will be for internal use only.

7.4 Storage

Investigators shall maintain a central investigation file with the complete record of the investigation, documenting stage, phone calls, interviews, decisions and conclusions made during the course of the investigation. This file will be stored securely to avoid unauthorized access, damage or alteration and to maintain confidentiality.

- a. The operational data of the intelligence and investigation team i.e. data that is used to support an ongoing investigation, including personal data will be stored within a

secure and encrypted environment within ETH-NADO testing; investigation and doping control directorate but entirely separate from any other ETH-NADO's Department or other databases. Access will be strictly limited in accordance with Article 14.6 of the World Anti-Doping Code and the International Standard on the Protection of Privacy and Personal Information (ISPPPI).

- b. All physical evidence, including but not limited to documents, photos, videos, products and/or related packaging, discarded medical equipment, etc., will be identified, assessed, and recorded. All physical evidence will remain in a dedicated safe box with restricted access.

7.5 Investigation outcome

7.5.1 Report

The intelligence and investigation team shall prepare and provide an investigation report at the conclusion of the investigation for the records of the Office and which shall be subject to relevant external scrutiny. An Investigation Report shall entail the investigations findings and all supporting material. Where appropriate, the Investigation Report shall include any relevant recommendations.

7.5.2 Possible action to be taken based on the investigation report

An investigation may lead to any one of a range of possible outcomes, including:

1. **Disciplinary Action:** An investigation may establish the occurrence of an anti-doping rule violation in which case, the same may be referred to the ETH-NADO's result management committee or criminal courts in case of criminal charges.
2. **Disqualification:** An Athletes' results in a particular competition or event are invalidated with forfeiture of any medals, points and prizes.
3. **Provisional Suspension:** An athlete or any other person is barred temporarily from participating in any competition or activity prior to a hearing.

4. **Ineligibility:** An athlete is barred for a specified period of time from participating in any competition or other activity.
5. As necessary, the case may refer to an external authorized body for further investigation.

8. HANDLING CONFIDENTIAL INFORMATION

The overall intelligence and investigation process shall remain confidential at all times until its conclusion and until a final report is provided to the ETH-NADO Director General. During the course of an investigation, the Intelligence and Investigations team may liaise with ETH-NADO Directorates, WADA, other Anti-Doping organizations and external authorized bodies to obtain advice and information.

Any disclosure of information from the ETH-NADO's Intelligence and Investigations team to another ETH-NADO's Directorate shall be on a need-to-know basis and any persons who receive such information shall maintain its strict confidentiality.

To remove doubt, ETH-NADO shall handle all information in a manner compliant with

1. Ethiopian laws,
2. Ethiopian National anti-doping rules.
3. The World Anti-Doping Code and
4. The ISPPPI.

9. COMMUNICATION

Intelligence exchanges with individuals or organizations outside of ETH-NADO (e.g. law enforcement and authorized bodies) shall satisfy the highest security standards, in addition to satisfying the ISPPPI.

ETH-NADO shall not share any investigation information without first considering the impact of the disclosure of the information. The disclosure of investigation information

will be restricted to those with a legitimate ‘need-to-know,’ balancing the need for confidentiality with the need for effective remedial action.

Any further dissemination of investigation information should only be in accordance with instructions from the Director General of ETH-NADO.

10. APPENDIX

INVESTIGATIVE PROCESS

