



World Archery Hearing Procedures

Tom Dielen



World Archery

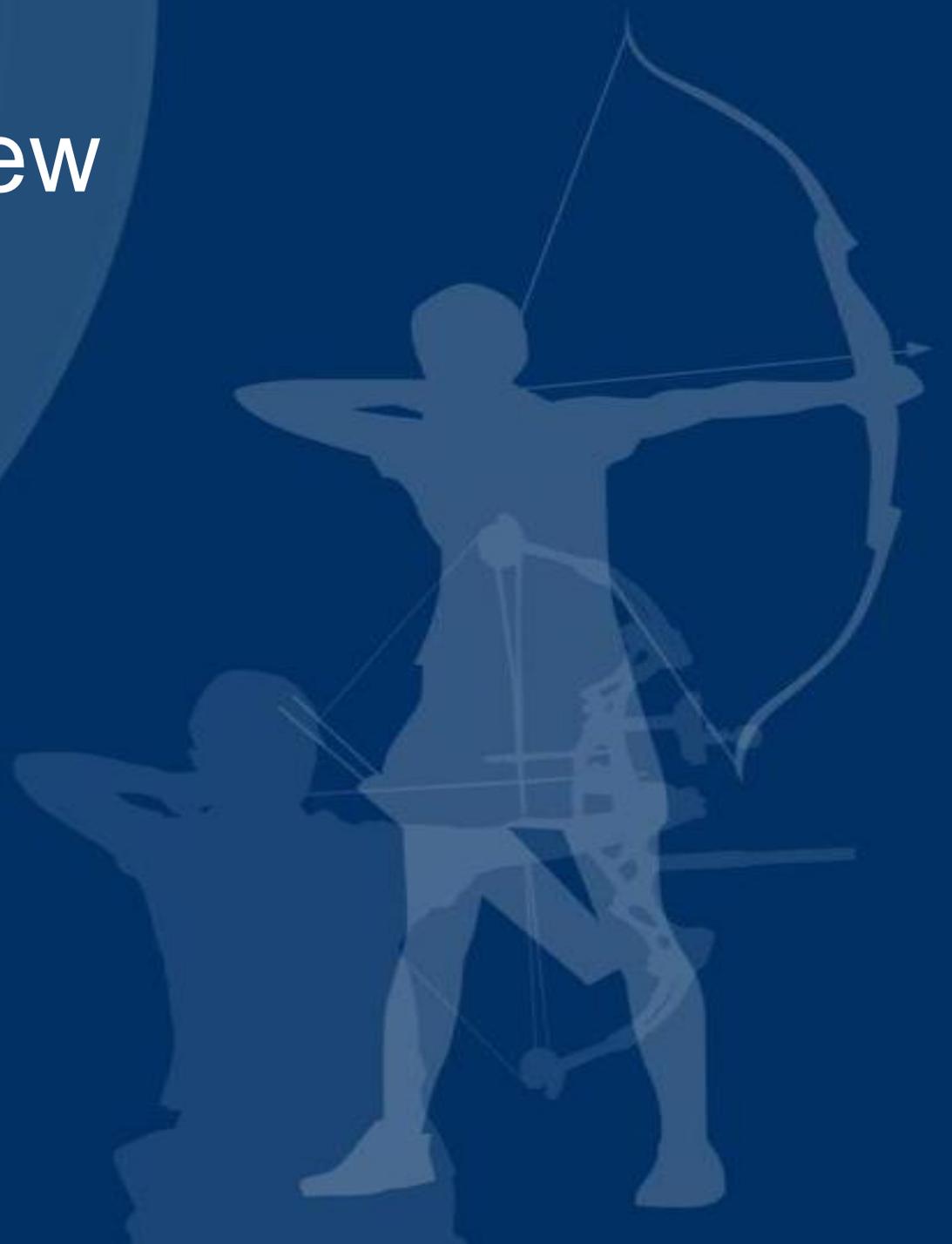
- **20 million** archers worldwide
- **164 Member Associations**
- Top countries across **5 continents**:
China, Korea, India, Japan, Malaysia, USA,
Mexico, Brazil, France, Italy, Turkey, Russia,
Ukraine, Great Britain, Australia
- International media coverage in **170 territories**
- **A global sport and a strong presence in Asia**



*Jenjira 'Mix' Kertpraso, elite archer
and former Miss Thailand*

Overview

- Testing in Archery
- Archery – a lower risk sport
- Results management
- Hearing Panel appointment
- Role of each party
- Challenges in hearings
- Questions



Archery a lower risk sport (1)

- 1997 – Tom Crowe Betablocker (issue with rules)
- 2003 – Chilian archer – diuretic - CAS
- 2005 – Boldenone – WADA to change list
- 2007 – Issue with a refusal / whereabouts / privacy
- 2008 – Issue with Epi-testosterone – LAB suspended
- 2012 – Issue Epi-testosterone – LAB suspended
- 2014 – Iranian Glycerol

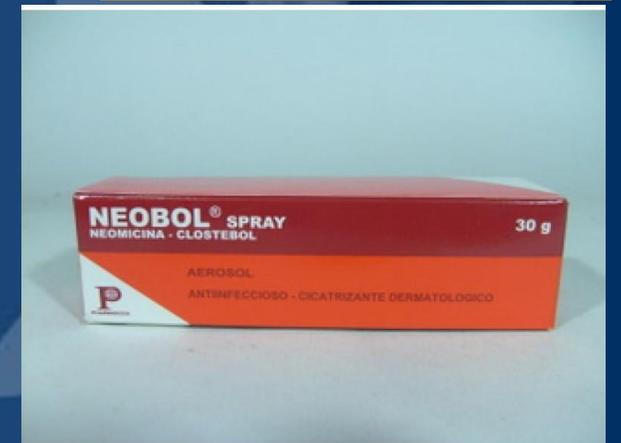
Testing in Archery

- In competition: 2015 all Tests – 621 (WA 181)
- 2016 all Tests – 553 (*) (WA: 206)
- Out of competition. 2015 all 306 (WA 42)
- 2016 all Tests 434 (*) (WA: 50)

In 2015 11 AAF, 3 ADRV (1 international), 6 TUEs, 1 ongoing, 1 invalidated by lab

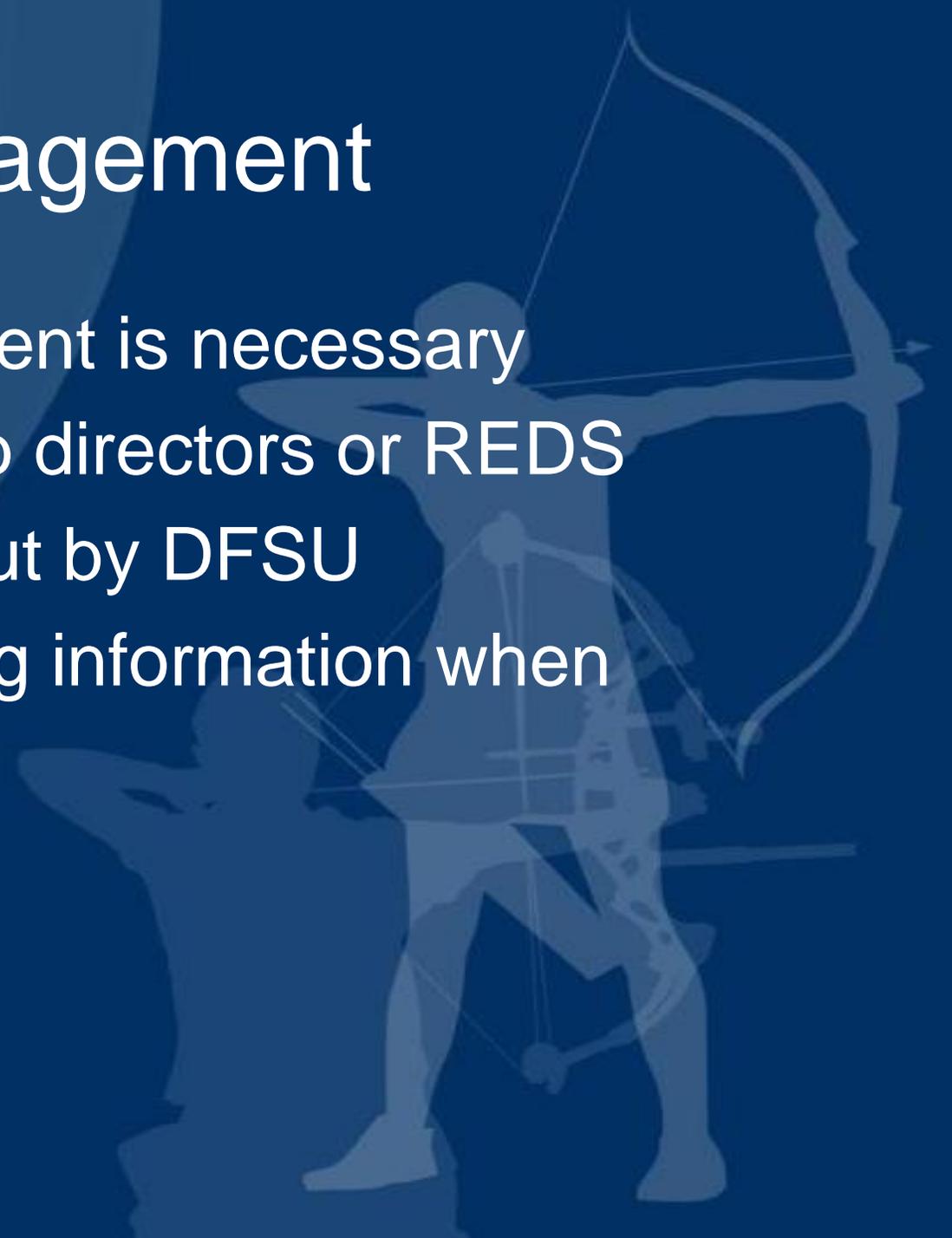
Archery a lower risk sport (2)

- 2015 – *Indonesian Weight loss case*
Sibutramine
- 2015 – clenbuterol Contamination case
- 2016 - Clostebol case
- 2016 – Oxilofrine – food supplement
- 2016 – Boldenone contamination case



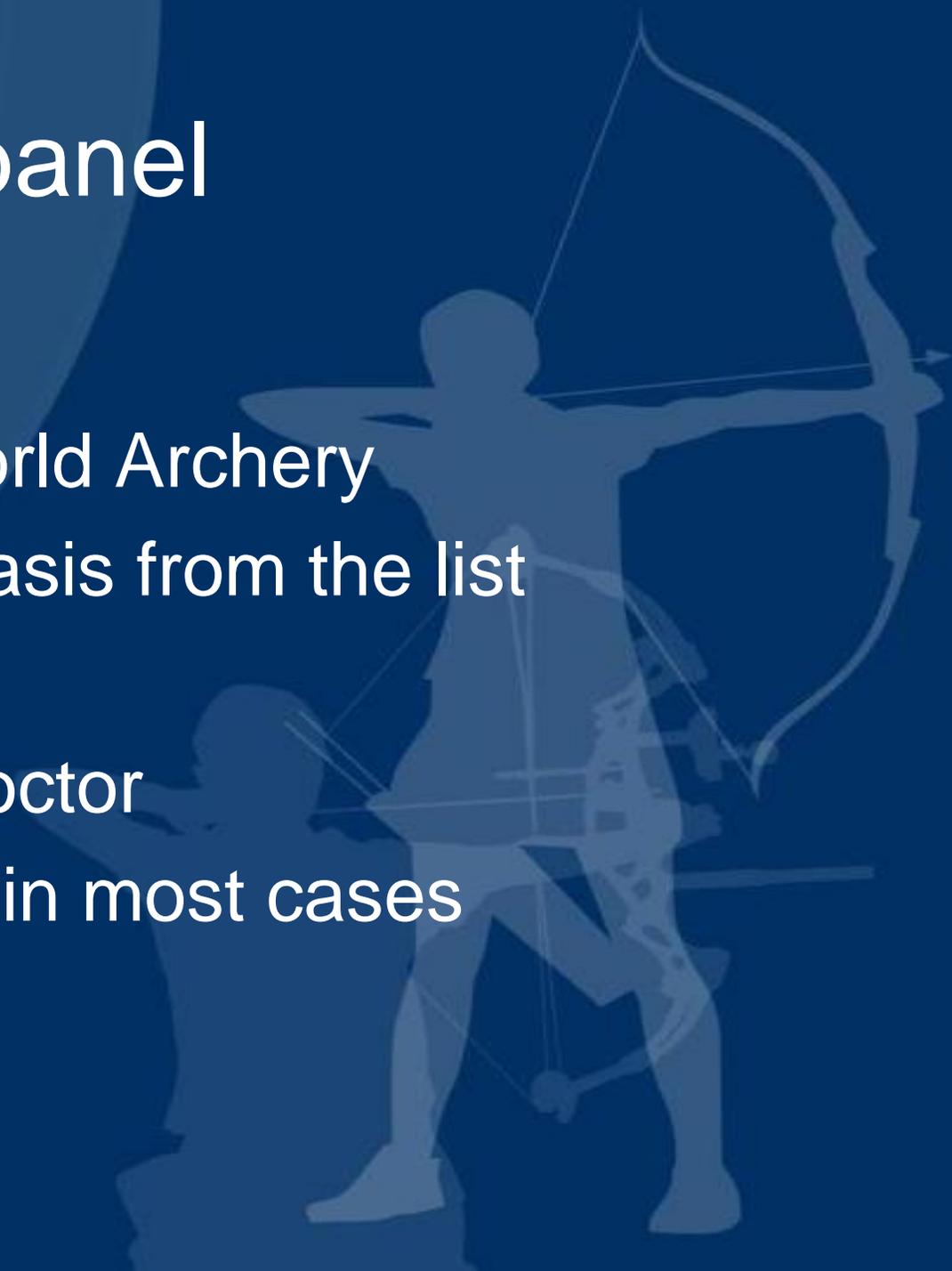
Results Management

- An excellent Results Management is necessary
- Consult experts – especially lab directors or REDS
- Results management carried out by DFSU
- World Archery assists by getting information when necessary and requested



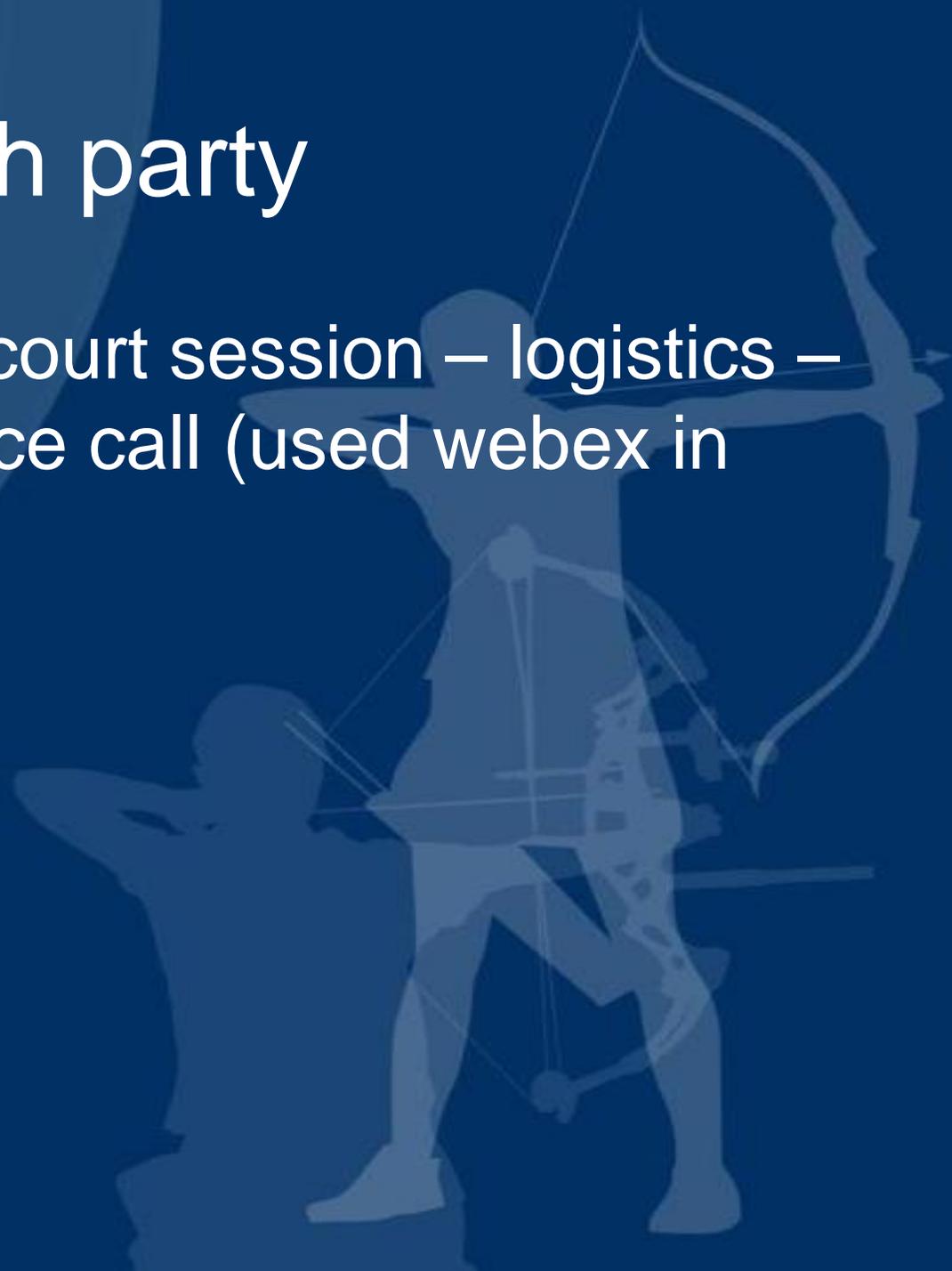
Hearing panel

- List of lawyers and doctors
- None of them have a role in World Archery
- Appointed on a case by case basis from the list
- Paid a fixed fee
- Panel – two lawyers and one doctor
- Lawyers have CAS experience in most cases



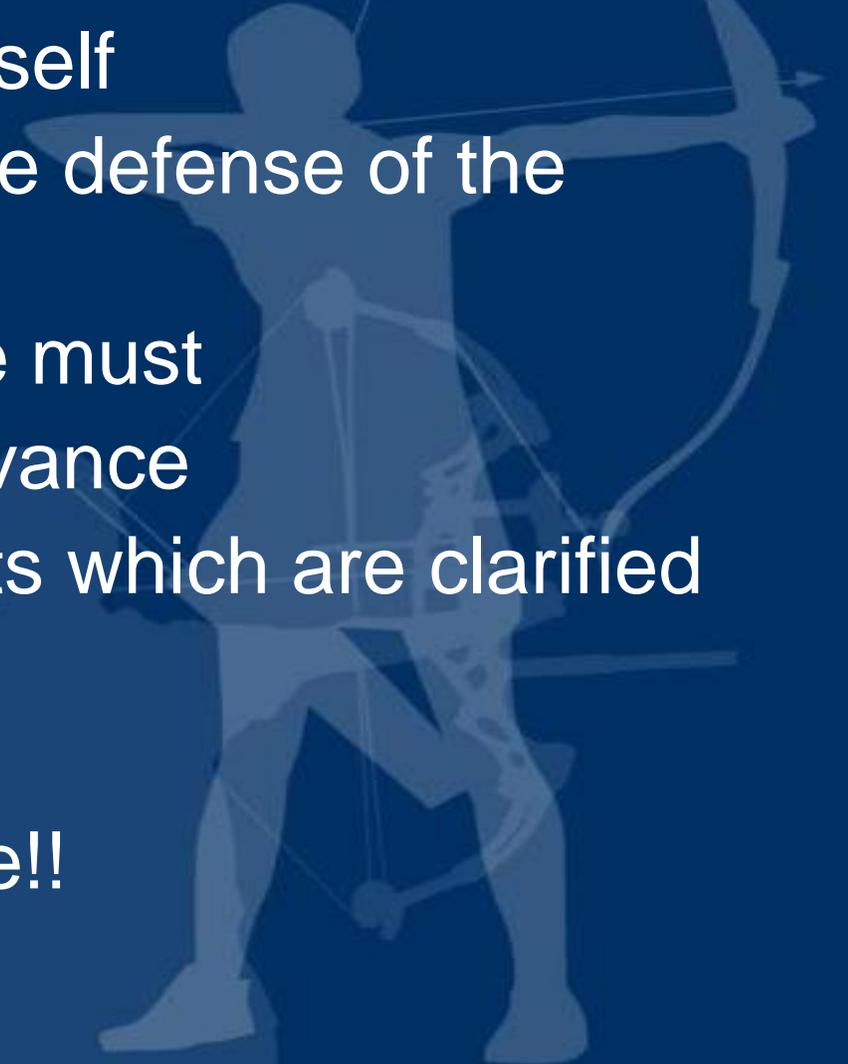
Role of each party

- World Archery: Provider of the court session – logistics – minutes – recording – conference call (used webex in 2016)
- DFSU: Prosecutor
- Lawyer of the athlete: defense
- Hearing Panel : Judge
- Experts when required



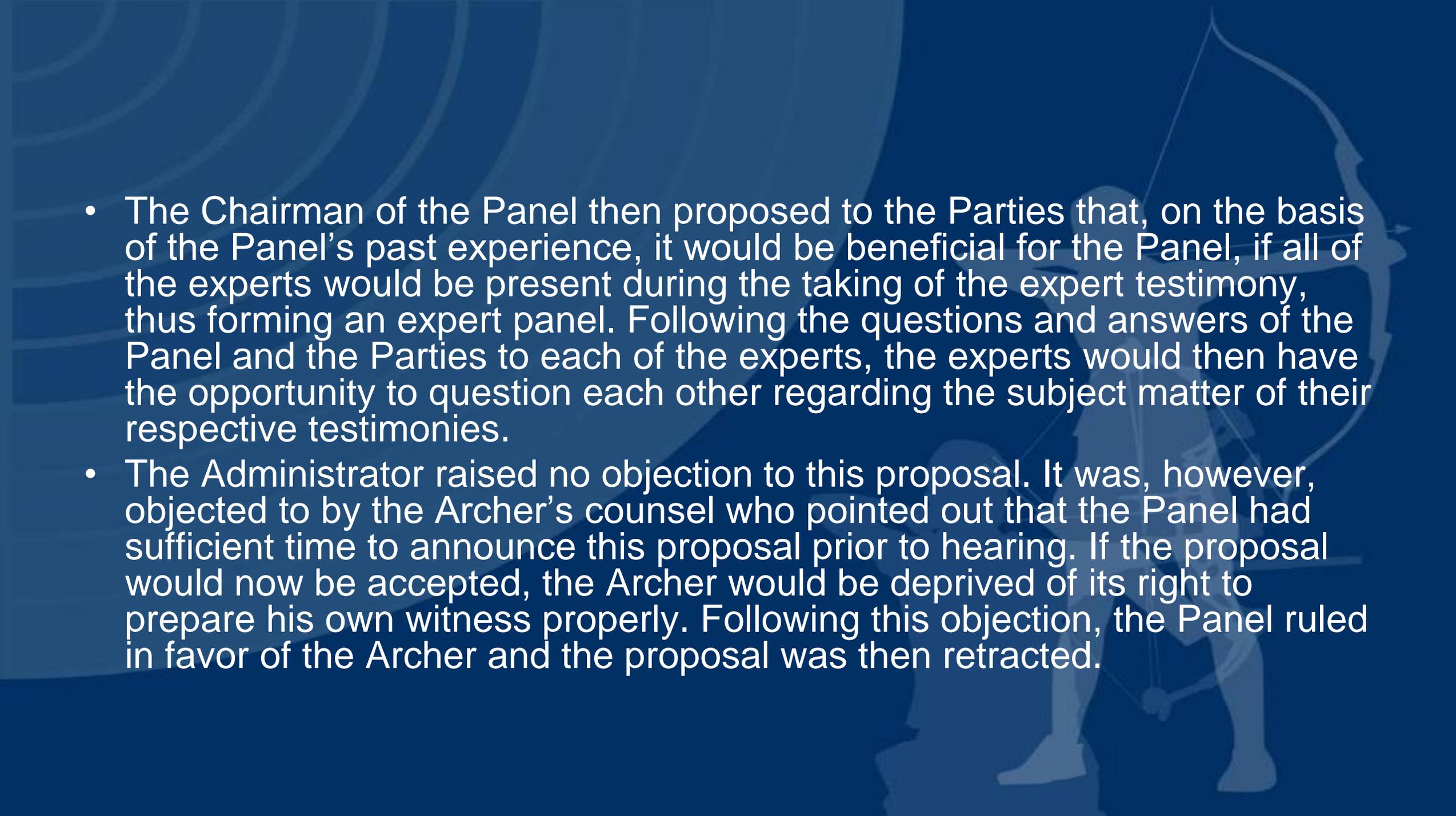
Challenges

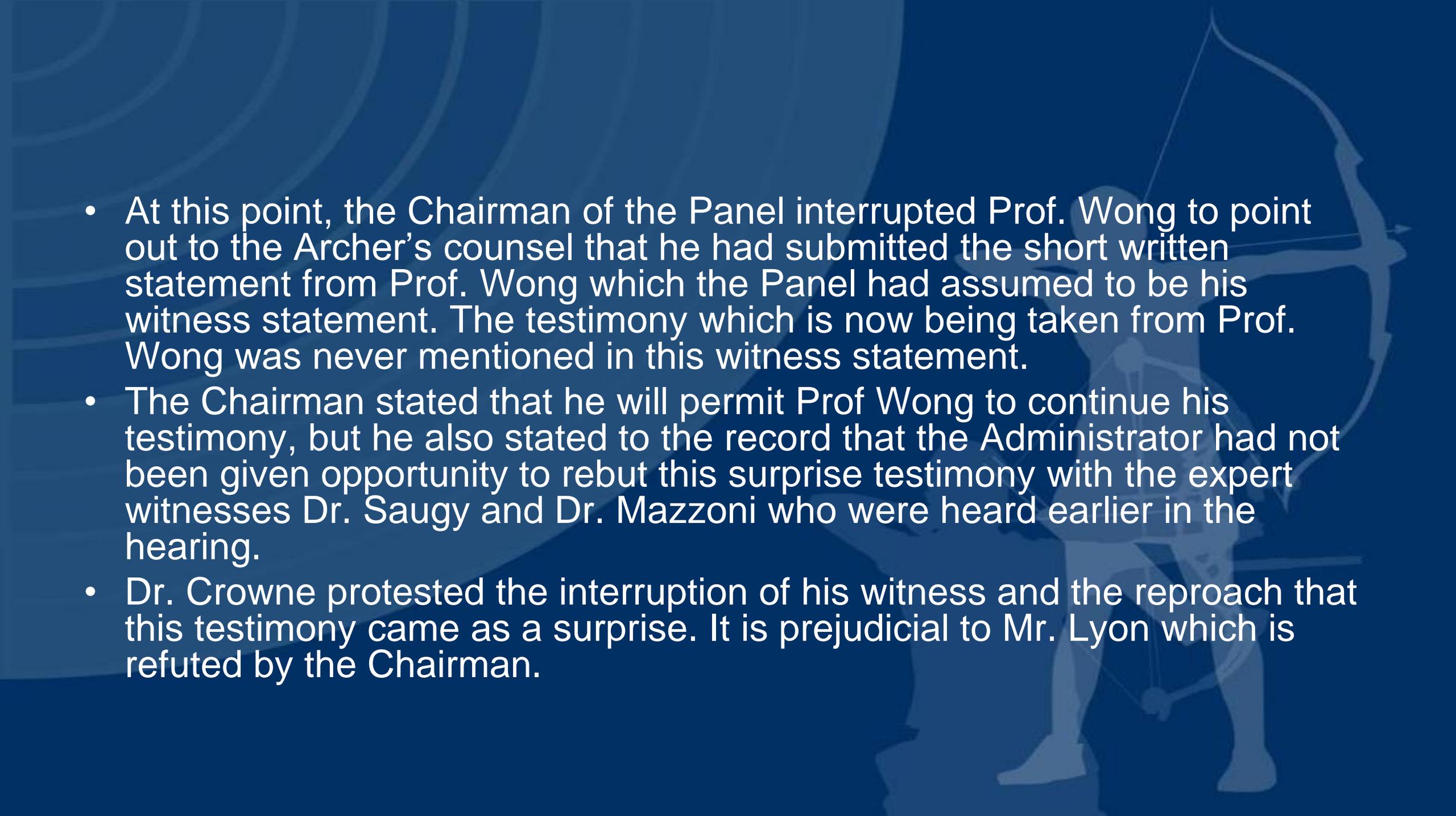
- You can't protect the athlete against himself
- As Federation or DFSU you can't play the defense of the athlete and all roles must be respected
- Clear written procedures are an absolute must
- Order of procedure communicated in advance
- Hearings are based on written statements which are clarified during the hearing – no new evidence
- Record everything
- Stay with the rules – even if you disagree!!



Some examples of issues during hearings

- Counsel for the Archer, citing the passing of the deadline for the naming of witnesses on 7 June at 12.00 CET, objected to the testimony of Dr. Mazzoni, stating that “the Federation cannot simply put a placeholder that hitherto unknown colleagues may testify.”
- At the opening of the hearing, the Panel issued its ruling that the testimony of Dr. Mazzoni would be taken over the objection of the Archer. The Panel cited the inability of the Administrator to reach Dr. Rabin in China on such short notice, the fact that the possibility of a representative in place of Dr. Rabin had been announced by the Administrator and that the expert witness would not be speaking for himself, but rather for the WADA Scientific Department. Moreover, the Archer would not be impaired in his right to cross-examine the expert witness.
- Counsel for the Archer maintained his objection to the testimony of Dr. Mazzoni as substitute for Dr. Rabin and refused to put any questions to the witness Mazzoni.

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- The Chairman of the Panel then proposed to the Parties that, on the basis of the Panel's past experience, it would be beneficial for the Panel, if all of the experts would be present during the taking of the expert testimony, thus forming an expert panel. Following the questions and answers of the Panel and the Parties to each of the experts, the experts would then have the opportunity to question each other regarding the subject matter of their respective testimonies.
 - The Administrator raised no objection to this proposal. It was, however, objected to by the Archer's counsel who pointed out that the Panel had sufficient time to announce this proposal prior to hearing. If the proposal would now be accepted, the Archer would be deprived of its right to prepare his own witness properly. Following this objection, the Panel ruled in favor of the Archer and the proposal was then retracted.

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- At this point, the Chairman of the Panel interrupted Prof. Wong to point out to the Archer's counsel that he had submitted the short written statement from Prof. Wong which the Panel had assumed to be his witness statement. The testimony which is now being taken from Prof. Wong was never mentioned in this witness statement.
 - The Chairman stated that he will permit Prof Wong to continue his testimony, but he also stated to the record that the Administrator had not been given opportunity to rebut this surprise testimony with the expert witnesses Dr. Saugy and Dr. Mazzoni who were heard earlier in the hearing.
 - Dr. Crowne protested the interruption of his witness and the reproach that this testimony came as a surprise. It is prejudicial to Mr. Lyon which is refuted by the Chairman.