

UCI STATEMENT RE USADA V LANCE ARMSTRONG

7 AUGUST 2012

Following public statement made by USADA on the position of the UCI regarding the disciplinary proceedings it opened against six persons the UCI wants to clarify.

After the Federal Department of Justice dropped its investigation into alleged doping fraud within the US Postal Cycling team, USADA continues to allege that such conspiracy took place indeed with the participants having committed the most serious doping offences over some fifteen years of time.

When Floyd Landis formulated his accusations in an e-mail sent on 30 April 2010 to USA Cycling, a UCI member federation, the UCI asked several national federations to conduct investigations. This included USADA that was acting on behalf of USA Cycling.

The UCI received no other information from USADA than that it opened disciplinary proceedings against six respondents on 12 June 2012.

Three respondents were banned for life because they didn't respond or didn't respond in time to USADA's letter of accusation. USADA refused to provide UCI with evidence that these respondents received the letter of accusation in due time. In any case it is a matter of fact that these respondents didn't receive the case file with the alleged evidence that USADA claims to exist against them.

Nevertheless USADA claims that these respondents have accepted to be banned for life. Yet it seems that these respondents were banned for life for not having reacted to a letter of USADA. Furthermore the evidence that USADA claims to exist against the respondents was not reviewed by a neutral instance.

Likewise none of the other respondents have seen the evidence that USADA claims to have collected.

Two of them are expected to file their defence by 15 August 2012, yet still don't know what is the evidence that USADA alleges to exist against them. It is amazing to see how USADA accuses the respondents of cover up whilst USADA refuses to reveal the evidence that it claims to exist.

According to the World Anti-Doping Code and UCI's Anti-Doping Rules that USADA claims to apply, the UCI is the authority having results management for this case. USADA claims that there are elements with vest results management authority in USADA, yet refuses to show what these elements are.

For the UCI it is clear that USADA claims an authority that it does not have and uses procedures that violate basic principles of due process.

The absence of any evidence that has been made available to the respondents and to the UCI, the fact that USADA has no results management jurisdiction in this case, the fact that USADA refuses to have its file assessed by an independent results management authority and the fact that USADA continues to claim in these circumstances publicly that a doping conspiracy has taken place indeed brings UCI to the conclusion that USADA has no respect for the rules and for the principles of due process. This raises great concern.

The UCI wants that the case is judged according to the rules, upon facts established on the basis of sound evidence and by a neutral instance, including in the stadium of results management. The UCI wants that justice is done. Justice cannot be done by violating rules on jurisdiction, with files that have been kept secret so far and results management proceedings that are not fair.

By having condemned the respondents in advance in public USADA has no option but to use all means to have its case pushed through. By having proclaimed itself as the representative of the millions who want to have a clean sport, USADA has made this case the one in which it cannot afford to lose its face or its very existence.

This is not a sound basis for justice to be done, not to the respondents, not to the whole of athletes in the world and not to the world of sports as a whole.

This is the reason why the UCI, although being the competent authority for this case, wants the case to be given in the hands of a third results management authority independent both from UCI and USADA.

That authority has to decide whether there is enough evidence for the case to proceed and for the respondents to have a case to answer, even if ultimately the merits of any disciplinary proceedings should be judged by an independent body as well. Indeed due process is required also for results management in order to protect athletes and other persons from being dragged into disciplinary proceedings without sufficient basis and without respect for the applicable rules.