

From: McQuaid Pat - UCI
Sent: lundi 28 janvier 2013 22:34
To: 'Howman, David'
Cc: John Fahey A.C.; John Fahey A.C.
Subject: RE: UCI

Dear President,

Thank you for your letter.

As we discussed, the UCI has now decided that a truth and reconciliation process is the best way to examine the culture of doping in cycling in the past and to clear the air so that cycling can move forward.

In addition, in light of WADA and USADA's refusal to cooperate with the Independent Commission, you will have read that the UCI has now taken the decision to disband it with immediate effect. We do this with regret, but given the stance of WADA and USADA we did not see any other option.

I am happy to hear of WADA's willingness to help the UCI in this TRC and we look forward to cooperating with WADA to do so. However, as one of your major stakeholders, we believe that this work should be carried out in partnership, not in a spirit of confrontation.

I will not answer each and every point in your letter. Our differing opinions of who said or did what and when are unlikely to be reconciled and rehashing this all again is not helpful. We should simply agree to differ on the past and move forward in a spirit of cooperation.

There is still a huge amount to discuss before we can finalise a detailed legal framework for the Truth and Reconciliation Commission, which is a process that is completely unprecedented in sport. In particular there is the issue of assessing the cost of and indeed how such a lengthy and expensive process should be funded. This is something that I will discuss with my colleagues at the management committee meeting on Friday.

However, I should stress that, while I am committed to a TRC, it absolutely needs to be a process which is in the best interests of cycling and our federation - and also a process which does not bankrupt it. To that point, your suggestion that the UCI should mortgage its headquarters in Aigle is somewhat facetious and unhelpful.

While I appreciate that I had indicated that we would get our first thoughts to you by early this week, this is simply too important for rushed discussions, or hasty decisions. I feel it is therefore completely unrealistic to expect that we can sort through all the details of setting up this Commission in just a couple of days, based on a deadline that the now disbanded Independent Commission set for this coming Thursday.

I would therefore suggest that our respective legal departments sit down and pull together a first draft of the legal framework, which we can then discuss properly to ensure its eventual success.

I look forward to working together to rid our sport - and indeed all other sports - of the scourge of doping, an ambition that we both genuinely share.

Yours sincerely

Pat

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-----Original Message-----

From: Howman, David

Sent: samedi 26 janvier 2013 23:25

To: McQuaid Pat - UCI

Cc: John Fahey A.C.

Subject: UCI

Dear President

My President has asked me to send the letter below directly to you.

Yours sincerely

David Howman

Director General

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>

>>

>> Dear President McQuaid,

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>> I refer to the telephone conversation that we had last night, my time. I record the substance first so that my response is in context.

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>> 1. You started the conversation by saying that you were hoping that we might be able to come to some agreement on a Truth and Reconciliation Commission (TRC) that might be paid for partly by UCI, partly by WADA and perhaps supported by individual NADOs who might take evidence at their own expense.

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>> 2. I told you I was expecting your call because you told me through the media, but that the starting point in any conversation between us was long before the suggestions your lawyer made yesterday in the UCI independent Commission in London.

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>> The starting point was your unilateral statement, when accepting the USADA decision, when you announced this enquiry, without consulting WADA or, to my knowledge, any ADO. I indicated that until you had spoken to David Howman in an effort to reach me two days ago, you have deliberately and resolutely avoided the one body that had the authority and capacity to ensure a proper and effective enquiry could be established and step one was not a TRC.

>> I pointed out that our conditions had been clearly conveyed through lawyers to the Commission and to UCI, but had been rejected without discussion. Those conditions were as essential now as they were when the solicitors were advised a couple of weeks ago and I proceeded to outline them as follows:

>> (a). The terms of reference for the inquiry had to be substantially altered to allow it to investigate cycling and its administration over the past 20 years. Any examination of the facts and reasoning contained in the USADA decision was irrelevant, res judicata, and a waste of everybody's time. It was finished, done and dusted and if UCI had any problem with it they should have appealed, instead of trying a back door method.

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>> The rest of the Terms of Reference were Armstrong-centric and there was irrefutable evidence of problems during the Armstrong era from corroborated evidence given by team mates to USADA. You accepted this.

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>> (b). All costs of an enquiry must be met by UCI. WADA would be paying nothing.

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>> In subsequent discussion you canvassed some financial support from the IOC and I told you that was your problem, or rather that of your sport, and in my view you had one last shot at salvaging it. I suggested you might have to consider raising money by way of mortgage on the extensive property in Aigle with some Swiss Bank if necessary. You agreed WADA should not pay.

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>> (c). Only WADA, the world body which has the absolute authority on doping matters could deliver some form of amnesty or amnesty process to underpin a TRC process. You should have approached us first, and not in the deceitful manner your counsel flagged it in London yesterday. I told you that we might be able to arrange such a process with the approval of our Board through circular resolution, before May, if all conditions could be agreed upon. I will do this as we agree that the doping culture in your sport is so embedded it is an exceptional circumstance.

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>> There have been helpful suggestions made by us and USADA as to how a TRC could work. I am not going to repeat those details here. However it must be plain that already-sanctioned athletes will remain sanctioned possibly subject to possible reductions if the information provided leads to substantial assistance.

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>> I told you I was appalled and angered by UCI's statements to the Commission enquiry and just as angry with the suggestion of the Commission that somehow WADA had to try and reach agreement with you on the TRC with UCI. I told you that the inquiry was not WADA's business, but yours.

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>> If our discussion does not result in full acceptance of some way forward with a TRC in the interests of the fight against doping in sport, then I will instruct our counsel to appear on 31 January to tell the Commission we had and have no duty, obligation or responsibility to be involved as an active participant, and point out for the record what we have tried to do, but have been rejected. You told me you fully understood my anger and frustration.

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>> (d). Once the terms of reference are acceptable, the timelines and protocols for the process need to be revised. The time frame must allow a proper enquiry to take evidence, recall witnesses if necessary and reach considered findings. The cost is yours and the scope of the process cannot be minimized for cost reasons only. There are strong principles and issues that must be fully canvassed. You agreed with this despite your concern about money.

>>

>> (e). All findings of the inquiry must be released publicly and not forwarded to UCI for your consideration first. You will recall that you had the Vrijman Report in your possession for more than 6 weeks before it was made public. You have agreed to the public release.

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>> These five matters were stated through lawyers weeks ago. There is now one other condition. Your present so-called independent Commission might not be able to continue under new terms and procedures.

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>> There are concerns as to the flaws, that have already been pointed out, in the way this Commission has been established and set (or was given) its terms. The major issue is the real question of independence, both real and perceived. This panel may have set its terms, but did not have the independence to change them when its own lawyers advised it to do so. I think it is already too compromised to remain credible and believe the process should start over from a new beginning. I appreciate that this may involve some extra expense, but the existing Commission can be requested to provide any information in its possession to the new Commission.

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>> We discussed other matters which I expect you to address shortly, including the apologies that you partially made orally but should be in writing. I mention the letter of December 14 which I personally sent you, and which should have a written reply.

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>> Now I await your response to this note, and trust it will not be through lawyers. It obviously needs to be urgent so I expect a reply overnight.

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>> Yours sincerely
John Fahey
President, WADA.