

WADA. The Anti-Doping Fight has ended in innocent athletes being convicted while the doped athletes get off. Prominent scientists deliver a harsh sentence.

Closed circles

By KLAUS WIVEL

CLAUDIA Pechstein's glorious career ended in a scandal. The then 37-year-old German skater who has won five Olympic gold medals was accused of doping during the World Championships in Norway in February 2009. Although Pechstein claimed her innocence, the International Skating Union (ISU) sentenced her to a two-year suspension. The ruling was subsequently upheld by the international supreme Court of Arbitration for Sport (CAS). An unusual athlete's career lay in ruins.

Today a number of researchers come to Pechstein's defense. They see her case as yet another sign that the sports organizations and international doping agencies - including the largest, WADA - give innocent athletes severe punishments on the basis of questionable and erroneous science. The critics argue that WADA and the anti-doping agencies are closed systems whose methods are not open to scientific and public scrutiny. They say that the risk that innocents will be convicted and guilty let free is too high. They state that we need to realize that so far we have found no safe methods to detect doping.

The criticism is not shared by the national sports organizations. Jesper Frigast Larsen, who is Olympic and Elite Sports Manager at the Danish Sports Association, believes that the creation of WADA in 1999 "was a very important step in doping fight."

He continues: "The cooperation between governments and sports federations which is the foundation of WADA is a unique construction which is of great value to the sports and the anti-doping work's credibility towards the individual athlete. A return to the past legal Armageddon in the doping area is unthinkable today. There is no going back from WADA. We will have to rely on WADA delivering work of the highest quality."

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THIS trust is misplaced, the critics say. According to the Dutch chemometrician Klaas Faber a number of cases show that things have gone very wrong and the Pechstein affair is the most blatant example of how inadequate the doping fight works these years. He says that her sentence "in statistical terms was a mistake - I have rarely seen such massive stupidity."

Pechstein who had never been tested positive and never been under suspicion was sentenced after her so-called blood values showed 'abnormal' values in relation to a highly proclaimed new doping-control method that a wide range of sports have introduced.

It is called the 'biological passport' or 'blood passport'. The method is based on the rationale that athletes must have their individual blood pass indicating limits as to how extreme parameters such as hematocrit count or immature blood cells called reticulocytes may be allowed to become. If these parameters exceed a certain limit - tailored personally for each and every athlete - it will be seen as indirect evidence of doping. WADA has made it possible to convict athletes on the basis of this form of indirect evidence.

The percentage of reticulocytes was extremely high in Pechstein's blood sample in Norway which gave the skating authorities reason to believe that she had used the performance-enhancing, illegal drug EPO.

Klaas Faber combines expertise from chemistry, statistics and mathematics, and he has been associated with several well-acclaimed institutions. He says that Pechstein's blood values in Norway were evaluated using odd ad-hoc guidelines that provide false-positive conclusions in one out of twenty tests when taking into account that the skater's blood profile by nature was highly exceptional. This means that Pechstein had a five percent risk of having a test that would burst the boundaries of her biological passport.

“But the real danger was much greater because she was tested so often,” he says.

He believes that the case is a scandal.

“In the Pechstein affair, the International Skating Union only used the evidence to her disadvantage. It has used incorrect science. Prosecutors have implicitly assumed that she was guilty. It seems as if the Skating Union wanted her to be sentenced. And the international supreme Court of Arbitration for Sport was more than willing to cooperate.”

There is no evidence that she ever used drugs and the risk of exceeding the limits of the blood passport was considerable.

“Nobody can say today that we did not know better - unless they admit their own incompetence.” Faber believes that some people “deserve to have their titles stripped off.”

The worst thing about it is that had the Skating Union used the guidelines on individual account that WADA has formulated she would not have been convicted, he continues.

“This means that WADA actually accepts a ruling by the Skating Union which opposes WADA’s own guidelines. It is unheard of.”

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WADA was created in 1999 to “harmonize the anti-doping policy worldwide” in all sports and in order to clean up the poison which threatened to destroy several sports. The World Anti-Doping Agency administers the WAD-code guidelines for doping control and banned substances.

Professor of Physiology, the Swedish-born Dr. Bengt Saltin, has been deeply involved in the fight against doping. He helped to found WADA’s national subdivision, Anti Doping Denmark ADD, and was ADD’s first chairman. Today he believes that WADA has been a disappointment. Looking at the Pechstein case he says that she “was not convicted under the basic judicial principle: beyond all doubt.”

He tells that in the beginning it was biomedical doctors who were in charge of saying how WADA should look like. “But from 2005 they went away and it became officials and lawyers that took over,” he says.

Today Bengt Saltin says the anti-doping work “is meaningless”. He deplores the fact that there apparently is no dialogue between external experts and WADA’s own laboratories and analysts.

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IN December 2006 the Pulitzer Prize-winning American journalist Michael A. Hiltzik wrote two long articles in his newspaper Los Angeles Times. After examining more than 250 cases of doping among athletes he delivered a scathing criticism of WADA.

He gave examples of a large number of athletes who had to return their medals and had career devastating suspensions for having banned substances in their blood at such low quantities that it did not have any performance enhancing effect whatsoever.

For example, he told the story of Alain Baxter who at the Winter Games in Salt Lake City in 2002 won the first British medal in alpine skiing. Two days later it emerged that his urine sample contained traces of the banned substance methamphetamine. He had to return the bronze medal.

That he had the banned substance because he had used Vicks Vapor Inhaler - a nasal spray - was irrelevant. The doping fight under WADA is conducted according to the principle of strict liability. This means that the athletes are considered guilty whether they intended to take a banned substance or not. Besides having to deliver the medal back Baxter was given a three-month suspension.

Michael Hiltzik also tells the story of the then 17-year-old Italian swimmer Giorgia Squizzato who during a competition in 2004 used some antibiotic cream that her mother had bought for her to treat an infection in her foot. The cream contained a steroid that was on the WADA list of banned substances. Although the judge of the arbitration case acknowledged that the substance could not have improved her performance, she received a one-year suspension. A rule is a rule.

Michael Hiltzik's verdict on the anti-doping system in December 2006 was: Thousands of athletes are subject to a system where "anti-doping authorities act as prosecutors, judge and jury, enforcing rules that they have written, punishing violations based on sometimes questionable scientific tests that they develop and certify themselves, while barring virtually all outside appeals or challenges."

Only in extremely rare cases have athletes been successful in making an appeal against WADA, he continued.

Hiltzik also told the story of the Olympic sprinter Torri Edwards. She had eaten a sugar pill which contained the banned substance nikethamide. The judges of the international supreme Court of Arbitration for Sport acknowledged that she had not swallowed the pill in order to "cheat" and they stated that it was "not easy" for them to have to hand her their sentence: a two-years suspension. Eventually they showed her mercy and reduced Torri Edwards' penalty to one year.

Michael Hiltzik's article concluded that athletes who accidentally took a banned substance will receive as harsh punishments as athletes who have doped themselves intentionally. However, since he wrote his article WADA has opened for the possibility of showing flexibility in "extraordinary circumstances". But that requires that the athletes can convince the judges about their innocence.

"The reason we have the law of strict liability is to protect the rights of the clean athletes," WADA Director General David Howman says.

"The clean athletes have the right to compete against athletes who have not used performance enhancing substances. We've made it quite clear that athletes have a responsibility to make sure that the substances they come in the body are not on the prohibited list. If it is on the list, they have a problem. It has worked until now. Occasionally you get odd cases like the one with the Italian swimmer and she got a reduced sentence," David Howman says.

"It's like with lawyers. If they make errors they may lose their commission. It is like that everywhere in society."

But the problem is not just legality. Michael Hiltzik wrote in his article in the Los Angeles Times that sport organizations often claim that the athlete is guilty before their ruling has been handed down and thereby help in stabbing the athletes in the back. The American journalist observed how organizations leak information to the press about their athletes. This was exactly what the Danish cyclist Michael Rasmussen experienced when the chairman of the Danish Bicycle Union Jesper Worre during the Tour de France in 2007 said that Anti-Doping Denmark had two warnings on the mountain rider.

Hiltzik recognizes today, three years later, that his article did not change a thing. This is mainly due to an unintelligent sports press.

"Every time an athlete is charged the debate plummets," says Michael Hiltzik.

"The U.S. media have disappointed me. But sports journalists are not in the habit of dealing with complex issues. Sciences, law, psychology - they are very uncomfortable with that. This is why athletes who are charged on an extremely thin basis are razed to the ground by the media."

The problem today is that there are no associations or groups of athletes who represent those who feel unfairly convicted. The individual athletes are often left to themselves.

"When you are charged, you lose everything," says Hiltzik.

“This small group of innocently convicted athletes discovers that the system they had confidence in is malicious and unfair. They also find out that it is extremely expensive to fight the system. Costs often run up to astronomical heights. So if you want a sports career, perhaps it is best just to accept the injustice. If you try to fight the system, organizations can ruin your career. Combat them and you will get a reputation for not wanting to admit your guilt and not wanting to apologize. The system will always clear its own name. It can blow a fire storm towards you.”

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CARSTEN Lundby is an internationally recognized professor based in Zurich Center for Integrated Human Physiology at the University of Zurich. In 2008 he made an investigation that led WADA laboratories to go into a panic.

The article which he published in the Journal of Applied Physiology reported on a study of the reliability of the WADA-accredited laboratories. Lundby sent urine samples to two WADA-approved laboratories from eight voluntary people in four weeks. He injected them with the doping drug EPO. Then he sent samples from the following weeks - even from the last period when EPO treatment was terminated and the substance had vanished from their urine.

The result was ominous. The first lab found only some of the EPO-containing samples positive. And the same laboratory found one of the samples from the person who no longer had EPO in his urine to be positive. The second laboratory found no positive samples among the urine tests that contained EPO.

The conclusion after the experiment was devastating: Those who doped himself were mostly acquitted. Those who did not were in danger of being unjustly convicted.

Tests performed during and after the injections also demonstrated that the performance of subjects was increased significantly in at least three weeks after the last EPO injection. That was a very disturbing result since EPO disappears very quickly from the bloodstream. Carsten Lundby actually showed that it was possible to dope oneself with EPO before a big stage race without the anti doping authority being able to detect it during the race.

Olivier Rabin, now the former scientific director at WADA, dismissed the criticism by Carsten Lundby by saying that Dane and his team were biased. He rebuked them for failing to understand the technical details of the lab's methods and for acting unethically by failing to inform the laboratories about his intentions. Therefore Lundby's study did not undermine the credibility of the doping test system, the scientific director concluded.

Carsten Lundby says that WADA's objections were not admitted to a scientifically approved journal. He also says that his study had no influence on the way WADA analyses urine samples. Somewhat disheartened he says that he “can not find a good solution on how to reveal dopers.”

He explains that the doping fight is full of money but that he can no longer receive funding from WADA which last year was around 25 million dollars in contributions from around the world.

“Most of my international colleagues are tired of WADA. We consider it to be a bunch of friends who go around and pat each other on the backs. I do not want to deal with anti-doping work anymore. And it is obviously a great shame because through our scientific work we could make available a large amount of data and knowledge which would be of great benefit to WADA. But they are not interested.”

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IN the summer of 2008 Professor Donald A. Berry, Biostatistics at the University of Texas, wrote an article in the prestigious scientific journal Nature. “The Science of Doping” was the title and it was meant to be understood ironically.

“The anti-doping fight is not science. We do not have a process in which laboratory tests are based on a scientifically validated practice,” he says.

Actually we do not even know how they do these things, Donald Berry continues. They have never published in scientific journals what they do.

This uncertainty has important implications for the fight against doping:

"I thought that when I wrote the article in Nature some concern would arise among anti-doping scientists. But it is as if they live on another planet. They do not see it," Donald Berry says.

Three high-level WADA representatives replied that the American professor's article was "irresponsible" and "revealed a basic lack of knowledge of the rules and procedures." They listed several criteria explaining how laboratories avoided false positive tests.

"WADA encourages accredited laboratories to publish in peer-reviewed scientific journals although not all details can be directly published," they wrote. Laboratories must keep their investigative methods secret to prevent athletes who wish to dope themselves in taking countermeasures.

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"WE like to listen to our critics," WADA's general director David Howman says. "We are totally open."

- *Did you also take Carsten Lundby's study seriously?*

"We did. You must remember that he is talking about something that was happening two years ago. Since then the EPO test has developed considerably with input from many people. We have done this to make sure that the tests conducted by laboratories are scientifically valid."

- *But Donald Berry claims that your work is unscientific?*

"Occasionally, I have to declare that I disagree with people - especially with scientists. Globally, it is difficult to find scientists who agree 100 percent. One of the reasons why they are scientists is that they wish to debate. This is what they get their money for."

- *Is it not a reasonable argument?*

"I think Mr Berry is astray. If he looks at what happens now, he might say something else. I will be happy to speak with him personally. But people love to shoot at WADA without having all the information required to behave professionally."

- *These are highly esteemed scientists who write for scientific journals?*

"There will always be some scientists who disagree with others. It's healthy."

- *In the scientific world there is something being more true than something else?*

"Here you are wrong. I am not a scientist, but I have had to deal with many scientists in many different positions."

- *Can athletes rely on the work that WADA-certified laboratories are doing?*

"Yes."

- *Are you actually helping in eliminating doping?*

"There has been a huge change from when we began and to this day."