

SCHWAZER VS. SPORT: A RACE WALKER'S LONG AND WINDING ROUTE TOWARDS REHABILITATION

By Andy Brown



Play the Game

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Schwazer vs. Sport: A race walker's long and winding route towards rehabilitation

In February 2021, an Italian judge at the court in Bolzano dismissed criminal doping charges against the race walker and former Olympic Champion Alex Schwazer. Instead, in a surprise move, the judge asked the public prosecutor to investigate the actions of WADA and the IAAF.

But Schwazer's ordeal is not over yet. World sport upholds the ban against him. WADA, World Athletics, and the Court of Arbitration for Sport blame him for failing a doping test for the second time in his career and say he must endure an eight-year ban expiring in 2024.

Schwazer on his side, suspects that the failed doping test is result of a conspiracy aiming at taking down not only himself, but also his athletics coach since 2015, Alessandro Donati, one of the world's most renowned anti-doping fighters. Both have made powerful enemies in Italy and far beyond.

Play the Game has asked Andy Brown from the [Sports Integrity Initiative](#) to unwind the five-year long saga. Over six chapters, he takes you through all the little details that has made Schwazer's case one of the most complex and controversial stories in modern sport.

It all starts on a New Year's Morning five years ago when somebody unexpectedly knocks on the race walker's door in a small rural community in Northern Italy....



The Olympic Gold in 50 km race walking in Beijing in 2008 was a sporting triumph for Schwazer. To be able to repeat that achievement, he has lived through one of the most complex and controversial cases in anti-doping. Photo: Jamie Squire/Getty Images.

Chapter 1: Can a leopard change its spots?

While serving a three and a half year doping ban, the Italian race walker and Alex Schwazer allied with one of the world's most renowned anti-doping experts to prove you can achieve excellence without doping. Just as Schwazer seemed to be on his way to the Rio Olympics, anti-doping authorities struck against him again. Recently, an Italian judge acquitted Schwazer and instead accused WADA and the IAAF of fraud.

By Andy Brown



An unexpected alliance: Alex Schwazer (left) chose the person who exposed him, Alessandro Donati, to be his future coach Photo: Tullio M. Puglia/Getty Images (left) and Thomas Søndergaard/Play the Game (right).

On New Year's Day five years ago, a doping control officer commissioned by World Athletics (then called the IAAF) turned up at Alex Schwazer's home in Ratschings in Italy, close to the Austrian border.

Analysis of the sample given by the Italian race walker at the Cologne Laboratory didn't reveal the presence of any prohibited substances.

However, subsequent samples provided by Schwazer led to the steroidal profile of his Athlete Biological Passport (ABP) being flagged as abnormal on 5 March 2016.

The 1 January sample was considered as an 'outlier' by the Athlete Passport Management Unit (APMU) of the IAAF, which requested its reanalysis.

That reanalysis, carried out on 19 April 2016, claimed that the sample was consistent with the administration of anabolic steroids.

A dramatic turn of events for Schwazer, who was at the time successfully trying to restore his status as one of the world's most successful race walkers, with the Olympic Gold in Beijing 2008 for the 50 km distance as a pinnacle of his career.

But Schwazer had also been a doper. After a positive doping test from 2012, he admitted to EPO use, and to purchasing Andriol and Testogel during a 2011 stay in Turkey.

The two-year ban did not extinguish his appetite for high-performance sport. As soon as it was over, he worked tirelessly to reach his former athletic level, and by early 2016 he appeared as one of the favourites for the next 50 km Olympic gold medal at the Rio Olympics that summer.

Those efforts were blocked by the anti-doping system, and Schwazer was not allowed to run in Rio.

“Appalled by reckless allegations”

In Italy, doping is a criminal offence. Athletes who take prohibited substances in order to cheat in sport could face jail time.

On 18 February 2021, over five years after the controversial 1 January 2016 sample was taken, Alex Schwazer was acquitted by the judge Walter Pelino of the Tribunale di Bolzano. However, his decision is unlikely to end the saga, and could even further complicate it.

This is because the Tribunale has concluded that while Schwazer is innocent, those who banned him, the IAAF and WADA, are guilty of ‘procedural fraud’, a criminal offence under Article 374 of Italy’s [Penal Code](#). And it has sent all its evidence to Italy’s Public Prosecutor, who will decide whether to open proceedings.

WADA noted judge Pelino’s comments with ‘grave concern’, adding that it is ‘appalled by the multiple reckless and groundless allegations’ made by the judge against the organisation and other parties to this case. It accused Pelino and the Tribunale of preferring ‘unsubstantiated theories’ over evidence. It is considering legal action.

Can a Leopard change its spots?

In order to make sense of Schwazer’s story, one must understand the history of the South Tyrolean race walker’s interactions with anti-doping authorities.

Schwazer was initially [sanctioned](#) with a three and a half year ban in April 2013, following a positive doping test conducted by the World Anti-Doping Agency (WADA) on 30 July at the London 2012 Olympics. During a televised news conference, he [confessed](#) to using erythropoietin (EPO).

His ban was later [increased](#) by six months after it was found that he had attempted to evade the 30 July 2012 doping control, but with three of the six months suspended.

These three suspended months were of great importance. They meant his sanction would expire on 29 April 2016 and allow him to race for another Olympic Gold at the Rio 2016 Olympics.

Admitting that he had made “a mistake”, he attempted to turn his sporting career around.

The phrase ‘a leopard cannot change its spots’ means that it is very difficult to change your character. But this is what Schwazer attempted to do, and he changed the people who surrounded him. He gave evidence against those involved in doping and argues today that because of this, he and his new coach have been set up in an act of revenge.

Schwazer's new coach was not an accidental choice. It was a person who had personally involved in uncovering Schwazer's illegal doping practices. It was, a name that has inspired admiration in anti-doping for more than 30 years: The Italian Alessandro (Sandro) Donati, who did much to expose Italian State doping from the 1980s, when he was a coach for middle-distance runners in the national athletics team, and who later became a key figure in the international fight against doping.

Schwazer's choice to work with Donati was an interesting one. Donati had every reason to be suspicious of the race walker's claims of reform.

It was Donati who, on 12 July 2012, emailed WADA stating that he suspected that Schwazer was working with infamous blood doping doctor Michele Ferrari and Pierluigi Fiorella, a doctor from the Italian athletics federation FIDAL. Both doctors will appear again in this story.

The tip from Donati led to Schwazer's 30 July 2012 positive test for EPO.

94. The Appellant submits that in the case at hand the ADRV could not have been committed intentionally. This is evidenced – according to the Appellant – first and foremost by the anti-doping regime to which he had submitted himself voluntarily. The Panel notes that the Appellant was part of an impressive personal anti-doping program. He engaged a coach that has been renowned worldwide for his national and international fight against doping. Prof. Donati disclosed that it was him who on 12 July 2012 sent an email to the WADA Director Europe demanding to test the Athlete and to open a disciplinary proceeding against him. It was on his initiative that a disciplinary procedure was eventually opened against the Athlete that led to the latter's ineligibility.¹ The Appellant on 15 April 2015 moved close to his coach's home for permanent residence in Rome to be under his constant supervision. The Athlete's living conditions were simple and modest. From October 2015 onwards he underwent numerous doping controls, organized privately, in addition to the official doping tests, ordered by NADO Italia, the IAAF and/or WADA. The purpose of all of this was to gain and strengthen public confidence in the Athlete being clean when resuming competition. The Appellant was assisted by a team of medical and psychological specialists supporting and monitoring him. On 3 December 2015, the Appellant even waived the one hour testing slot per day for availability for testing and declared to be available 24 hours per day for unannounced doping controls. The Appellant communicated his availability for testing to the WADA Director General. Besides, he engaged in educational activities to underline his conviction, having been a doper in the past but wishing to resume competitions as a clean athlete.

In its decision to uphold the ban against Schwazer, the Court of Arbitration for Sport recognises that it was Donati who tipped WADA about the race walker's possible doping practice.

The close collaboration of the former adversaries Schwazer and Donati took off in April 2015 and was meant to prove that you can achieve sporting excellence and another Olympic Gold by replacing sports drugs with refined training methods.

Instead, their partnership has become a remarkable saga that involves allegations of corruption not just in race walking, but also in the corridors of power in sport and anti-doping.

Both had a lot to lose

First, Donati and Schwazer needed to convince a skeptical public that the Beijing 2008 Olympic Champion had come clean. Both had a lot to lose - Donati his reputation, and Schwazer his career.

They worked with Professor Benedetto Ronci of the San Giovanni Addolorata hospital in Rome to develop a system of surprise blood tests. From March 2015 until June 2016, Schwazer underwent over 20 checks.

In addition, Schwazer was monitored every two weeks at the COSMED Laboratories in Rome in order to develop respiratory and cardiac parameters, as well as to measure lean mass.

On 3 December 2015 a [signed declaration](#) was sent by Schwazer to David Howman, then Director General of WADA, indicating his availability for testing 24 hours a day, every day.

Suspicious mails in athletics

As already mentioned, Italy is one of the few countries that has criminalised doping and as such, prosecutors took a keen interest in the activities of Dr. Michele Ferrari and his alleged connections to FIDAL.

During a 2013 investigation by prosecutors in Bolzano, the capital of South Tyrol, Italy's military police (Carabinieri) [discovered](#) emails which they claim indicated that FIDAL and the IAAF knew that Schwazer was doping from April 2012 – *before* the positive test at the London Olympics.

Dr. Giuseppe Fischetto, at that time Medical Director of FIDAL, had exchanged emails with Thomas Capdevielle, at that time the IAAF's Medical and Anti-Doping Manager, from 4 April 2012, which prosecutors claimed indicated that both knew Schwazer was doping.

Schwazer had qualified for the London Olympics 2012 just over a week earlier, by winning the “Dudinska Patdesiatka” race on 24 March in Slovakia. Yet despite Fischetto and Capdevielle allegedly believing that Schwazer was doping and knowing his location ahead of the London 2012 Olympics, neither FIDAL nor the IAAF tested him.

That duty fell to WADA, which acted on Donati's information. Was this action perceived as an offence by Fischetto and Capdevielle?

An act of revenge?

Donati says that WADA instructed him as a consultant in the following Bolzano investigation against the doctors Fiorella and Fischetto.

Schwazer, too, gave evidence against both FIDAL doctors on the morning of 15 December 2015. That same afternoon something happened that would only come to light almost three years later, at a Bolzano Court hearing on 14 September 2018.

On that 15 December afternoon 2015, a few hours after Schwazer's testimony against two athletics doctors, the IAAF commissioned German company Global Quality Sports (GQS) to test Schwazer on 1 January 2016 - the disputed test which led to his ban.

Was this a mere coincidence, or an act of revenge?

Andy Brown is a journalist and editor of the [Sports Integrity Initiative](#)

Chapter 2: This Kraut needs to drop dead

What did the Italian police in reality find when they retrieved a database from the computer of the Italian athletics medical director Fischetto? A useful tool in anti-doping, for sure. But also a tool for other purposes - like "secret global activities"? Whatever the purpose, it served to aggravate relations between Italian and international sports officials and the duo Schwazer and Donati.

By Andy Brown

As part of the Bolzano investigation against the two doctors from the Italian athletics federation FIDAL, police raids had been carried out at Fischetto's home and office in 2013. The police retrieved a database containing details of over 12,000 blood tests covering thousands of international athletes from 2001 to 2012.

At the time, Fischetto was the Medical Director of Italian athletics, and from 2008-2012 he was also assisting the international federation IAAF (today World Athletics).

"I discovered that database on Fischetto's computer, in collaboration with Bolzano magistrates", says Donati who explains that part of his role in the case was to act as a consultant for WADA.

"I sent it to Olivier Niggli [then a lawyer who acted for WADA, but later to become its Director General] and reported it to Dick Pound". Pound is the Founding President of WADA.

After sending the database to WADA, Donati received a [warning letter](#) from WADA that does not mention the database, but puts an end to years of cooperation in fighting doping together.

In that letter, WADA expresses 'considerable surprise' that Donati has been describing himself as a WADA Consultant.

'The circumstance is all the more disconcerting when this happens in Court, in the context of proceedings involving Members of the Olympic Committee and other institutions', it reads.

'It is therefore with regret, but with due firmness, that I am forced to formally request you to not use the status of "consultant" to WADA and/or any of its bodies in any location in the future'.

The receipt of this letter after Donati sent the database to WADA could be a coincidence. However, it is interesting that the letter was sent by WADA, and yet seeks to distance WADA from criminal investigations involving Members of the Olympic movement.

Not secret, but confidential

The author of the database, Giuseppe Fischetto argues that the database wasn't secret as such.

"The database is a confidential and informal working database, with medically confidential information that is, of course, used within international anti-doping management activity, collecting blood control results for athlete tests - the most useful tool to monitor athletes - and to conduct 'intelligent' and 'targeted' tests", he says to Play the Game.

"You can clearly understand the confidentiality of the data, if it were to be improperly disclosed. As you know, when the blood passport was being created in that time (2011-2012), the first cases were reported in athletics. As well as the blood passport module within the Athlete Biological Passport (ABP), the urinary steroidal module of the ABP started working in 2015/16, with the first cases."

This is relevant because Schwazer's 1 January 2016 sample was flagged as abnormal under the steroidal module of the ABP, after analysis of later samples flagged it as an 'outlier'. It was therefore one of the first cases based on using the steroidal module of the ABP.

The IAAF confirmed that Fischetto was working as a special advisor on the blood passport, and his role was to advise on cases. Was sport too eager to prove its new sanctioning system worked?

Suspicious blood values

A copy of the same database formed the basis of an August 2015 [documentary](#) by Hajo Seppelt for ARD and a series of articles in The Sunday Times, as it allegedly contained suspicious blood values.



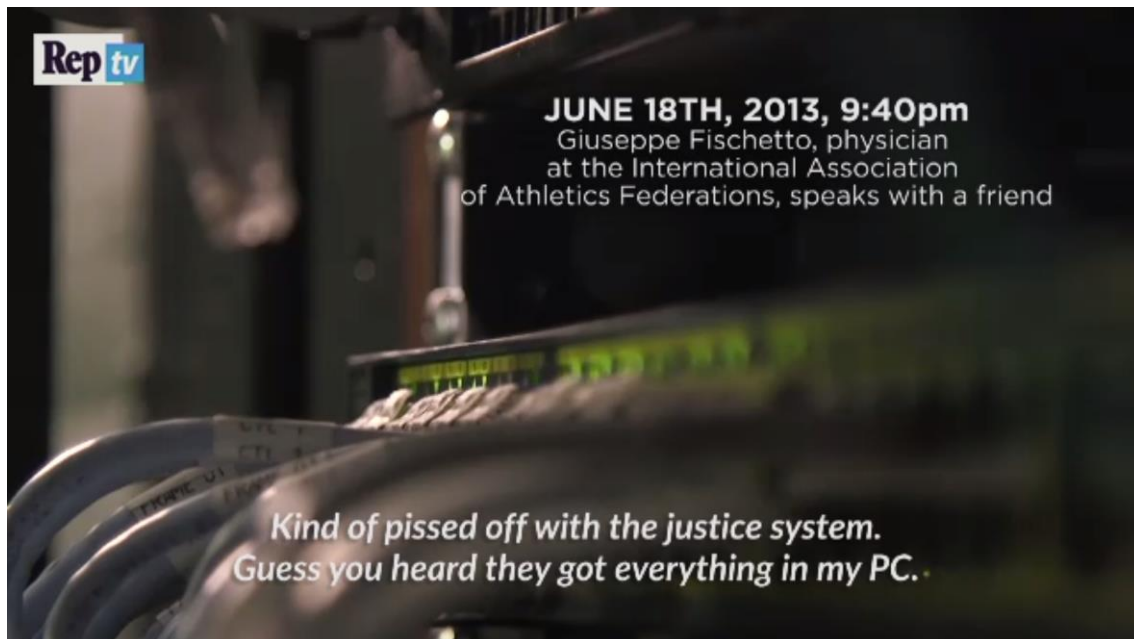
Donati (far left) and the German investigative journalist Hajo Seppelt (far right) both knew about the secret database when they discussed doping at Play the Game 2015 in Aarhus, shortly after Seppelt's revealing documentary. Photo: Thomas Søndergaard/Play the Game.

Doctors who analysed the database for Seppelt and The Sunday Times [insisted](#) that the blood values were suspicious, despite the IAAF's efforts to [play down](#) the idea.

When confronted with the documentary and articles, the IAAF claimed that the blood database had been illegally obtained. In March 2014, it had sent Seppelt a [letter](#) warning him not to use it. ´

“I hope there is no leak“

A 2016 [investigation](#) by the Italian daily La Repubblica revealed that Fischetto was far from happy when the blood database appeared in public.



Why does dr. Fischetto worry about “secret global activities” in relation to his test database covering thousands of athletes? Is it a link to the proven extortion at the IAAF? Photo: Screenshot from La Repubblica's tv documentary.

“I'm worried about the stored data and the secret global activities, you know”, he says in recorded telephone conversations.

“This Kraut needs to drop dead anyway. They can just go fuck Kostner up the ass.”

It is unclear who “this Kraut” refers to. It might be a derogatory reference to Schwazer, due to his roots in the German-speaking part of Italy.

“Kostner” refers to Schwazer's girlfriend at the time, the figure skater Carolina Kostner. Fischetto's ugly language regarding her is not some kind of sexual threat. It is understood to be in reference to [proceedings](#) brought against her for attempting to cover for Schwazer.

“There's also a ton of confidential international stuff”, Fischetto continues, later on in the documentary.

"I hope that there is no information leak, because it would be an international scandal. Just think if the Russians' data gets out, or the Turks, or others. Because I'm on the IAAF Committee."

Fischetto argues that his quotes have been mistranslated.

"The correct word is 'confidential' and not 'secret'", he argues.

Semantics, perhaps.

However, the IAAF has banned officials for extorting money from athletes in return for covering up doping. A database containing suspicious blood values would be a very useful tool in facilitating this.

Could this be the "secret global activities" Fischetto was referring to?

Fischetto acquitted

In July 2020, the Bolzano Court of Appeal [acquitted](#) Fischetto and Fiorella, overturning a January 2018 verdict sentencing both to two years imprisonment for assisting Schwazer in blood doping.

There is no evidence that Fischetto has ever been investigated by World Athletics, however like most sporting bodies, World Athletics doesn't comment on investigations unless there is a case to answer.

It is understood that Fischetto dropped his IAAF activities when he was being investigated in 2017. The 'Medical and Anti-Doping Commission' was [split](#) into two at around this time, and the members of the World Athletics Health and Science Department are no longer listed on the World Athletics internet site.

His LinkedIn [profile](#) lists him as a member of the IAAF Medical and Anti-Doping Commission, but perhaps he has forgotten to update it.

Reasons to suspect conspiracy

In summary, Donati and Schwazer were instrumental in uncovering a database of suspicious blood values. WADA confirmed that Fischetto had compiled the database, as written in [Part 2 of the Independent Commission Report](#) put together by Pound.

Although it does appear that the database was put together for legitimate reasons - i.e. in connection with the Steroidal Module of the ABP - Fischetto's reaction in the La Repubblica documentary appears extreme.

Scientists maintain that the blood values in the database are extraordinarily high. Could there have been more to this database than research?

Schwazer's January 2016 test was commissioned by the IAAF on the afternoon after Schwazer gave evidence against Fischetto to Bolzano prosecutors, which resulted in him being sentenced to two years in prison.

The above isn't proof of anything. But it does illustrate why Schwazer and Donati have concluded that Fischetto and/or the IAAF had a motive for revenge against them.

And Fischetto isn't the only official they allege has such a motive.

Andy Brown is a journalist and editor of the [Sports Integrity Initiative](#)

Chapter 3: La Marcia: A stench of fixing

Although race walking is a proud Italian tradition, documentation shows it is often linked to fixed competitions and doping environments. The work of Schwazer and Donati to develop another way of competing may have provoked members of an old guard in the sport to react against them.

By Andy Brown

In Italian, race walking is referred to as La Marcia, or 'the march'. Perhaps due to the might of the Roman army, Italy has a proud tradition in 'marching', ranking fourth in the Olympic medal table in the sport. The Chairman of the [World Athletics Race Walking Committee](#), Maurizio Damilano, is an Italian.

In 2010, Schwazer [broke](#) Maurizio Damilano's Italian 20km record at the Gran Premio Città di Lugano. Maurizio's brother, Sandro Damilano, coached Schwazer to Olympic Gold in 2008 and in 2012, accepted a role coaching China's race walkers.

La Repubblica's documentary (see Chapter 2) also features two recorded conversations that Sandro Donati had with Nicola Maggio, an international race walking judge for 28 years (he retired in 2018), friend of Sandro Damilano, and administrator for the Marcia dal Mondo (March of the World) internet site.

"Good morning", begins a 7 May 2016 recorded conversation. "I assume I'm bothering you at this time of day. Last night we were at dinner with all the good old boys. So please, please, stay calm. The only thing I ask you is to tell him again. Up until right before the race. To let [Australian race walker] Tallent win if you can. You got me?"

This conversation is significant because it allegedly took place on the morning of the IAAF Race Walking Team Championships event in Rome, which took place from 7-8 May.

Schwazer won the open 50 km race in his first appearance in competition after his 3 and a half year doping ban expired. But he was later disqualified due to reanalysis of his 1 January 2016 sample, handing first place to Jared Tallent.



Schwazer won his first appearance after his 3.5-year ban expired and seemed to be on his way to the Rio Games. Did the race walking community work to block his way? Photo: Tullio M. Puglia/Getty Images.

Don't trouble the Chinese

In a separate conversation on 23 May 2016, Maggio tells Donati: "Tell him to technically do a good race, so don't go look for trouble with the Chinese, who can do an hour and seventeen so there's no point".

Donati understood this as an instruction for Schwazer not to compete with two Chinese race walkers trained by Sandro Damilano in the 20km race walk at the XXX Gran Premio Cantones de la Coruña on 28 May. Schwazer finished a close second to Zhen Wang, who is coached by Sandro Damilano.

Zhen went on to win Gold in the 20km race walk at the Rio 2016 Olympics. A race that Schwazer was kept out of after the re-analysis of his 1 January 2016 sample.

Following a post-Olympic hearing on 14 November 2016, FIDAL [sanctioned](#) Maggio with an 18 month ban on 22 December (later reduced to ten months), finding that the above conversations constituted attempts to alter competition results.

The ban came towards the end of Maggio's career as a race walking judge. Despite serious [allegations](#) about Maggio being filed with the IAAF in 2011 by Bob Bowman, another member of the IAAF Race Walking Committee, he was allowed to continue on the IAAF international panel of race walking judges until 2018, when he retired.

The 2011 allegations not only involved violations of race walking judging rules, but claim

that Maggio was given the answers to race walking judging exams.

Maggio's close links to the Head of the World Athletics Race Walking Committee, Maurizio Damilano, are well proven. Damilano is in charge of appointing the international panel in which Maggio had a seat.

Also, in 2015, Damilano wrote an [article](#) for the Marcia dal Mondo internet site administered by Maggio thanking him for 25 years of service.

Maggio declined to comment for this article because of the ongoing status of Schwazer's case.



Maurizio Damilano, international race walking champion of the 1980's and later a power broker in the world of athletics. Photo: Bob Martin, Getty Images.

Client of controversial Conconi

In his athlete days, Maurizio Damilano was also a client of Dr. Francesco Conconi, a [Professor](#) at the Centro Studi Biomdici Applicati allo Sport at the University of Ferrara in Italy, whose assistant was the equally infamous Dr. Michele Ferrari.

In 2003, Dr. Conconi was found guilty of treating athletes with EPO and a court ruling lists Damilano as one of Conconi's clients. Damilano is also listed as one of Dr. Conconi's clients on [Wikipedia](#).

The Italian Olympic Committee (CONI) speaks clearly in [sentence no. 533-2003 of the Tribunal of Ferita](#):

“The judge held that in the present case it had been established that ‘the defendants have for some years and with absolute continuity flanked the athletes listed in the charge in their intake of erythropoietin, supporting them and encouraging them with health checks and examinations, analysis, tests aimed at evaluating and optimising sports results, thus interacting with the treatment and providing all the logistical supports designed to prolong the intake of erythropoietin over time’”.

Sandro Donati, Schwazer's present coach, was [instrumental](#) in bringing Dr. Conconi's activities to light in the 1990s.

In 2014, race walker Elisa Riguardo [gave evidence](#) to the Carabinieri that Sandro Damilano, who coached both her and Schwazer, had cooperated with Dr. Conconi.

There is also evidence in Facebook postings that Damilano and Maggio nurtured close relations with the Russian coach Viktor Chegin who was in 2016 banned for life from athletics after over 20 athletes coached by him were disqualified for doping.

Still, on 17 November 2020, CONI [awarded](#) Sandro Damilano the Golden Palm (Palme d'oro) for technical merit. Maurizio Damilano was a member of the FIDAL Council whilst Dr. Conconi was operating. As mentioned in Chapter 2, Dr. Fischetto was also a Doctor at FIDAL during this period.

Motive for revenge

In summary, the anti-doping violation that resulted from reanalysis of Schwazer's 1 January 2016 test disqualified his win over Jared Tallent in the May 2016 Italian Race Walking Team Championships, which Maggio had told Donati to let Tallent win.

Maggio was appointed by Maurizio Damilano, who was implicated in doping thanks to Donati's evidence. Evidence from Schwazer and Riguardo also helped implicate his brother, Sandro Damilano, whose Chinese race walkers Maggio told Donati not to compete with.

One of the Chinese walkers went on to win the 20km race walk at the Rio 2016 Olympics, in which Schwazer could not compete due to the anti-doping rule violation resulting from reanalysis of the 1 January 2016 sample.

Again, the above isn't proof of anything. But it does illustrate how Schwazer and Donati have concluded that the Damilano brothers and Maggio had a motive for revenge against them.

Andy Brown is a journalist and editor of the [Sports Integrity Initiative](#)

Chapter 4: A transportation with gaps and flaws

By naming Schwazer's small hometown on the doping sample, his anonymity was compromised from the start. Several other flaws in the handling of his doping tests should have made the results null and void. Even Schwazer's accusers admit manipulation would have been possible.

By Andy Brown



As the only elite sports man from the local area, Schwazer's doping sample was easy to connect to him when labelled "Racines". Photo: Screenshot from La Repubblica TV documentary.

It is now time to go back to the 1 January 2016 test, where things begin to get even more complicated!

As already explained, on the afternoon of 15 December the IAAF commissioned the German company Global Quality Sports (GQS) to conduct the 1 January 2016 test, a few hours after Schwazer had given evidence against Dr. Fischetto, a member of IAAF's own Medical and Anti-Doping Commission.

As mentioned, the 1 January test was originally reported as negative, however was later identified as an 'outlier' by the IAAF's Athlete Passport Management Unit due to subsequent tests.

Schwazer still hoped to compete at the Rio 2016 Olympics, but an appeal against his provisional suspension was [rejected](#) on 19 July. The full reasoning behind the 'expedited arbitration procedure' was published by the international Court of Arbitration for Sport (CAS) on 30 January 2017.

This reveals that as a result of analysis of other samples provided by Schwazer, his urinary steroid profile was flagged as 'abnormal' on 5 March 2016.

Due to this, on 28 March 2016, the IAAF's Athlete Passport Management Unit requested re-analysis of the 1 January 2016 sample using Gas chromatography combustion isotope ratio mass spectrometry (GC/C/IRMS).

This was performed at the Cologne Laboratory from 14 April to 19 April 2016 according to the Laboratory Report and the CAS Decision.

Summary of findings with guidance through the chain of custody	
Reception of A/B bottle 3959325	02.01.2016
Registration of A/B bottle 3959325	04.01. 2016
Storage of A bottle 3959325 (frozen)	05.01. 2016
GC/C/IRMS screening procedure A 3959325 Result: suspicious for exogenous origin of target compounds	14.04. 2016
GC/C/IRMS confirmation procedure* A 3959325 Result: exogenous origin of target compounds	26.04. 2016
Extended Analytical report of A 3959325	13.05. 2016
GC/C/IRMS Data transfer into ADAMS	13.05. 2016

The Cologne laboratory report on its dealing with Schwazer's sample taken on New Year's Day 2016.

The Laboratory judged that the 1 January 2016 sample was consistent with the administration of exogenous (external) anabolic steroids. It informed the IAAF on 13 May, but the IAAF didn't inform Schwazer until 21 June.

The Tribunale di Bolzano is highly critical of this long delay. In February 2021, it argues that the delay 'forced the defence to go to Rio de Janeiro to plead their own unsuccessful appeal'.

The analysis of Schwazer's B sample on 5 July confirmed the results of his A sample analysis (all doping samples are split into two containers and one is retained, in case of disputes).

Schwazer was informed on 8 July, and following an unsuccessful local appeal, a request to the CAS for provisional measures allowing him to compete was rejected on 19 July.

On 20 July, agreement was reached for 'expedited procedures' at the CAS due to the proximity of the Rio Olympics. The CAS hearing took place on 8 August and a Decision was published on 10 August: Schwazer was not allowed to race in Rio.

Highly tested

Due to his doping history, Schwazer was highly tested after resuming his career. Emails sent to Italian journalists on 17 May 2017 and later published by Russian hackers Fancy Bears reveal that on 31 January 2017, Roberto Giolitto and Sergio Spagnolo of Italian law firm Studio BST emailed Ross Wenzel, who acted for the IAAF in Schwazer's case at CAS, explaining details about Schwazer's tests.

The email mentions the 'data related to Schwazer's biological passport from 19.10.2015 to 27.6.2016'. It argues that Schwazer's data prior to 2016 could not have been included in the steroidal module of the Athlete Biological Passport (ABP), as Italy's anti-doping agency (NADO Italia) had yet to adopt it.

As such, the first reference point for the steroidal module of Schwazer's ABP came from the 1 January 2016 test. Giolitto and Spagnolo explain that because previous assessments under the steroidal module hadn't been made, the 1 January test wasn't immediately flagged as suspicious.

However, when compared to the results of subsequent tests collected from January to March 2016, the 1 January sample was identified as suspicious. This explains why Schwazer's B sample was not analysed until six months after his A sample.

'The results collected before the 10th of December 2015 and after the 24th of January are not abnormal', the duo write. 'The single result, "suggestive of doping", lies between the 10th of December 2015 and the 15th of January 2016'.

This suggests that samples were collected from Schwazer on 10 December 2015, 1 January 2016, 15 January 2016, and 24 January 2016. Donati outlines that samples were also taken on 2 February 2016 and on 13 March 2016, which also reported normal results.

'The total steroidal profile and the low level of epitestosterone are consistent with an oral intake of a low dose of testosterone for at least one week', continues Giolitto and Spagnolo's email.

'Considering the chemical characteristics of the urine, an exogenous [external] manipulation is highly improbable. Nonetheless, in this scenario it is impossible to distinguish between a deliberate or unaware doping intake.'

Manipulation not impossible

Also, as all tests after 1 January were reported as normal, it is possible to hypothesise that Schwazer wasn't doping deliberately.

To benefit from micro doping, one needs to repeatedly ingest small amounts of prohibited substances over time, which allows your doped blood profile to be considered as your normal in the ABP.

If Schwazer had intentionally taken testosterone before the 1 January test, then it is plausible that he would have thought he was in the clear after that test wasn't flagged as suspicious. Subsequent tests would have then shown similar levels of testosterone to the 1 January test. As explained, they didn't.

The Tribunale di Bolzano is critical of the IAAF's argument that Schwazer may have been 'frightened' by the 1 January test into stopping micro doping.

This is dismissed as 'conjecture' because Schwazer was tested several times a month, albeit not under the ABP, which had yet to be launched. In addition, it is pointed out that Schwazer didn't learn about the positive until almost six months later.

In any case, the whole point of surprise out of competition testing is to catch athletes coming off a doping cycle or micro doping. This is why any amount of a prohibited substance constitutes a positive test that must be explained.

It is therefore irrelevant whether the amount of the prohibited substance in the sample is capable of enhancing performance or not. A positive test is a positive test.

Giolitto and Spagnolo also outline that external manipulation of Schwazer's urine is improbable, but not impossible.

This comment is important because subsequent events indicate that manipulation may have taken place.

Anonymity compromised

That Schwazer's Chain of Custody Form - a paper that documents how the doping sample is transported - was marked 'Racines, ITA' has caused much controversy.

Racines is the Italian name for Ratschings - the area has a population of less than 5,000 and celebrates its famous racewalker with a monument to his Beijing 2008 success. There is only one elite athlete from the area. The sample was collected out of competition and by marking it 'Racines, ITA', it was easy to identify as coming from Schwazer.

'This indication of the area where the athlete lives (Racines) is equivalent to writing Alex Schwazer directly on the test tube', writes Pelino in the Tribunale di Bolzano Decision. 'If you type "Racines athlete" into Google, the photo of Alex Schwazer appears'.

The Tribunale takes this as a direct contravention of Schwazer's anonymity. That may be the case, but it doesn't automatically suggest foul play.

WADA's 2015 [Chain of Custody Form Guidelines](#) require the DCO to record the location of the 'testing mission' on the Form.

WADA's 2014 [Guidelines for Urine Sample Collection](#) mandate that the sample collection authority (the IAAF) defines criteria 'ensuring that each sample collected is stored in a manner that protects its identity' and that 'documentation identifying the athlete is not included with the samples or documentation sent to the Laboratory analysing the samples'.

It also outlines that 'if a sample's integrity or identity may have been compromised during transport, the Sample Collection Authority and Testing Authority shall check the Chain of Custody, and the Testing Authority shall consider if the samples should be voided'.

Article 4.26 of the IAAF's 2015 Anti-Doping Regulations ([click here](#) to download) mandates that the DCO should ensure that all samples are stored in a manner that protects their identity, and Article 4.37 mandates that 'documentation identifying the Athlete should not be included with the samples or documentation sent to the Laboratory that will be analysing the samples'.

Major fault in anti-doping rules

The above illustrates a major fault with anti-doping rules. Everybody was acting as directed by the rules, yet there is no logical reason why *the location* where an out of competition sample is collected should be marked on the Chain of Custody form.

Marking 'Rome' on a Chain of Custody form runs no risk of identifying an athlete, yet it would have been clear to anybody who saw 'Racines' on the Chain of Custody form that the sample came from Schwazer.

Both WADA and IAAF Guidelines say that in cases where the identity of the athlete is compromised, the sample should be voided. There are no guidelines on what might constitute sufficient identification of an athlete.

It would appear that Schwazer's identity was compromised, yet the sample wasn't voided.

Gaps in the chain of custody

One might ask why Schwazer's samples were analysed in Cologne rather than Rome, however both are over 700km from Ratschings.

At first glance, the Chain of Custody involved in transferring Schwazer's 1 January 2016 samples to the Cologne Laboratory for analysis appears sound. The CAS award outlines that the Cologne Laboratory received the samples at 10am on 2 January.

On closer inspection, it does appear that there are gaps in the Chain of Custody.

The Tribunale di Bolzano held that Schwazer's defence team established that the Cologne

Laboratory receipt of sample form was 'ideologically false', as it indicated that Dennis Jenkel, a doping control officer from GQS, had delivered Schwazer's sample by hand on 2 January 2016.

The Documentation Package relating to Schwazer's sample suggests that the Tribunale's assessment isn't accurate. Jenkel is not mentioned on the receipt from the laboratory. The Chain of Custody form outlines that the sample was delivered by hand to the Cologne Laboratory by Wolfram Jablonski. Secondly, the Laboratory receipt acknowledges that Jablonski delivered the sample.

4. TRANSFER TO LABORATORY

TIME DEPARTURE FROM FINAL STORAGE LOCATION: 06:00 DATE: 02 01 2016

DDO DECLARATION
I DECLARE THAT ALL THE ABOVE SAMPLES ARE PRESENT AND I HAVE PACKAGED THEM FOR TRANSPORTATION TO THE LABORATORY OF COLOGNE

NAME: JENKEL, DENNIS SIGNATURE: Dennis Jenkel NAME OF THE LABORATORY: COLOGNE

TRANSFER BY COURIER

COMPANY NAME: Wolfram Jablonski, by Hand AIRWAYBILL N°: _____

COURIER SIGNATURE: Jablonski, WOLFRAM COURIER NAME: _____ COMMENT: _____

TRANSFER BY OTHER MEANS
 BY HAND OTHER (PLEASE IDENTIFY): _____ NAME: JABLONSKI, WOLFRAM SIGNATURE: _____

INSTITUT FÜR BIOCHEMIE, AM SPORTPARK MÜNGERSDORF 6, D50933 KÖLN
WADA Akkreditiertes Labor für Dopinganalytik - Akkreditierung nach ISO/IEC 17025:2005

**Empfangsbestätigung Sicherheitsloge
(Acknowledgement of receipt safety department)**

Verband: IAAF
(Federation)

Anzahl der Pakete: 1 x Blut, 1 x Urin
(Number of boxes)

Kurier (Courier): Hr. Jablonski
Name (Druckschrift/Block Letters)

Unterschrift (Signature Courier)

Empfänger (Recipient): Hr. Kretschmer
Name (Druckschrift/Block Letters)

Unterschrift (Signature Recipient)

2.1.2016
Datum
(Date)

10.20 Uhr
Uhrzeit
(Time)

The person delivering the sample to Cologne, Jablonski, did not fill in the pink form himself, as he should have according to the guidelines. This is one of various formal errors in the Chain of Custody.

There are, however, other questions to raise.

According to the Chain of Custody form, Jenkel collected a blood and urine sample from Schwazer in 'Racines, ITA' at 08:31 on 1 January 2016.

The samples were stored in his car from 08:35 until 15:00 that day, when they were transferred to the 'DCO Office' where they remained until 06:00 on 2 January.

The 2016 CAS Decision and Jenkel's testimony reveals that he left the samples locked in his car in an electronic cooler box plugged into a power socket whilst he had breakfast at his hotel in Kolsass (near Innsbruck) after the sample collection session. It also reveals that he locked the samples in the car whilst using the bathroom at the Fernpass petrol station.

Jenkel then locked the samples in the GQS offices in Stuttgart at 15:00. It had been arranged that Wolfram Jablonski, the father of the Managing Director of GQS, would pick the samples up and drive them to the Cologne Laboratory using the same car (the keys were left in the office).

Sample left at offices overnight

The CAS did not see it as problematic that the samples had been left unattended in a locked office overnight at GQS, as only GQS employees (understood to be approximately six people) had keys to the office. The Tribunale di Bolzano disagreed with CAS.

'Up until the next morning therefore, the sample in question, clearly identifiable from the indication of its origin, remained for many hours in the offices of GQS in Stuttgart', it outlines. 'According to Jenkel's own statement, all employees of the company had keys to open the GQS office'.

In his testimony, Jenkel mentions that he left the office at 15:15 rather than the 15:00 mentioned on the Chain of Custody Form, however the exact to the hour times given on the form suggest approximation.

Jenkel also states that he phoned Jablonski to let him know that the samples had been left in the GQS offices. The CAS didn't examine whether Jenkel was present at 6am the next morning when the samples were collected by Jablonski.

This is significant because the handwriting on the 'Transfer to Laboratory' section of the Chain of Custody Form indicates that it was filled out by the same person as filled out the first three sections of the Form, detailing its journey from Ratschings to Stuttgart.

A characteristic slanting capital 'N' can be seen throughout the Form apart from in Jablonski's signature, where he indicates in biro that the sample was delivered 'by Hand', with what appears to be a different inverted capital 'H' to the lowercase 'n' in 'Jablonski' and the slanting capital 'N' used in the rest of the Form.

Guidelines not followed

Thus it appears that the person who filled out the first three sections of the Form also filled out the fourth section relating to its delivery to Cologne, as can also be seen from use of the slanting capital 'N' detailing its delivery to 'COLOGNE' by 'JABLONSKI, WOLFRAM'.

This doesn't necessarily mean that corruption has taken place, as Jenkel may have filled out all of the sections of the form for Jablonski in order to make his role easier.

However, it does suggest a departure from the Chain of Custody Guidelines. They suggest that 'the person to whom the SCP [sample collection personnel - Jenkel] is handing over the samples must print their name and sign the Chain of Custody Form'.

Jablonski signed the form, but didn't print his name as this had been done for him. 'If handed to a courier company, the name of the courier company, the waybill number, the location of the drop-off, the name of the individual courier and the courier's signature should be recorded', read the Guidelines.

This wasn't done, but Jablonski wasn't an employee of a courier company - he worked for GQS. Why did Jablonski personally take the sample to Cologne rather than a courier company?

Chain of Custody – receipt by Laboratory

The Cologne Laboratory stamped Schwazer's Chain of Custody Form after the samples were delivered on 2 January. It didn't record on the Form who had received the samples, the date and time of receipt, or whether the delivered samples corresponded to the ones listed earlier in the Form, as required.

As previously explained, although his urine sample was taken on 1 January, Schwazer wasn't [provisionally suspended](#) until 23 June 2016, after analysis of other samples he had provided indicated that the 1 January sample was an 'outlier'.

As such, the Documentation Package relating to his sample wasn't put together until 7 June 2016. It accounts for the Laboratory's Chain of Custody Form failures by reproducing a 'Acknowledgement of Receipt' form.

This details that one blood and one urine sample were received by a Mr. Kretschmer at 10:20am on 2 January. The CAS Decision confirms that he was a porter at the Cologne Laboratory.

Dr. Hans Geyer is Deputy Director of the Cologne Laboratory, which is headed by Professor Mario Thevis. Geyer told the CAS Panel that Kretschmer is part of the custody system at the Cologne Laboratory, since he is a staff member of the German Sports University in Cologne that runs the Laboratory.

The CAS Panel held that 'none of the above-quoted provisions requires that the information pertaining to the handover of the samples to the laboratory must be given on one specific form or piece of paper'.

Also, despite the five-month gap between Schwazer's sample being collected and the production of the Documentation Package in June, the CAS Panel 'accepts that it is standing

practice at the Cologne Laboratory to use a particular Confirmation of Receipt Form which is then included into the official Documentation Package for a particular sample'.

Judge sides with Schwazer

So in conclusion, it appears that although there were departures from the IAAF and WADA's mandated Chain of Custody procedures, there is no direct evidence that anybody interfered with Schwazer's samples during their journey to Cologne.

However, given the background of Schwazer and Donati, it is not difficult to see how both conclude that these departures provided the opportunity for interference with his samples. There is also a question as to whether Schwazer's 1 January samples should be disregarded due to such departures.

In this matter, the Bolzano judge clearly takes the side of Schwazer and Donati.

Andy Brown is a journalist and editor of the [Sports Integrity Initiative](#)

Chapter 5: “A complex of logical tricks and false data”

The judge of Bolzano blasts evidence produced by WADA – following a “diplomatic incident” when Italian police finally could travel to the Cologne laboratory to collect urine for its own analysis of Schwazer’s samples. Why did the laboratory hesitate? Why was information on the volume of urine misleading? How could a sample hold “physiologically impossible” amounts of DNA? Uneasy questions pile up.

By Andy Brown



The highly regarded Manfred Dönike Institute at the German Sport University Cologne found itself under pressure in Schwazer’s case and became a center of controversy. Archive photo: DSHS Köln.

One of the benefits of urine analysis is that it provides a large volume of material in case later reanalysis is required. As explained, WADA’s regulations require a single sample to be split into A and B bottles.

The A bottle is analysed and if an adverse analytical finding (AAF) is reported, an athlete can request analysis of the B sample. Analysis of Schwazer’s B sample in July 2016 confirmed the results of the A sample analysis.

As already explained, Schwazer’s A urine sample was analysed in two stages in January 2016 (negative) after sample collection and April/May 2016 (Adverse Analytical Finding).

However, the launch of criminal proceedings against Schwazer in Bolzano in 2016 involved Schwazer and Donati’s claims that the sample had been manipulated. This required further

reanalysis to be performed.

In 2017, Bolzano prosecutors requested that WADA and the IAAF instruct the Cologne Laboratory to transfer Schwazer's A and B urine samples to the Carabinieri Laboratory in Parma.

This laboratory, used by the Italian Police (Carabinieri), is not accredited by WADA. Both the IAAF and WADA opposed the transfer, arguing that transporting them to an unaccredited Laboratory would interrupt the Chain of Custody. The samples were never sent.

Emails between the IAAF and WADA about the Bolzano investigation, published by Fancy Bears, indicate that the IAAF and WADA held concerns about Schwazer's previous employment by the Carabinieri, the Italian police force.

This is the equivalent of either Donati or Schwazer raising concerns that the head of the Cologne laboratory, professor Mario Thevis, as a member of WADA's [Expert Advisory Group](#) for the Prohibited List would compromise the Cologne Laboratory's ability to analyse Schwazer's sample fairly.

However, as will be seen, Schwazer and Donati have reason to suspect foul play at the Laboratory.

In a 2017 hearing (Procedures 5130/2016 & 5809/2016), Bolzano Prosecutors were told by the IAAF, Cologne Laboratory and WADA that Schwazer's A urine sample contained 22ml of urine, and his B sample 6ml of urine.

As evidence suggested that more than 10ml of urine was needed for DNA analysis, it was argued that only sample A contained a sufficient quantity of urine, since some needed to be retained by the Laboratory for future analysis.

The Cologne Laboratory claimed that the A sample was not equipped with a suitable seal for transport to Parma for analysis. It was therefore suggested that analysis should be carried out at the Cologne Laboratory.

Bolzano prosecutors rejected this suggestion, as well as pleas from the IAAF and WADA, and ordered that the samples should be transferred to Parma for analysis at a 17 January 2018 hearing, arguing that they had the instruments necessary to perform DNA analysis with 6ml of urine.

Colonel Giampietro Lago travelled to Cologne to supervise the sample transfer, which took place on 7 and 8 February 2018.

Court documents reveal that the following persons were in attendance at the Cologne Laboratory on 7 February:

- Dr. Hans Geyer, Deputy Director of the Cologne Laboratory
- Andreas Weitkamp, Cologne Police
- Thorsten Helmers, Cologne Police
- Andrea Schuldt, lawyer appointed by the Cologne Laboratory as an 'independent witness'
- Ulrich Leimenstoll, lawyer for the IAAF
- Sven Guddat, Cologne Laboratory
- Gerhard Brandstaetter, lawyer for Schwazer
- Giorgio Portera, biologist for Schwazer's defence.

Photography prohibited

What occurred on that day was entirely unexpected, and the events are summarized in Italian court documents as a 'diplomatic incident'.

The documents state that Dr. Geyer refused to allow procedures to be photographed 'without giving any reasons'.

It had been agreed that the samples would be transferred in cold storage via a courier company specified by the Cologne Laboratory.

The transfer of the A sample for transportation went almost to plan. 'At this point the above persons, at the invitation of Dr. Geyer, moved to a small unidentified Laboratory located next to the office used as a meeting room', read the Italian court documents.

'In the Laboratory were other staff wearing shirts with the Institute's logo [...] The presence on the counter of a sectional glass container was noted with the approximate capacity of 250ml with a sealed cap bearing identification numbers. The glass container was marked, on an existing label, with the letter A and appeared without notes or documentation [...] The operator, in the presence of the defendants, proceeded to remove with the necessary irreversible methodology given the product type, the seal of the aforementioned Bottle A.'

At this point, it is worth reiterating that both the IAAF and WADA had opposed the transfer of the A sample based on the premise that the seal had already been broken. Colonel Lago's evidence appears to directly contradict that argument.

Opening and resealing the A sample

The Court documentation continues:

'At this point the operator proceeded, after vigorous manual stirring, to transfer to a generic 50ml Falcon type plastic test tube from the aforementioned container a quantity of urine that observing the meniscus of the liquid alongside the metric mark on the tube would approximately quantify 10ml [...] The writer [Lago] observed that following the aforementioned transfer operation, it appeared that there remained in the original glass

container a quantity [...] which could be evaluated as, in principle, corresponding to or slightly more than the 10ml decanted. The transfer had therefore concerned a quantity that perhaps was slightly lower, but could reasonably be indicated was in the order of 50% of the original content.'



Handling of doping samples must be monitored and each step carefully described. But the Bolzoni court received misleading information in order to prevent the extradition of samples for DNA testing. Photo: Oli Scarff/Getty Images.

'At this point, the resealing was carried out with a new special capped container also labelled A', continues the court documentation.

'A separate document certifying this operation and bearing the identifying test tube and seal was then drawn up. The operator then proceeded to pour all the aliquoted quantity (10ml) in the Falcon type test tube into a new glass container of the same type as the original. The container with the "new" content, obviously approximately 10ml, was then hermetically sealed with a different anti-tampering cap of the same type as those already observed.

'This transaction was drawn up using a further (third) separate document "certifying" this operation and bearing the identification details of the test tube and/or seals. The "new" sealed container, the aliquot of the original Sample A, was placed in a special translucent rigid plastic container. The package was then sealed by the judicial police officer.'

Twice as much liquid as claimed in sample B

With regards to the B sample, a similar procedure unfolded, but events did not go to plan.

A similar 250ml container was produced, with the contents frozen.

While accepting that its frozen nature made it difficult to assess the quantity of urine, Colonel Lago outlined that 'the amount of frozen liquid appeared in an order of magnitude not unlike, albeit lower, than what was observed for container A'.

However, crucially, 'the amount of liquid contained in Sample B, at that moment frozen, was actually greater than the 12ml specified in formal communications'.

In other words, it was more than double the 6ml initially outlined by the Cologne Laboratory and the IAAF, which had argued that there was insufficient volume in the B sample for DNA analysis. The Cologne Laboratory later clarified that there was 12ml of urine involved with the B sample, but they needed to retain 6ml of it.

This clarification was only offered after German law enforcement had ordered the laboratory to hand over the B sample, due to Bolzano prosecutors explaining the situation. In addition, as the Fancy Bears emails reveal, the 6ml was retained after the IAAF instructed the Laboratory to put part of the sample into long term storage.

'Together with the named container B was exhibited, and already set up on the counter alongside the named sample, a second 50ml Falcon type plastic tube [...] containing the approximate 6ml of urine', reads the court documentation. 'In this case, unlike the glass bottle B, the content appeared, at first glance, thawed'.

It is understood that Dr. Geyer argued that his second container was residual urine leftover from the second analysis performed on Schwazer's sample on 19 April 2016.

Colonel Lago highlighted that the existence of this residual urine had never been documented. Brandstaetter expressed his disappointment at what was happening.

Heated discussions

After a phone call, Bolzano prosecutors told Colonel Lago to refuse this residual urine. However, Dr. Geyer ordered operators to transfer the residual urine into the container to be transported to Parma.

Following heated discussions, Dr. Geyer changed his mind and the original B sample was allowed to thaw. Colonel Lago observed that the amount remaining in the container was roughly two times as much as the 6ml transferred for shipment to Parma. In other words, the B sample actually totalled 18ml, not the 6ml initially claimed, and not the 12ml later clarified by the Cologne Laboratory.

Judge accuses IAAF lawyer of crime

Judge Pelino from Bolzano is very critical about the Laboratory's production of a third tube of urine. It contained 6ml, exactly the amount of urine that the Cologne Laboratory, the

IAAF and WADA had claimed constituted Schwazer's B sample. He therefore labelled the initial 'false' claim that the B sample contained 6ml of urine as 'seriously mendacious'.

'The expert was able to ascertain the existence of a third test tube not sealed and already thawed and, therefore, outside the chain of custody', reads the 18 February 2021 Tribunale di Bolzano ruling. 'This one that Dr. Geyer tried to deliver to him, coincidentally, contained 6ml, the declared quantity for sample B'.

As such, the Cologne Laboratory may have questions to answer as to why it strongly opposed the transfer of the frozen B sample and attempted to provide residual urine. Did it know that an issue may arise upon analysis?

Pelino outlines his view that the Laboratory bowed to pressure applied by the IAAF and WADA. 'This type of pressure, exerted on a body that institutionally should be neutral and is the finest Laboratory in the world for anti-doping investigations, undoubtedly constitutes grossly unlawful behaviour by the IAAF lawyer, Ross Wenzel, and must be taken into consideration as constituting a potential crime'.



Did Alex Schwazer really have "physiologically impossible" DNA quantities in his blood? Photo: Tullio M. Puglia/Getty Images.

Analysis in Parma

Schwazer's urine was eventually analysed in Parma in March 2018, in order to determine whether the DNA in both samples was his. Court documents reveal that although the DNA was his, there was 'a significant divergence (over 3/1) in the concentration of DNA found in aliquot B compared to aliquot A'.

Really, three times as much DNA?

It was found that there was no physiological explanation for this, especially as Schwazer presented scientific literature which indicated that DNA in samples usually would undergo a deterioration over time. This review was corroborated by a Study performed on 100 subjects by Professor Fabio Corradi of the University of Florence.

The increased amount of DNA would then suggest that the B sample had been tampered with. Pelino points out that this is why lawyers seized on the DNA quantity as especially significant.

At a 12 September 2019 hearing, WADA produced [documentation](#) indicating that a urine sample taken from Schwazer on 27 June 2016 also contained a high concentration of DNA.

It appears that the sample was analysed at the Lausanne Laboratory at the request of WADA in early October 2017 and reported a DNA concentration of 14,000pg/uL (picograms per microlitre). WADA concluded that 'The DNA concentrations for the 1 January 2016 sample are therefore many times lower than those reported for the 27 June 2016 sample'.

Critical of WADA's evidence

Bolzano prosecutors were critical of WADA's evidence for a number of reasons. As can be seen from the WADA documentation, nothing was supplied other than a few sentences outlining the results of the analysis. The CAS Decision outlines that the 27 June 2016 sample was taken by Italy's anti-doping agency (NADO Italia). This was shortly after Schwazer was provisionally suspended on 23 June.

Firstly, Bolzano prosecutors outlined the absence of any information and technical data relating to the analysis performed on Schwazer's sample, other than a 'narrative model'.

Secondly, they pointed out that the IAAF claimed to be completely unaware of this analysis, concluding that it was performed by WADA in isolation.

Given this and thirdly, prosecutors found it surprising that WADA was engaged in analysing the DNA content of Schwazer's urine in early October 2017, given that delivery of Schwazer's urine to Parma didn't take place until 7/8 February 2018 and up until then, only the parties involved in the case were aware that DNA analysis was to be performed.

WADA accused of omitting evidence

Judge Pelino is very critical of the IAAF and WADA for waiting until a 12 September 2019 hearing to produce this evidence, which it had held since October 2017. He points out that despite WADA's objections over transport of Schwazer's samples from Germany to Italy, WADA exported his sample to its Lausanne Laboratory to perform this analysis without providing chain of custody forms.

In addition, after questions were raised about reference scales, a 30 October 2020 addendum reveals that the 2017 analysis was performed using 4ml of urine. This is despite the IAAF and WADA arguing in 2018 that more than 6ml of urine was needed for DNA analysis.

Pelino alleges that WADA 'deliberately' waited until after probative investigations had been completed to produce this evidence when requested. 'The document was then sent as an attachment to the annex on 30.10.2020 in the the hope that no one would check', he argues.

In addition, Pelino accuses WADA of deliberately omitting parts of its own evidence. On 18 May 2018, a note was apparently sent by Dr. Vincent Castella of the Lausanne Laboratory to Julien Sieveking, WADA's lawyer, detailing possible factors that could affect the concentration of DNA in Schwazer's urine. This is apparently followed by other notes sent in September and December 2019.

'Curiously, page 2 of that note is also missing', reads the Tribunale's 18 February Decision. 'This is probably where Dr. Castella went into detail and provided his data. Is it a casual forgetfulness or this page was intentionally omitted because it contained data that contradicted what was stated by Sieveking?'

Did IAAF ask WADA for DNA analysis?

The Fancy Bears emails show that the IAAF was aware of the intention of Bolzano prosecutors to analyse the DNA content of Schwazer's sample on 31 January 2017.

De : WENZEL Ross
Envoyé : mercredi 1 février 2017 09:10
À : Thomas Capdevielle (thomas.capdevielle@iaaf.org); Huw Roberts
Cc : WENZEL Ross; ZBINDEN Nicolas
Objet : TR: Schwazer

FYI – I was not aware that Giardina was going to Parma despite the fact that we knew that the sample was not leaving Cologne (per the correspondence from Willy Schaenzer). Anyway, one potentially useful element that appears to have come from that meeting is that Lago only intends to use 4mL from the A and 4mL from the B. This will be very helpful in Cologne, I think, for submitting that the entire sample does not need to leave. The fact that some of the B will be used (which is sealed and only 6mL) should also make any manipulation trickier.

It is good that we have a signed record of the meeting in Turin (see attached).. I will check that we will receive the same for the meeting in Parma as the 4mL and the fact that A and B will be used will help us.

Cheers,
Ross

De : Roberta Giolitto (<mailto:rgiolitto@studiobst.com>)
Envoyé : mardi 31 janvier 2017 23:01
À : WENZEL Ross
Cc : Sergio Spagnolo; Gunter.Gmeiner@seibersdorf-laboratories.at
Objet : Schwazer

Dear Ross,

today Prof.. Giardina went to Parma to attend the operations fixed by the Judge.

As was to be expected, the sample didn't arrive at Parma laboratory and neither Col. Lago hasn't been informed about the next steps (I think, we need to clearly await the Judge and Public Prosecutor's intervention and confrontation with the German Public Prosecutor...).

Anyway, Coll. Lago formally initiated the operations, at the presence of Prof. Giardina e Prof. Portera (expert appointed by Schwazer's lawyer).

Prof.. Giardina asked the sampling only of a part of the total urine volume to carry out the genetic analysis and all the experts took note of this request, that has been recorded in the Minutes.

Emails leaked by Fancy Bears reveal behind-the-scenes correspondence between IAAF and WADA, and this one shows that the IAAF was aware about the Bolzano court's intention to perform DNA tests.

It is possible that either Schwazer or Donati could have spoken publicly about their wish to perform a DNA test, prompting WADA's actions.

However, as the Fancy Bears emails reveal that the IAAF and WADA communicated about Schwazer's case, it is also possible that the IAAF could have instructed WADA to carry out DNA analysis on Schwazer's sample.

It is understood that Bolzano prosecutors not only consider the DNA concentrations found in Schwazer's B sample to be a physiological impossibility, but also the DNA concentrations found in WADA's analysis.

As samples of Schwazer's blood were also held by the Cologne Laboratory, Donati alleges that urine may have been manipulated by adding Schwazer's blood to it (blood contains high concentrations of DNA).

Physiologically impossible

Prosecutors therefore concluded that they needed to be able to determine whether the DNA concentrations discovered in Schwazer's urine are physiologically possible.

An initial analysis of 198 samples only involved a few athletes, who were found not to display particularly excessive concentrations of DNA. So Bolzano prosecutors commissioned the Italian athletics federation (FIDAL) to identify competitive athletes who train for high intensity aerobic activities who are prepared to submit urine samples.

In November 2019, FIDAL [supplied](#) a list of 56 athletes who had agreed for their urine to be analysed. 'The possibility that [such concentrations] may be related to extreme exercise was excluded by experiments performed by the expert', reads the 18 February Tribunale di Bolzano Decision.

'None of the numerous athletes examined deviated from the population mean and among these, which is no small thing, is Schwazer himself'.

Pelino accepted that the DNA concentrations found both in Schwazer's 1 January 2016 sample and the 27 June 2016 sample analysed by WADA were physiologically impossible. The Tribunal also accepted evidence that the concentration of DNA in urine can be expected to deteriorate over time, which made the amount of DNA found in Schwazer's sample all the more remarkable.

Massive DNA decay

'In order to clarify certain aspects, a further supplementary analysis was carried out (which WADA's lawyer, in his kindness, deems completely useless) which allowed estimation of the decline in concentration of DNA in urine two years after freezing', reads the 18 February 2021 Decision.

'All the samples frozen by the expert and repeatedly re-analysed over time showed a massive decay in the first six months (on average, 70%) which becomes 87% at 12 months and with exceeds 90% after two years'.

Pelino used a height analogy in an attempt to illustrate just how improbable were the DNA concentrations in Schwazer's urine. 'If, purely by way of example, it is found that the height of male adult human beings is on average around 170 cm with extremes ranging from 65cm (extreme dwarfism) to 251cm (extreme gigantism), it can certainly be deduced as physiologically impossible, with absolute scientific certainty, a height of 300cm'.

Pelino was also critical of WADA's use of a short study by Professor Vincenzo Pascali and Professor Adriano Tagliabracci, which it produced at the closing evidentiary hearing on 11 September 2020. He argued that the study used 'non-existent' scientific literature in an attempt to 'denigrate' the work of Giampietro Lago.

Profound bitterness

Pelino highlights that in a note entitled 'Further and systematic notes on the three appraisals' attached to a memorandum posited by WADA on 30 October 2020, the consultants write: 'The decrease in the concentration of DNA upon the passing of time is an immanent law and does not admit exceptions (not even one: it is, if anything, like an entropy principle)'.

In addition, Pelino found that Pascali had already been [sentenced](#) to 18 months imprisonment for false appraisal during a murder trial. The expert that replaced him in the trial?

Giampietro Lago.

Pelino highlights in detail how Pascali's 'profound bitterness' against Lago is evident in his work for WADA and the IAAF, which he argues also constitutes a false appraisal. The most striking incident is a mistake regarding Schwazer's age, which Pelino argues may have been deliberate in order to denigrate Lago's work.

'He unfairly accuses him of a serious error of methodology for having formed, in his own experimentation, two groups divided by age (under 33 and, respectively, over 33).

It is stated "Schwazer is in the age range towards the upper end between the two groups and it is therefore not known to which group he should be ascribed".

Indeed, the same consultant states that "on January 1st 2016 Alex Schwazer, born on 26 December 1984, was 32 years and 21 days of age". The consultant's claim is once again completely erroneous as well as biased since anybody can discover that on 1/1/2016, contrary to what is indicated by the aforementioned "consultant", Schwazer was 31 years and six days old.'

Pelino points out that Pascali and Tagliabracci's study attacks Lago's credentials, arguing that he doesn't have his 'finger on the pulse' of current scientific literature, and uses his own studies that are not peer reviewed. However, Pelino counters that Pascali and Tagliabracci's study contrasts cites 'non-existent' scientific literature and references a table that the two produced themselves.

Pelino sums up that the claims made by Pascali and Tagliabracci are 'very serious not only because they are ideologically false, but also because they contrast the data of the appraisal (the one about Alex Schwazer's DNA concentration in urine of 1/1/2016) with data that the two consultants have created at home and which are then passed off as "current literature". This should not be considered in isolation, but as part of a complex of logical tricks and false data aimed at carrying out procedural fraud.'

Andy Brown is a journalist and editor of the [Sports Integrity Initiative](#)

Chapter 6: The athlete vs. the system: An uneven playing field

Although manipulation of Alex Schwazer's positive doping sample has not been ultimately proven, manipulation of information and procedures abound in his case. Why would WADA and the IAAF go to extremes to take Schwazer and his coach Sandro Donati down? Did the two have powerful enemies? Was sport panicking at the height of the Russian doping crisis? Andy Brown summarises the findings of his research.

By Andy Brown

A common principle of law is that one is innocent until proven guilty. In anti-doping, this principle is reversed. An athlete is presumed guilty unless they can prove they are innocent (i.e. how a prohibited substance entered their system, and that they were not at fault).

Given this, it is perhaps surprising that there have been few cases of sabotage. An easy way to take out an opponent or critic would be to add something to their water bottle or food. Such cases are few, but they have occurred.

In November 2018, the Russian Anti-Doping Agency (RUSADA) [dropped](#) a case against seven junior ice hockey players, after it was found that a third party had put meldonium into the dietary supplements of the players. Perhaps obviously, Schwazer's case is of far greater magnitude.



Sandro Donati jumping to embrace Schwazer after his May 2016 win. "I think I wasn't the only target, but Sandro was too", says the race walker about his disqualification. Photo: Tullio M. Puglia/Getty Images.

Normally, we are not privy to private emails that go back and forth between international sporting organisations during doping cases. Fancy Bears changed that.

An investigation by Bolzano prosecutors found the emails relating to Schwazer's case to be genuine. This was not disputed by the IAAF or WADA, however it is understood that a decision was taken not to comment on the hacked emails.

IAAF pressure on laboratory

They appear to show that the IAAF put pressure on the Cologne Laboratory, which had initially attempted to take a neutral position. 'It seems that the laboratory is quite reticent to make any submissions re the importance of samples staying in WADA laboratories etc.', writes Ross Wenzel, lawyer for the IAAF in Schwazer's case at CAS, on 20 February 2017.

'Within this context, they mentioned that this sample had not even been put down for long-term storage. Is that right? Would it be easy to request the long-term storage. I think the reality is that the laboratory is trying to be as neutral as possible (i.e. we just follow orders from IAAF) but it would help if they were willing to back up our position to some extent.'

'Do they realise they are part of the plot against AS and the potential consequences for them?' writes Thomas Capdevielle, the IAAF's Legal Manager, in reply. 'Hans [Geyer] probably needs more background information. No - we did not specifically ask for this sample to be kept in long-term storage facility but we can ask if need be'.

On the face of it, this sounds damning. However, sources say that Capdevielle could have been referring to the media's perception of a 'plot' against Schwazer, or could have been using sarcasm. It is theoretically possible that Capdevielle may have been using sarcasm, but neither he or the IAAF is prepared to comment on this highly suspicious correspondence.

Wenzel outlines that he is speaking to Geyer at the Cologne Laboratory and if the conversation is going badly, he may try to 'patch you [Capdevielle] in for some additional clout'.

Wenzel later replies: 'I think I have managed to convince them. I said that they should consider that the sample should be kept in long-term storage. They were happy with an oral instruction to that effect.'

This shows that the IAAF was involved with the Cologne Laboratory's resistance to the transfer of Schwazer's samples. It also suggests that the IAAF knew that if the samples were transferred to Parma, there could be consequences for the Laboratory.

The IAAF may even have known beforehand that the DNA analysis would reveal discrepancies. In order to prevent a transfer of all the urine, it went as far as instructing the Cologne Laboratory to put part of the sample into long term storage, providing it with another reason why a full sample couldn't be transferred to Parma.

Why would sport go that far?

In addition, as already outlined, WADA carried out its own DNA analysis on Schwazer's sample in advance of the analysis performed at the Parma Laboratory.

As outlined in its documentation, WADA argues that this was as a result of a separate investigation. However, WADA email addresses were included in the chain of emails published by Fancy Bears in relation to Schwazer's case.

It would appear that the IAAF's close involvement in Schwazer's case went far beyond the usual dogged determination to win anti-doping cases.

It would appear that Schwazer's identity was compromised; there were errors in the Chain of Custody; questions over sample volumes; questions over DNA concentrations; and yet his sample hasn't been voided - as WADA and IAAF Guidelines suggest. Why would sport bother to go to such trouble?

As shown, evidence given by Donati and Schwazer had implicated senior IAAF officials. His 1 January 2016 test was commissioned by the IAAF on the evening after he gave evidence against the doctors Fischetto and Fiorella, and emails between Dr. Fischetto and Thomas Capdevielle were discovered from 4 April 2012, which appear to indicate that both knew Schwazer was doping ahead of his 30 July 2012 failed doping test for EPO. At that time, Capdevielle was the IAAF's Anti-Doping Manager.

Claudia Pechstein: history on repeat?

As a result of the Bolzano investigation, the infamous 'blood database' detailing over 12,000 values taken from over 150 athletes between 2001 and 2012 was discovered by Donati and handed to WADA.

Dr. Fischetto claims that the database was used to help compile the Athlete Biological Passport (ABP), and the IAAF has argued that it couldn't take action based on any of the suspicious values prior to 2009. The first athlete to be charged under the ABP based on her blood values alone was German speed skater Claudia Pechstein.

A ten year fight began during which [scientific inaccuracies](#) were highlighted in the methods used to sanction her. Perhaps ironically, these inaccuracies were revealed in an IAAF [response](#) to the blood values contained in the 'blood database' compiled by Fischetto.

As mentioned, Schwazer's case is understood to be one of the first to involve the steroidal module of the Athlete Biological Passport (ABP). Was sport keen to avoid history repeating itself?



Was international sport too keen to avoid another long-lasting dispute like the one involving German speed skater Claudia Pechstein, and did Schwazer pay the price? Photo: Oliver Hardt, International Skating Union/Getty Images.

A useful tool for extortion

However, there could be another reason why the database was compiled.

It would be a very useful tool in allowing IAAF officials to travel the world asking athletes for money in order to cover up or delay the announcement of positive doping tests.

It has already been [proven](#) that such extortion took place regarding Russian athletes such as Liliya Shobukhova. The perpetrators, the former IAAF President Lamine Diack and his sons, argue that it would be naive to assume that such practices were confined to Russia.

This could have been what Dr. Fischetto was referring to when he said: “Just think if the Russians’ data gets out, or the Turks, or others. Because I’m on the IAAF Committee.”

Both IAAF President Sebastian Coe and then WADA President Sir Craig Reedie have claimed that they didn’t know athletes were being extorted for money in exchange for covering up positive doping tests until Hajo Seppelt’s December 2014 documentary on German TV. Such claims are undermined by a July 2013 Mail on Sunday [exposé](#) precisely detailing the allegations.

Moreover, Coe, who had been Vice President of the IAAF since 2007, [claimed](#) that he didn’t read a November 2014 email from Dave Bedford, former Chairman of the IAAF Road Running Commission. Despite questions over whether this version of events is accurate, the IAAF [closed](#) its investigation into Coe in April 2019.

Flanked by his Director General Olivier Niggli, Reddie [told](#) a UK Parliament committee that he wasn't aware of the Russian allegations until Seppelt's December 2014 documentary. This is undermined by a 7 November 2014 [memo](#) signed by both, which confirms that both had full knowledge of what was going on.

Sport was panicking

At that time, sport was panicking. The IAAF had been caught asking athletes for money in relation to doping offences; a huge blood database with suspicious values had been discovered; the IAAF had also been caught trying to prevent publication of a [prevalence study](#) suggesting that doping was far more widespread than thought.



At the time of Schwazer's comeback, the IAAF (now World Athletics) – under its president Lamine Diack (photo) – was embroiled in extortion and doping fraud scandals. Was Schwazer's case seen as a chance to restore the image of athletics? Photo: Lintao Zhang/Getty Images for IAAF.

Did that panic extend to setting Schwazer and Donati up for discovering the blood database and giving evidence against IAAF officials?

World Athletics – the new brand of the IAAF – denies that any manipulation took place.

'World Athletics resolutely rejects any attempt by the Athlete to undermine or annul the final and binding CAS Award based on what can only be described as far-fetched manipulation theories', it said in an emailed statement.

'WADA has joined World Athletics in completely rejecting any suggestion of manipulation in this case. World Athletics recently successfully defended an appeal by the Athlete to the

Swiss Federal Tribunal that sought a revision of the CAS Award on the basis of the alleged manipulation. Mr Schwazer is not able to compete in international competition until 2024.'

CAS decision removed from website

However, the CAS award was an expedited procedure - i.e. one conducted quickly in order to resolve Schwazer's case before the Rio 2016 Olympics.

In addition, as followers of sports law will know, the Swiss Federal Tribunal cannot review the merits of a CAS case. It can only decide whether a Decision is consistent with Swiss procedural law. This is perhaps why Italian criminal procedures continue today.

The IAAF and WADA largely navigated its way out of the 2014/15 doping crisis by blaming the Diacks and Russia. Could it be possible that Schwazer is also being blamed for a doping offence he didn't commit as an act of revenge?

The extraordinary steps that the IAAF and WADA have taken, as outlined above, suggest that this isn't beyond the realms of possibility.

The CAS Decision in Schwazer's case (CAS 2016/A/4707) has even been removed from the arbitration body's internet site. It was there in 2018, as this [analysis](#) of Schwazer's case confirms. 'I've asked the developers to look into it and get back to me', wrote a CAS spokesperson in an email to us. They never did.

Sport's reputation at stake

Schwazer's case is about honour and reputation. It seems improbable that he would go to so much trouble to overturn a doping sanction, but doping is a criminal offence in Italy, where both Donati and Schwazer are regarded as heroes.

Donati and Schwazer aren't the only ones whose reputation is at stake. This is also true for the IAAF and WADA.

Although communication with Laboratories and Lawyers is common in anti-doping cases - especially where criminal proceedings are involved - it does appear that a line was crossed. Given that so many apparent departures from sample collection procedures have been identified, why wasn't the whole sample collection attempt voided?

Perhaps because the findings of Bolzano prosecutors go much further than a simple departure from sample collection procedures. If Pelino's conclusions are correct, then the IAAF, WADA and the Cologne Laboratory have manipulated evidence in order to make the charges against Schwazer stick.

Why? Surely securing a sanction against a now retired race walker isn't all that important? Or has the intervention of criminal authorities revealed the shaky premises on which all anti-doping cases are founded?

Does Schwazer's case represent how anti-doping authorities typically approach anti-doping cases, or are we dealing with an anomaly? Is that why the IAAF and WADA appear so keen to defend their position?

A self-referential system

Anti-doping operates under the principle of strict liability. If an athlete attempted to defend themselves against a doping charge and such questions were raised about evidence and apparent manipulation, they would be likely to be charged with tampering and face a ban of at least four years. This inequity didn't escape the attention of judge Pelino.

'The reality is that athletes have no real guarantees, and the system is totally self-referential', he writes. 'The present proceeding has eloquently demonstrated that they do not tolerate at all controls for the outside and, indeed, are ready to do anything to prevent it, to the point of producing false statements and engaging in procedural fraud'.

Schwazer has his own simpler perspective. "You asked me what happened with my urine sample and why", he says.

"It's not easy for me to answer because I think I wasn't the only target, but Sandro was too. The fact is that we started a unique project with 100% transparency and for some people, this was a problem. In the future, I hope that my case in Bolzano will highlight the whole story and allow the truth to finally come out."

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