

TERMS OF REFERENCE
FOR THE IWF OVERSIGHT AND INTEGRITY COMMISSION

WHEREAS:

- A. On January 5, 2020 the ARD Television station aired the show “Der Herr de Heber”, a video by Hajo Seppelt, Nick Butler and Gritt Hartmann detailing allegations primarily against the IWF President, Dr Tamas Ajan. Within the documentary, allegations were raised with respect to financial irregularities, corruption, doping control distribution, doping sample manipulation, doping payment irregularities, doping activities in specific nations and nepotism.
- B. The Acting IWF President and Executive Board are committed to the proper investigation of any and all alleged wrongdoing, in accordance with the IWF’s obligations as a signatory to the World Anti-Doping Code (the **Code**), and in cooperation with WADA, the IOC and the criminal authorities (as necessary), to ensure that any and all past wrongdoing is uncovered and properly sanctioned. They are also committed to updating and strengthening the constitution of the IWF (the **IWF Constitution**) and the IWF’s governance practices moving forward in line with international best practice, to minimise the chances of recurrence.
- C. On 22 January 2020, the Executive Board of the IWF appointed this Commission to oversee an investigation into the allegations set out above, and in addition to oversee the IWF operations during this time, at the same time, the Executive Board appointed Ursula Garza Papandrea to the post of Acting IWF President for 90 days, with direct oversight responsibility for the investigation. On 21 March 2020, the Executive Board extended the mandate for both the Oversight and Integrity Commission and the Acting President to end 19 June 2020.

THEREFORE, at its meeting in Doha, Qatar, on 22 January 2020, the IWF Executive Board decided as follows:

1. Appointment and mandate of the Commission

1.1 The IWF Executive Board appointed the Oversight & Integrity Commission to be chaired by IWF Acting President Ursula Garza Papandrea (USA) and to additionally consist of Karoliina Lundahl (FIN), Birendra Prasad Baishya (IND) and H.E. Marcus Stephens (NRU), to the following mandate on the basis set out in these Terms of Reference:

1.1.1 to that end, as well as to ensure that the IWF fulfils its investigatory obligations under Article 20.3.10 of the World Anti-Doping Code, and its commitment to cooperation with WADA, to appoint a reputable and highly qualified investigator conduct a full and unfettered investigation into all anti-doping, compliance, ethical and other disciplinary matters arising from the ARD documentary and any other related misconduct found as the investigation continues, as well as into any further issues of concern that arise in relation to IWF governance or ethical matters within the IWF and/or otherwise in the sport of Weightlifting that are identified in the course of the investigation (together, the **Matters**), in order:

- (a) to establish all of the relevant facts in relation to the Matters;
- (b) to determine whether any person or member or other body that is subject to the jurisdiction of the IWF has a case to answer for breach of their obligations to the IWF in relation to any of the Matters, whether by contract, under the IWF rules and regulations, or otherwise, including but not limited to:
 - (i) determining whether the IWF anti-doping rules and disciplinary rules, as well as all applicable World Anti-Doping Code provisions, have been properly applied, leading to appropriate adjudication and subsequent consequences, or alternatively whether any anti-doping rule violations have been covered up or otherwise improperly handled (by the IWF and/or others);
 - (ii) determining whether any breaches of the IWF code of ethics and/or other rules of conduct have occurred; and
 - (iii) determining whether the alleged financial improprieties are a matter of malpractice.
 - (iiii) Determining whether there was at any time, by any person, any arrangement, collusion or otherwise pressure on any anti-doping agency, with specific attention paid to HUNADO, to manipulate the tests of any athlete, or nation.
 - (v) Determining and identifying the full extent of the modus operandi found in respect of doping manipulation and those involved in such activity.
 - (vi) To identify if there is any other evidence or information relating to

President Tamas Ajan and / or those acting with him, in respect of any of the allegations raised by the ARD television station, or any other form of inappropriate activity.

(vii) To advise the IWF whether any person or member or other body has a case to answer for a breach of their obligations to the IWF.

1.1.3 to cooperate fully with all relevant external authorities (including, without limitation, WADA, the IOC, the ITA and any law enforcement authorities) with jurisdiction over some or all of the Matters, including facilitating the provision to such authorities of information under IWF control that they need in order to conduct and complete their respective investigations, while ensuring there is no interference with their respective ongoing investigations.

1.2 THE OVERSIGHT AND INTEGRITY COMMISSION, AND ITS AUTHORIZED INVESTIGATOR, IS AUTHORISED AND EMPOWERED TO TAKE ANY AND ALL SUCH STEPS AS IT DEEMS NECESSARY OR APPROPRIATE TO CARRY OUT THIS MANDATE, INCLUDING (WITHOUT LIMITATION):

1.2.1 gathering relevant documentation and other information in the possession, custody or control of the IWF including from current and former IWF Executive Board members, officers, committee members, commission members, working party members, legal and other representatives, employees, agents, and suppliers, contractors and partners;

1.2.2 waiving any legal or other privilege and/or confidentiality and/or any other potential objection(s) that the IWF might otherwise have to the disclosure of information under its control that is relevant to the external investigations, so as to ensure that all such information – whether in the hands of its current or former Executive Board members, officers, committee members, commission members, working party members, legal and other representatives, employees, agents, suppliers, contractors or partners, or otherwise – is provided on a timely basis to the relevant external authorities;

1.2.3 gathering relevant information from the external authorities that are investigating the Matters as that might be available; and

1.2.4 obtaining legal and/or other professional advice and assistance (e.g., anti-doping laboratory experts; experts on Athlete Biological Passports; DNA experts; forensic accountants) and/or other external resources as necessary to support it in its work.

1.3 For the avoidance of doubt, the Commission, and by extension its appointed investigator shall have the right to report any information that it obtains to other relevant authorities, including the criminal authorities in relation to any potential criminal activities, and WADA in relation to the compliance or otherwise by the IWF with its obligations under the World Anti-Doping Code.

1.4 The Oversight & Integrity Commission, separate to its investigatory activities and appointments shall convene a working group, with the consent of the IWF Executive Board, to review and modernise the governance structures of the IWF such that the allegations raised may have controls put into place that such circumstances, regardless of the veracity of said claims, may not arise again.

1.5 The Oversight & Integrity Commission, separate to its investigatory activities and appointments shall work to ensure that, to the extent the IWF is able, every possible action has been taken towards protecting clean athletes, especially with respect to the upcoming Olympic Games.

1.6 The Oversight & Integrity Commission, shall oversee the IWF's operations during its mandate, including but not limited to the IWF's interactions with WADA, the IOC and the ITA.

2. Independence of the appointed Investigator.

2.1 The IWF will provide the financial resources and any administrative resources required by the Investigator to carry out its work. However, the Investigator shall be entirely independent of the IWF.

2.2 To ensure such independence, without limitation:

2.2.1 The IWF Executive Board instructs the IWF's officers, committee members, commission members, working party members, legal and other representatives, employees, agents, and suppliers, contractors and partners to cooperate fully with the Investigator, including (1) providing any documents or other information (including information stored on telephones, computers and/or other devices) that the

Investigator requests in full and without delay; (2) answering any and all Investigator questions, whether in formal interview or otherwise; and (3) where requested by the Investigator, keeping communications between themselves and the Investigator confidential.

2.2.2 Each of the members of the IWF Executive Board will provide the same cooperation to the Investigator.

2.2.3 Any failure to provide the cooperation set out above to the Investigator, and/or any attempt to hinder or delay the work of the Investigator, including (without limitation) any attempt to withhold potentially relevant information, interfere with witnesses or tamper with or destroy potentially relevant information, will be treated as a serious breach of obligation to the IWF. Any such action will result in referral to the Disciplinary and Ethics Commission by the Oversight and Integrity Commission as a violation of the IWF By-Law to 12 1.3.2 and thusly be subject to IWF Constitution 12.5.

2.2.4 The IWF will indemnify each member of the Commission and its Investigator, and each firm or person engaged to assist the Commission and its investigator in its work, against any and all claims to which they are subjected, and any and all expenses, costs, damages and other liabilities that they incur, as a result of any work conducted honestly and in good faith on or for the Commission.

2.3 The Commission, on behalf of the IWF, will enter into written agreements with the Investigator in relation to their remuneration for time spent carrying out the Commission's mandate and the reimbursement of related expenses. The IWF will also pay the costs of the professionals instructed by the Commission in accordance with paragraph 2.2.4, above, although those professionals will be engaged on the basis that they take their instructions from the Commission alone.

3. Operations of the Commission

3.1 The Oversight and Integrity Commission shall be free to organise its activities as it sees fit. It may meet as frequently as it sees fit, in person and/or via teleconference. It may appoint a suitably qualified person to act as its Secretary.

3.2 All of the members of the Oversight and Integrity Commission, and the Secretary, will be bound by and required to comply all applicable rules of the IWF.

3.3 The Commission will operate by consensus, with regular reports to the IWF Executive Board, and inform, upon any request by IWF Executive Board members, investigation updates. Where necessary, however, the Commission will make decisions by majority vote, with each member having one vote. (The Secretary will not have a vote). In the event of a deadlock, the Chair will have the casting vote.

3.4 The IWF Acting President will be the first point of contact for the Commission with the IWF Executive Board.

Operations of the Investigator

3.5 The Oversight and Integrity Commission's investigator shall be free to organise his or her activities as it sees fit and engage outside bodies, to the extent they have a bona-fide need according the scope of the investigation to appoint such bodies.

3.6 The IWF Acting President will be the first point of contact for the Investigator within the Commission. The IWF Acting President will be bound to update the remaining Commission members.

3.7 The Investigator will provide periodic progress reports to the IWF Acting President from time to time. The Investigator will also provide progress reports in person (To the extent calendar allows) at IWF Executive Board meetings and the IWF Congress. Such reports will include commentary on progress to date and any perceived obstacles to further progress. To the extent these reports are able to be published (less any confidential and/or sensitive information that the Commission decides ought to be redacted or that may not be published due to criminal prosecution proceedings), they will be published to the IWF Website.

3.8 The Investigator will complete an initial report after 45 days, a second report at 90 days, and a final report on or before 4 June 2020, after which time the mandate may be extended by the consent of the Executive Board and the O&I Commission.

4. Transparency of the Commission and the Commission's Investigator

4.1 These Terms of Reference will be published on the IWF's website, together with an announcement of the appointed investigator. Thereafter, the Commission's may make any public statements as to its work when necessary, including comments to the media, through the Chair, as may the Investigator.

5. TERM OF THE COMMISSION

5.1 The Oversight and Integrity Commission and its investigator will complete its mandate as quickly as is reasonably practicable. The mandate for the Oversight and Integrity Commission expires on 19 June 2020, unless reauthorized by the Executive Board for an additional amount of time. The investigators final report is due on 4 June 2020, but in no circumstances should that objective to be allowed to compromise the integrity of its conclusions and recommendations.

5.2 If any member of the Commission resigns or otherwise becomes unavailable before the end of the mandate, the remaining Commission members and the IWF Acting President will decide together whether to replace that member and if so, then by whom.

6. CHOICE OF LAW AND LANGUAGE

6.1 THESE TERMS OF REFERENCE ARE GOVERNED BY, AND SHALL BE CONSTRUED IN ACCORDANCE WITH, SWISS LAW.

6.2 THESE TERMS OF REFERENCE WILL BE PUBLISHED IN ENGLISH.

7. AMENDMENTS/MATTERS NOT OTHERWISE PROVIDED FOR

7.1 THESE TERMS OF REFERENCE MAY BE AMENDED BY THE IWF ACTING PRESIDENT, IN AGREEMENT AND ON BEHALF OF THE IWF EXECUTIVE BOARD, AS NECESSARY FOLLOWING CONSULTATION WITH APPROPRIATE LEGAL COUNSEL. ANY SUCH AMENDMENTS WILL BE MADE PUBLIC.

7.2 ANY MATTER ARISING THAT IS NOT ADDRESSED IN THESE TERMS OF REFERENCE WILL BE DETERMINED BY THE IWF ACTING PRESIDENT, IN AGREEMENT AND ON BEHALF OF THE IWF EXECUTIVE BOARD, IN CONSULTATION WITH LEGAL COUNSEL.

7.3 Any acts of non-compliance with any provision of these Terms of Reference, will result in referral to the Disciplinary and Ethics Commission by the Oversight and Integrity Commission as a violation of the IWF By-Law to 12. 1.3.2 and thusly be subject to IWF Constitution 12.5



Ursula Garza Papandrea
IWF Acting President
For and on behalf of the IWF



Mohammed Jalood
IWF General Secretary
For and on behalf of the IWF