

Can UCI invoke its own rules in this respect as is suggested by R 29.f?

In the meantime I would like also to point out the following.

The UCI contests that USADA has authority for results management in these cases and consequently that USADA has jurisdiction to have disciplinary proceedings initiated (see UCI's letter to USADA dated 3rd August 2012, copy enclosed). It is the position of the UCI that only the UCI has the authority to decide whether disciplinary proceedings be initiated against the respondents. The UCI has not taken a decision as to whether such disciplinary proceedings should be initiated or not.

USADA claims that the file contains evidence that shows that USADA has results management authority for such evidence. Yet as USADA refused to provide UCI with a copy of the file the UCI is not in a position to assess whether there is any merit in USADA's claim that it has results management jurisdiction.

USADA has indicated that its cases against Mr Bruyneel, Mr Celaya Lezama and Mr Marti are part of a consolidated case involving other persons the case of which USADA apparently expects to be brought before AAA in a later stage. In this respect USADA has requested that the panel chair in the respective cases is appointed once the parties in all cases have appointed an arbitrator. How AAA is going to deal with this situation? Will AAA deal with these cases as one consolidated case and if so what are the consequences for the proceedings, for example in terms of deadlines, in particular for any intervention as a party or as an observer?

As you may have noted UCI has publicly expressed concerns about the respect of the rules of due process by USADA. For example to the knowledge of the UCI and until last Friday none of the six respondents that were initially notified by USADA have received a copy of the file which USADA claims to contain evidence of multiple non-analytical anti-doping rule violations and a conspiracy over a period of almost fifteen years. The UCI expects that the defendants will raise this issue for themselves yet the UCI is surprised to see that the defendants are expected to file an answer with AAA in an extremely short deadline, especially in view of the seriousness of the allegations and the fact that the respondents ignore what evidence may be invoked against them.

This letter and UCI's requests for information regarding a possible intervention shall not constitute or be construed as a recognition whatsoever of any right of USADA to conduct results management or initiate disciplinary proceedings.

I thank you for your attention.

Yours sincerely,


Philippe Verbiest


Cc Mr Travis Tygart, USADA
Mr Mike Morgan

