

## FOREWORD

I am very honoured and pleased to write the foreword to this book, whose title and contents are somewhat controversial – to say the least. The subject of doping and how to deal with it is a very important one to all those involved in sport as participants, members of governing bodies, sponsors and many others. Doping is the antithesis of everything that sport stands for – not least the need to protect the health of athletes and also to encourage and safeguard the fundamental principle of fair play.

And fairness is at the heart of this welcome and timely study by Dr Janwillem Soek, a leading expert and writer on doping issues in sport. His essential issue is whether the principle of “strict liability” – namely that an athlete is solely responsible for whatever substances are found in his/her body – is consistent with the human rights of the athlete, in particular the legal presumption of innocence until proved otherwise – rather than a presumption of guilt – and also the right to be heard, two of the most basic principles enshrined in the European Convention on Human Rights. These are not only edifying legal concepts to be debated by lawyers and academics, but their application also gives rise to very significant practical consequences for the athletes concerned, especially athletes who earn their livings from sport. Lengthy, not to mention lifetime bans can not only destroy an athlete’s ability to practise his/her sport, but also have serious economic consequences too, such as loss of earnings and lucrative sponsorship and endorsements deals. Are such doping bans “restraints of trade” and, if so, are they legally enforceable or not? Another vital issue that this book tackles concerns how effectively are doping cases handled by the Court of Arbitration for Sport, which, under the World Anti Doping Code, is the ultimate “Court of Appeal” in such cases.

Doping and its consequences are not only matters that concern the athletes themselves and lawyers and academics, but are also of vital interest to the International Olympic Committee, of which I am a member, in its continuing fight to bring so-called “drugs cheats” to account. Sports administrators, such as myself in my capacity as Honorary President for life of the International Cycling Union (UCI), are of course only too aware of the continuing need to preserve the integrity of our sports. In fact, the UCI operates a rigorous anti-doping programme and is at the forefront of eliminating drugs from our sport. It is not, however, for me to debate here the pros and cons of operating a “strict liability” regime in sport and its interface with basic human rights that have the force of law or even attempt to discuss its legal limits – that is for Dr Janwillem Soek, who does so admirably in his book. Suffice to say, however, that without such a regime, the fight against doping in sport would be difficult, if not impossible, to carry out. It is – in this respect – of crucial importance

that National Governments guarantee a non-infected food and drug production. If that is not the case, strict liability will make victims amongst innocent athletes.

That said, I have no hesitation whatsoever in recommending this book, which, as I said earlier, is both timely – witness the range of doping tests and novel situations that arose at the 2006 Winter Olympics in Turin – but also a welcome addition to the literature and continuing debate on doping in sport, which is a matter of great concern to us all.

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