

# Cooperation between SSI and criminal law authorities

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Joint Workshop on Legal Responses to Doping  
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# Agenda

1. Swiss Sport Integrity (SSI)
2. Sport Promotion Act
3. Statistics
4. Practical example

# 1. Swiss Sport Integrity (SSI)

# Swiss Sport Integrity Multiple functions

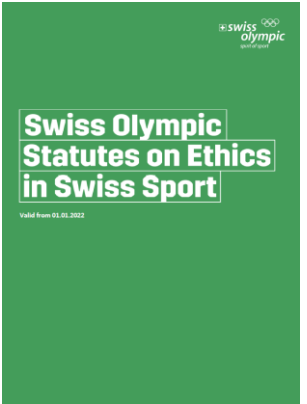
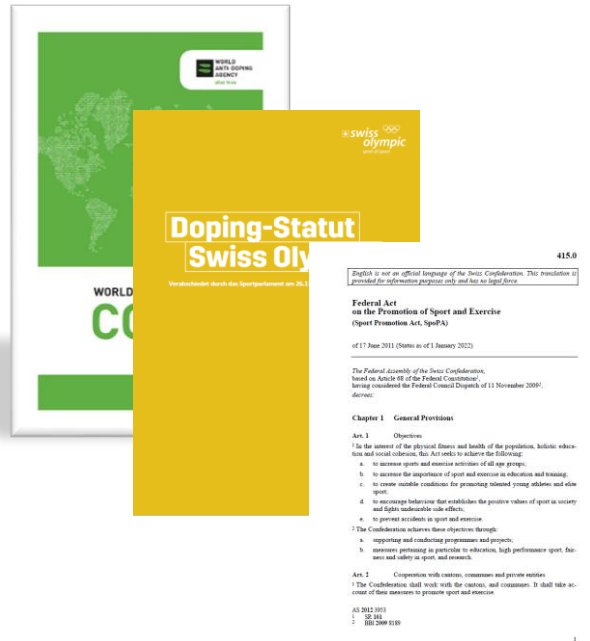


## Swiss Sport Integrity Foundation

Anti-Doping

+

Ethics violations  
and irregularities



# Swiss Sport Integrity

## Anti-Doping

### **Multiple functions:**

- National Anti-Doping Agency
  - Art. 19 (2) SpoPA: «to take measures against doping» and «This agency issues the required rulings».
  - Administrative law function: seizing and destroying doping products.
  - Criminal law function: support to the authorities.
- National Anti-Doping Organization (NADO)
  - Adopting and implementing anti-doping rules
  - Collecting samples
  - Conducting investigations
  - Conducting result management

# 2. Sport Promotion Act

# Sport Promotion Act Prosecution

## Art. 23

<sup>1</sup> The cantons are responsible for prosecution. The cantonal prosecution authorities may **involve the anti-doping agency** as established under Article 19 (...) **in any investigations.**

<sup>2</sup> If substances or methods under Article 19 paragraph 3 are identified in a doping control, **the agency carrying out the control shall inform the prosecution authorities responsible** and send them all the pertinent documents.

<sup>3</sup> The anti-doping agency established under Article 19 has the following **party rights** as defined in Article 104 paragraph 2 of the Criminal Procedure Code:

- a. to file an appeal against discontinuation and no proceedings orders;
- b. to file an objection to summary penalty orders;
- c. to file an appeal and accessory appeal against sentence against judgments.

# Sport Promotion Act Information

## **Art. 24**

The responsible prosecution and judicial authorities shall inform the anti-doping agency established under Article 19 of any criminal proceedings begun as a result of an infringement under Article 22, and also of its rulings. The Federal Council establishes what information shall be communicated.

## **Art. 78 SpoPO**

<sup>1</sup> The responsible prosecution and judicial authorities responsible for violations of Art. 22 SpoPA shall disclose the following information to the anti-doping agency:

- f. the interrogation protocols;
- h. the decisions of the law enforcement and judicial authorities (...);

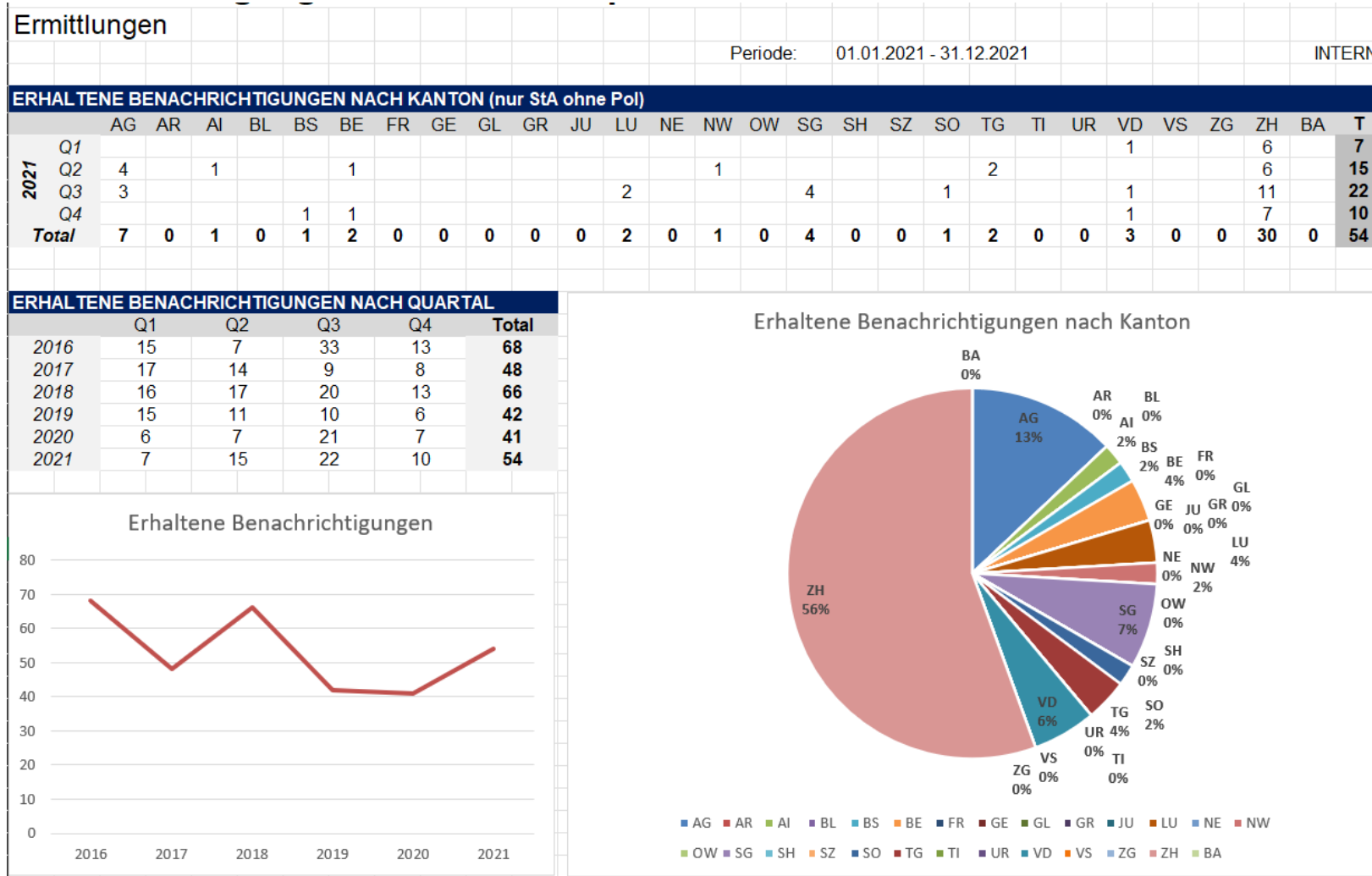
**Art. 33 (1h) & 34 (1e) FISSA:** data sharing with prosecution and judicial authorities



# 3. Statistics

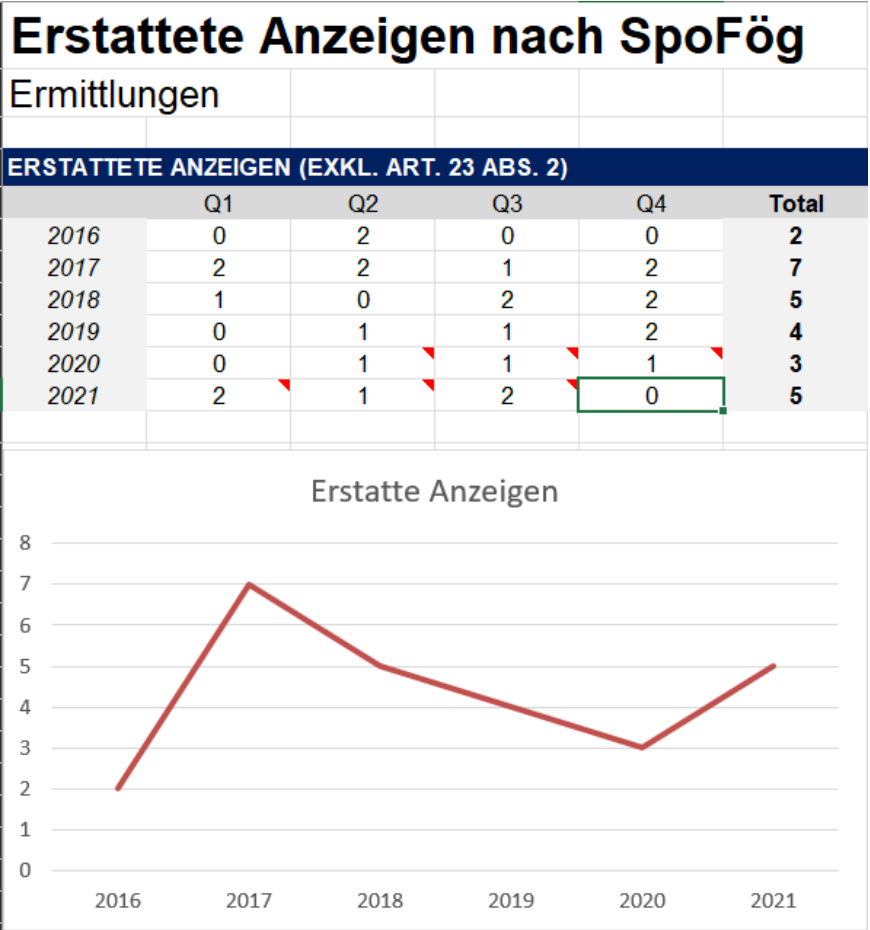
# Statistics

## Information received according to Art. 24



# Statistics

## Criminal complaints filed by SSI



# Statistics

## Reported seizures – «import» ban

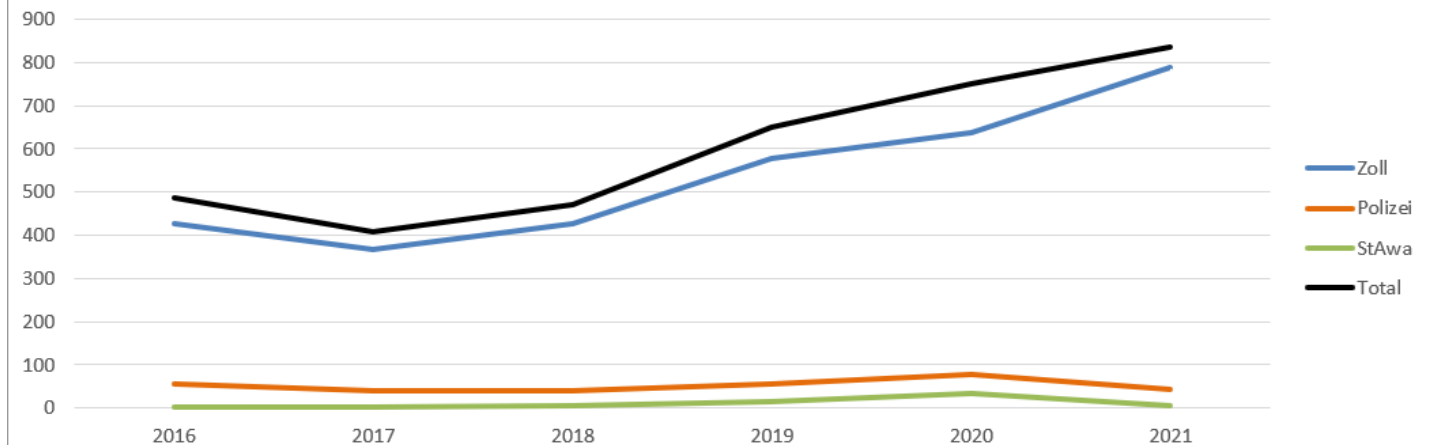
### Gemeldete Sicherstellungen nach Behörden

Ermittlungen

#### GEMELDETE SICHERSTELLUNGEN NACH BEHÖRDEN

	Q1			Q2			Q3			Q4			Total			Total
	Zoll	Polizei	StAwa	Zoll	Polizei	StAwa	Zoll	Polizei	StAwa	Zoll	Polizei	StAwa	Zoll	Polizei	StAwa	
2016	142	15	0	122	8	1	79	16	1	84	17	1	427	56	3	<b>486</b>
2017	52	8	0	79	12	0	110	9	0	125	12	1	366	41	1	<b>408</b>
2018	105	11	2	119	8	1	100	8	0	102	13	3	426	40	6	<b>472</b>
2019	188	18	3	117	13	5	137	10	3	137	15	3	579	56	14	<b>649</b>
2020	138	27	7	120	23	9	199	22	19	182	6	0	639	78	35	<b>752</b>
2021	142	9	2	147	9	2	202	5	0	297	20	1	788	43	5	<b>836</b>

#### Gemeldete Konfiskationen



# 4. Practical Examples

## Practical Examples

### Art. 23 (2) – SSI to prosecutor: difficulties in cooperation

- Laboratory reports an adverse analytical finding (AAF) involving boldenone, a steroid (20 February).
- Boldenone is listed in the annexe of the SpoPO as a prohibited substance.
- SSI informs the prosecution authorities responsible (3 March):

#### Contrôle antidopage positif – Loi sur l'encouragement du sport

Monsieur le procureur,

Le 13 janvier 2018, Antidoping Suisse a effectué un contrôle antidopage urinaire en compétition sur [REDACTED]. Les analyses ont révélé, le 20 février 2018, la présence de Boldenone, substance interdite selon le ch. 1.2.a de l'Annexe de l'Ordonnance sur l'encouragement du sport et de l'activité physique.

Mis à part le résultat d'analyse précité, Antidoping Suisse ne possède pas d'informations indiquant des infractions contre l'art. 22 de la Loi fédérale sur l'encouragement du sport et de l'activité physique (LESp). Conformément à l'art. 23 al. 2 LESp, vous trouverez tout de même une copie des deux principales pièces de notre dossier ci-joint.

Par la présente, Antidoping Suisse vous prie de bien vouloir nous faire savoir si vous souhaitez que nous continuions à suspendre la prise de contact avec Monsieur [REDACTED] ainsi que l'ouverture de la procédure disciplinaire à son encontre. En outre, en vertu de l'art. 24 LESp, nous nous permettons de vous demander de bien vouloir, le moment venu, nous informer des éventuelles poursuites engagées ainsi que des décisions prises.

En restant à votre disposition pour tout complément d'information et dans l'attente de vos nouvelles, je vous prie de croire, Monsieur le procureur, à l'expression de ma parfaite considération,

Fondation Antidoping Suisse

## Practical Examples

### Art. 23 (2) – SSI to prosecutor: difficulties in cooperation

- Email SSI to prosecutor (9 May).
- Email SSI to prosecutor (30 May).
- Email prosecutor to SSI (31 May): approval to begin the results management process.
  - three months after our information.
- We received interrogation protocol / information exchange with prosecutor.
- Results Management: notification of the athlete (25 June).

## Practical Examples

### First athlete convicted under the SpoPA

- Aargauer Zeitung, 4 August 2020:

#### STRAFBEFEHL

### **Erstes Schweizer Dopingurteil gegen Veloprofi Pirmin Lang schafft neue Fragen**

Der 2017 zurückgetretene Radrennfahrer Pirmin Lang wird als erster Elitesportler aufgrund des Schweizer Sportförderungsgesetzes strafrechtlich belangt. Er wollte dem Hauptangeklagten der «Operation Aderlass» illegales Material liefern.



## Practical Examples

### First athlete convicted under the SpoPA

- Case originates from the *Operation Aderlass*.
- Fedpol and Investigations Department SII (then Antidoping Switzerland).
- Canton of Aargau: police and prosecutor.
- Interrogations were held.
- Convicted by the prosecutor by order of punishment (*Strafbefehl*):
  - Conditional fine of 500 francs
  - Fine of 100 francs
  - Costs of the proceedings

Thank you very much!

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