

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES
OF WORLD ATHLETICS**

Before:

Ms. Anna Bordiugova (Chair)
Mr. Dennis Koolgaard
Mr. Paul Ciucur

between:

WORLD ATHLETICS

Anti-Doping Organisation

-and-

GOMATHI MARIMUTHU

Respondent

DECISION OF THE DISCIPLINARY TRIBUNAL

I. INTRODUCTION

1. The Claimant, World Athletics ("**WA**") (formerly International Association of Athletics Federations ("**IAAF**")), is the international federation governing the sport of athletics worldwide. It has its registered seat in Monaco. World Athletics is represented in these

proceedings by the Athletics Integrity Unit (“**AIU**”) which has delegated authority for results management and hearings, amongst other functions relating to the implementation of the IAAF Anti-Doping Rules (“**ADR**”), on behalf of WA pursuant to Article 1.2 of the ADR.

2. The Respondent, Ms. Gomathi Marimuthu (“**Ms Marimuthu**” or “**the Athlete**”) is a 30-year-old middle-distance runner from India. The Athlete has been subjected to anti-doping tests since the middle of the year in 2015.
3. The alleged Anti-Doping Rule Violation (“**ADRV**”) relates to an alleged violation of Articles 2.1 and 2.2 of the ADR. Ms Marimuthu faces the following charge: the use of nandrolone and the presence of 19 Norandrosterone (“**19-NA**”), a Metabolite of nandrolone, in four urine samples, collected from her on 18 March, 13 April (2 samples) and 22 April 2019. Nandrolone (and its Metabolite 19-NA) is a non-Specified Substance, prohibited at all times under the WADA 2019 Prohibited List under the category *S1.1B Endogenous AAS*. The estimated concentrations of 19-NA in each of the samples, as reported by the WADA-accredited laboratories, is as follows:

First Sample - A6363569 – 416 ng/mL;

Second Sample - A6364751 – 187 ng/mL;

Third Sample - A6364741 – 16.2 ng/mL;

Fourth Sample - A4339389 – 99 ng/mL.
4. What follows below is the decision of the World Athletics Disciplinary Tribunal convened under Article 8.4 of the ADR to determine ADRVs alleged against Ms. Marimuthu.

II. FACTUAL BACKGROUND

First Sample

5. On 18 March 2019, the Athlete provided an In-Competition Sample during the Federation Cup Senior National Athletics Championship at Patiala, Punjab, India, coded 6363569 (“**the**

First Sample” or “Sample 1”) pursuant to Testing conducted by the National Anti-Doping Agency of India (“**NADA India**”).

6. On 21 May 2019, NADA India notified the Athlete of an Adverse Analytical Finding (“**AAF**”), the presence of 19-NA in the First Sample.
7. On 22 May 2019, the Athlete wrote to NADA India and stated that she was not aware of why the 19-NA was found in the First Sample and requested the B Sample analysis and the corresponding Laboratory Documentation Package (“**LDP**”).
8. On 29 May 2019, following analysis of the B Sample (B6363569), the Athlete was notified that this analysis confirmed the presence of 19-NA in the Sample A6363569.
9. On 26 June 2019, the Athlete was provided with copies of the A Sample and B Sample LDPs for the First Sample.

Second and Third Samples

10. On 13 April 2019, the Athlete provided two In-Competition samples, during the Selection Trials at Patiala, Punjab, India coded 6364751 (“**the Second Sample**” or “**Sample 2**”) and 6364741 (“**the Third Sample**” or “**Sample 3**”), pursuant to Testing conducted by NADA India.
11. On 3 June 2019, NADA India notified the Athlete of an AAF, the presence of 19-NA in the Second and the Third Samples.
12. On 6 June 2019, the Athlete wrote to NADA India confirming that she was not aware of how 19-NA had come to be present in the Second and/or the Third Sample. The Athlete requested analysis of the B samples (B6364751 and B6364741) and the corresponding LDPs.
13. On 20 June 2019, the Athlete wrote to NADA India and provided a Demand Draft in favour of the New-Delhi laboratory and confirmed that she wished only for the B Sample for the Third Sample (B6364741) to be analysed.

14. Following analysis of the B Sample (B6364741), the Athlete was also notified that this analysis confirmed the presence of 19-NA in Sample A 6364741 and was provided with copies of the A Sample and B Sample LDPs for the Third Sample.

Fourth Sample

15. On 22 April 2019, the Athlete provided an In-Competition Sample during the Asian Athletics Championships in Doha, Qatar, coded 4339389 ("**the Fourth Sample**" or "**Sample 4**"), pursuant to Testing conducted by WA. Analysis of the abovementioned Sample by the WADA accredited laboratory in Doha, Qatar also revealed the presence of 19-NA.

AIU Proceedings

16. On 17 May 2019, the AIU wrote to the Athlete requesting, inter alia, her explanation for an AAF, specifically, the presence of 19-NA in the Fourth Sample. The Athlete was provisionally suspended with immediate effect.

17. On 22 May 2019, the Athlete wrote to the AIU confirming that she was not aware of how 19-NA had come to be present in the Fourth Sample, but alleged that the presence of 19-NA may be the result of unspecified sabotage and requested analysis of the relevant B Sample coded B4339389.

18. On 27 May 2019, the Athlete attended the opening and analysis of the B Sample of the Fourth Sample at the WADA accredited laboratory in Doha, Qatar, accompanied by Mr Baskaran Gayathri Sethupathy.

19. On 30 May 2019, the AIU advised the Athlete that the analysis of the B Sample of the Fourth Sample (B4339389) had confirmed the AAF of 19-NA.

20. On 31 May 2019, the AIU requested that NADA India agreed to the AIU conducting the remainder of the Results Management for the abovementioned four samples.

21. On 20 June 2019, the AIU provided the Athlete with the A Sample LDP and B Sample LPD for the abovementioned samples as per her request and invited her to provide an

explanation for the presence of 19-NA in the Fourth Sample by no later than Thursday, 27 June 2019.

22. On 27 June 2019, the Athlete wrote to the AIU and requested a seven-day extension to provide her explanation for the presence of 19-NA in the Fourth Sample. The AIU agreed to this request.
23. On 4 July 2019, the Athlete wrote to the AIU and repeated her denials of the allegations made against her. The Athlete requested further analysis of the Fourth Sample to "*clearly rule out any uncertainty in this matter*" including "*manipulation error or switching of the samples*" and the results from analysis of the Luteinizing Hormone ("**LH**") in the Fourth Sample.
24. On 11 July 2019, the AIU confirmed that there were no grounds to undertake further analysis of the Fourth Sample and that there was no evidence to support any assertion that there had been any manipulation, error and/or switching of the Fourth Sample. In addition, the AIU confirmed that the Doha laboratory did not analyse samples collected from female athletes for LH and that in circumstances where the Athlete continued to deny the allegations against her, that the matter would necessarily be referred to the Disciplinary Tribunal.
25. On 26 July 2019, NADA India confirmed that it agreed to the AIU conducting the remainder of the Results Management procedures in relation to the AAFs for 19-NA in the First, the Second and the Third Sample.
26. On 24 August 2019, the Athlete confirmed that she had appointed Mr Saurabh Mishra to legally represent her in these proceedings.
27. On 16 September 2019, pursuant to Article 8.4.2 ADR, the AIU issued the Athlete with a Notice of Charge for violations of Article 2.1 and Article 2.2 ADR and invited her to confirm how she wished to proceed with the matter by no later than 25 September 2019.
28. On 25 September 2019, the Athlete submitted her request for a hearing in this matter. The Athlete did not provide the AIU with any explanation for the AAF of 19-NA in the Fourth Sample.

29. On 1 October 2019, the Athlete requested an extension of two-weeks to provide her explanations. The AIU granted the Athlete an extension until 10 October 2019.
30. On 10 October 2019, the Athlete submitted her explanations for the presence of 19-NA in the Samples. In summary, the Athlete denied ever knowingly violating the anti-doping rules and asserted various reasons for the presence of 19- NA in the samples.

III. PROCEDURE BEFORE THE DISCIPLINARY TRIBUNAL

31. On 25 September 2019, the Athlete submitted her request for a hearing in this matter. The Athlete did not provide any explanation for the AAF of 19-NA in the Fourth Sample.
32. On 30 October 2019, the Tribunal Secretariat confirmed that Ms. Anna Bordiugova had been appointed as the Chair of the Panel convened to determine this matter.
33. On 28 November 2019, based on the Chairs and Parties' availability, a Preliminary Meeting was convened between the parties and the Chair of the Panel, at which procedural directions for the determination of this matter were issued ("**the Directions**"). The hearing date was fixed for the 11 February 2020.
34. On 20 December 2019, AIU requested a short extension to the deadline for the AIU to file the Brief on behalf of World Athletics until 5pm GMT on Tuesday 24 December 2019, with a corresponding extension for Ms Marimuthu to file her Answer by Tuesday, 14 January 2020. This request was granted by the Chair.
35. On 23 December 2019, the parties were informed that the Panel to adjudicate this matter, alongside the Chair Ms. Bordiugova was as follows: Mr. Dennis Koolaard, Mr. Paul Ciucur.
36. On 24 December 2019, the AIU submitted its written brief.
37. On 14 January 2020, the Athlete submitted her written brief, which was accompanied by an expert report by Dr. M P Saravanan, Professor at the Stanley Medical College & Hospital in Chennai, India. The Expert report was neither signed, nor dated. The scientific articles mentioned therein were not provided, but were accessible for the Panel online. The Panel requested this document to be signed and dated – which was done the next day.

38. On 28 January 2020, in view of the fact that the Athlete's Brief contained arguments that involved a wide range of issues, including alleged departures from the ISTI and the ISL, which necessitated the AIU to contact and conduct further enquiries with several organisations and individuals for the AIU to respond fully to the Athlete's arguments, the AIU requested an extension of the deadline to file its Reply Brief, on behalf of World Athletics, until 5pm GMT on Friday 14 February 2020. The request was granted by the Panel and a revised hearing date of 27 March 2020 was consequently fixed.
39. On 14 February 2020, the AIU submitted its Reply brief enclosing an expert opinion of Prof. Martial Saugy, Associate Professor and Director of the Center of Research & Expertise in anti-doping Sciences (REDs) of the University of Lausanne, Switzerland, and a statement from the Lead Doping Control Officer ("**DCO**") for the second and third samples, Mr. Jay Singh. The scientific articles mentioned in the report of Prof. Saugy were not provided, but were accessible for the Panel online.
40. On 23 March 2020, the Athlete's counsel submitted a request to postpone the hearing scheduled for 27 March 2020 due to restrictions imposed by Indian government in view of the COVID-19 outbreak. The AIU strongly objected against postponement of the hearing. This request was not granted by the Panel because it agreed with the AIU's argument that the difficulties in interstate travelling did not impede the Athlete and her team from attending the hearing by video conference.
41. A further request to postpone the hearing was submitted later on the same day by the Athlete's counsel, alleging that the whole Athlete's team could not gather together for the hearing as planned before due to restrictions for interstate travelling and that, being out of his office, he could not get access to the case file. Due to absence of convincing reasons the Panel again did not grant this request – it was not mentioned why the case file and materials for the hearing were not recoverable electronically and/or with assistance of the counsel's legal office colleagues or his own assistants. It was not mentioned what exactly prevented the Athlete, her counsel and expert Dr. Saravanan to connect to video conference from different places in India, where they were allegedly locked down due to COVID-19 restrictions enforced by Indian government.
42. On 24 March 2020, on request of the Panel, the Disciplinary Tribunal Secretariat provided the Athlete's team with a soft copy hearing bundle, prepared by the AIU. Moreover, the

Panel considered also that severe movement restrictions started being implemented worldwide as of 12 March 2020, thus, by 23 March, the Athlete's team could not have claimed that this obstacle took them by surprise.

43. On 24 March 2020, another two requests to postpone the hearing until April or May were made by the Athlete's counsel, without naming a possible date, mentioning the same reasons for such postponement as in the previous two requests, additionally emphasizing that the Athlete was incapable of installing the necessary software in order to attend the hearing via video conference and that she needed an interpreter, as well as that more restrictions were enforced due to COVID-19 and that India was locked down until 13 April 2020. The AIU strongly objected against the postponement of the hearing and undertook to provide an interpreter for the Athlete.
44. On 26 March 2020, at the end of the day, a new request to postpone the hearing was submitted by the Athlete's counsel, informing that Dr. Saravanan, expert for the Athlete, was extremely busy because he was called to assist in the testing laboratory helping with tests for COVID-19 and was facing troubles with connecting to Wi-Fi; he also pointed that the Athlete had no possibility to attend the video conference. A personal letter from Dr. Saravanan was submitted to confirm the circumstances claimed. Dr. Saravanan requested the hearing to be postponed until the COVID-19 crisis was over.
45. The Panel decided to proceed with the hearing the next morning and offered the Athlete and her expert the possibility of being heard via telephone. This last offer was ignored.
46. On 27 March 2020, before the hearing, the Athlete's team requested a second hearing to be held, in which both Dr Saravanan and the Athlete would be present and be able to present their case, following which the Disciplinary Tribunal Secretariat informed the Athlete's team that this issue would be discussed during the hearing later that day.
47. The hearing was held via video conference on 27 March 2020 before the Tribunal. The Panel was composed of Ms. Anna Bordiugova (Chair), Mr. Dennis Koolaard and Mr. Paul Ciucur, (members) and assisted by Ms. Alisha Ellis of Sport Resolutions.
48. The following individuals were present:

For the Claimant, AIU: Mr. Tony Jackson, Case manager

Mr. Ross Wenzel, Legal counsel

For the Respondent: Mr. Saurabh Mishra, Legal counsel

Mr. Srinivasan Saimani, Legal counsel

Mr. Vishnu Ramz – Athlete Adviser.

49. At the outset, the Panel heard from the AIU regarding the Athlete's request to postpone the hearing as submitted on 26 March 2020 and/or to hold a second hearing. The AIU opposed to the request and insisted that the hearing had to proceed, while the Athlete's Expert could be given a further possibility to submit his response to Prof. Saugy's opinion in writing and that the Athlete could submit a further personal statement in writing with the possibility for Prof. Saugy to reply, if deemed necessary.
50. Having discussed the issue, the Panel ordered as follows: the hearing was to proceed and the Parties were given the floor for their opening statements. Prof. Saugy was not heard in order to treat both parties equally. Instead, Dr. Saravanan was given until 10 April 2020 to provide his reply to Prof. Saugy's expert opinion dated 14 February 2020 and the Athlete was to submit her personal statement in writing by the same deadline. Prof. Saugy was then given until 24 April 2020 to submit any reply to Dr. Saravanan's statement, if necessary. Both parties were given until 5 May 2020 to submit their closing statements in writing.
51. On 10 April 2020, the Athlete's counsel submitted her personal statement and a statement of Dr. Saravanan, both of which were neither signed nor dated, together with a request to be allowed to file a supplementary report, without indicating any details regarding the content of such a report. Dr. Saravanan's statement contained a further request to the Panel *"to provide [him] some time to provide any supplementary arguments in favour of the Athlete"* – without any specification as to the possible date of such submission and its expected contents. The Panel requested that the statements of the Athlete and Dr. Saravanan be duly signed and dated in order to be admitted to the file. The Athlete, by response email, requested that her statement be accepted as a signed statement on her behalf because she lacked access to both a printer and scanner to send a physically signed copy due to total lockdown ordered by Indian government caused by COVID-19 pandemic. In her statement the Athlete reiterated her previous statements, made to NADA India and

the AIU, namely that she was not aware of how the Prohibited Substance entered her system, that she had never taken any Prohibited Substances and that she was not a cheater.

52. On 14 April 2020, the AIU objected to the filing of a further supplementary report by the Athlete.
53. In the absence of any response or reaction from the Athlete's counsel to the Panel's request regarding the signing of the Expert's report, on 20 April 2020, the parties were informed that the Panel decided to accept the Athlete's statement of 10 April 2020 and to reject the Athlete's counsel's request for submission of a supplementary report because such submission was never discussed before and the nature of such a report and its possible content were not provided by the Athlete's counsel neither on their own, together with the respective request, nor after being specifically requested to do so twice by the Panel. Moreover, such a submission would be manifestly late, since the Athlete and her legal team had the statement of Prof. Saugy in their possession since 14 February 2020 and could have submitted their request for filing a supplementary report earlier.
54. The Panel also decided not to accept the second statement of Dr. Saravanan, because it was neither signed, nor dated. In addition, the scientific articles mentioned therein were not provided and were inaccessible for the Panel online. Through the Athlete's counsel, Dr. Saravanan was requested to sign and date his statement and to provide scientific articles he referred to in his second statement dated 10 April 2020. On 17 April 2020 a reminder was sent, which remained unanswered.
55. On 21 April 2020, the Athlete's counsel provided a new inaccurate and unclear document, allegedly from Dr. Saravanan, dated 21 April 2020, of which only the last page belonged to the document that had been provided to the Panel on 10 April 2020 on behalf of Dr. Saravanan. Once again, the scientific articles referred to in the previous document and in the new one were not provided. The Athlete's counsel provided a written self-declaration of Dr. Saravanan, where it was stated that he was quarantined from 8 until 13 April due to his professional contacts with persons sick with COVID-19 and because of this, he had only been able to sign his statement on 21 April 2020. The Panel was requested to accept the reason for delay and the document, signed by Dr. Saravanan and dated 21 April 2020.

56. After careful consideration of the above request, the Panel decided to decline the request for the following reasons:

- (i) It is a party's responsibility to prepare the documents it would like to rely on, properly and in time – this was not done by the deadline set, i.e. 10 April 2020. The statement of Dr. Saravanan was not signed or dated and the scientific articles referred to in the document were not attached. At that time, Dr. Saravanan was not in quarantine, which, according to his self-declaration, lasted from 8 to 13 April 2020;
- (ii) The Panel requested the above statement to be signed and dated and that the scientific articles be provided by 14 April 2020, when Dr. Saravanan already returned to work. Until 21 April 2020, the Athlete's counsel did not inform the Panel of potential problems with reaching their expert (whose availability is also a party's own responsibility) for this purpose – they kept silent, despite a reminder having been sent on 17 April 2020. It is the Panel's understanding that quarantine does not mean total isolation from all means of communication; if the Athlete's team could not reach the expert, even without knowing the reason - this problem should and could have been brought to the Panel's knowledge.
- (iii) If Dr. Saravanan, as he self-certified, resumed working on 14 April 2020 – there was enough time to re-submit the requested statement signed, dated and with scientific articles attached. Instead, a new document dated 21 April 2020 was provided.

57. On 24 April 2020, the AIU provided the Panel with a clarifying email from Prof. Saugy, where he corrected his report dated 14 February 2020, namely the LDP reference numbers he referred to. The following mistakes were corrected by Prof. Saugy: the discrepancies between the actual sample numbers as referenced in the Doping Control Forms ("**DCFs**"), signed by the Athlete and the numbers Prof. Saugy mistakenly referenced in his expert opinion:

- correct LDP number that was meant is 6363569 (not 6363659 as written in the report)

- correct LDP number that was meant is 6364741 (not 6363741 as written in the report)

- correct LDP number that was meant is 6364751 (not 6363751 as written in the report).

58. Indeed, the Panel observed, that in the case file it has in its possession, the DCFs, analytical reports and the LDPs' contain reference numbers 6363569, 6364741, 6364751. Therefore, it was accepted that Prof. Saugy erred in typing correct Sample numbers while drafting his report dated 14 February 2020. Furthermore, all other data pertinent to the samples and mentioned in the report of Prof. Saugy was correct and left no doubt that he indeed was provided with the correct documentation, pertinent to the Athlete's samples. Prof. Saugy further indicated that *"I read also the other points in relation to the total volume of the sample and the metabolism of nandrolone. I think that I already answered to these arguments in my expert opinion."*

59. On 5 May 2020, the AIU requested a 24-hours extension to finalise preparation of their Closing Statement on behalf of WA. The Panel granted such extension to both parties.

60. On 6 May 2020, both Parties submitted their Closing Statements.

IV. JURISDICTION

61. Article 1.2 ADR states as follows:

"In accordance with Article 16.1 of the IAAF Constitution, the IAAF has established an Athletics Integrity Unit ("Integrity Unit") with effect from 3 April 2017 whose role is to protect the Integrity of Athletics, including fulfilling the IAAF's obligations as a Signatory to the Code. The IAAF has delegated implementation of these Anti-Doping Rules to the Integrity Unit, including, but not limited to the following activities in respect of International-Level Athletes and Athlete Support Personnel: Education, Testing, Investigations, Results Management, Hearings, Sanction and Appeals. The references in these Anti-Doping Rules to the IAAF shall, where applicable, be references to the Integrity Unit (or to the relevant person, body or functional area within the Unit)."

62. The application of the ADR to athletes, athlete support personnel and other persons is set out in Article 1.6 ADR, including:

"1.6 These Anti-Doping Rules also apply to the following Athletes, Athlete Support Personnel and other Persons, each of whom is deemed, as a condition of his membership, accreditation and/or participation in the sport, to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of the Integrity Unit to enforce these Anti-Doping Rules:

(a) all Athletes, Athlete Support Personnel and other Persons who are members of a National Federation or of any member or affiliate organisation of a National Federation (including any clubs, teams, associations or leagues);

(b) all Athletes, Athlete Support Personnel and other Persons participating in such capacity in Competitions and other activities organized, convened, authorized or recognized by (i) the IAAF (ii) any National Federation or any member or affiliate organization of any National Federation (including any clubs, teams, associations or leagues) or (iii) any Area Association, wherever held;

(c) all Athlete Support Personnel and other Persons working with, treating or assisting an Athlete participating in his sporting capacity; and

(d) any other Athlete, Athlete Support Person or other Person who, by virtue of an accreditation, licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of the IAAF, of any National Federation (or any member or affiliate organization of any National Federation, including any clubs, teams, associations or leagues) or of any Area Association, for purposes of anti-doping."

63. Article 1.8 ADR specifies those athletes that are classified as International-Level athletes for the purpose of the ADR as follows:

*"1.8 Within the overall pool of Athletes set out above who are bound by and required to comply with these Anti-Doping Rules, each of the following Athletes shall be considered to be an International-Level Athlete ("**International-Level Athlete**") for the purposes of these Anti-Doping*

Rules and therefore the specific provisions in these Anti-Doping Rules applicable to International-Level Athletes shall apply to such Athletes:

(b) An Athlete who is entered for or is competing in any of the following Competitions:

[...]

(iii) Area Senior Championships (indoor and outdoor); [...] [emphasis added by the Panel].”

64. Pursuant to ADR Article 1.6(a) and 1.8(b), at all material times the Athlete was a registered member of the Athletics Federation of India, and thus subject to, and bound to comply with, the ADR. It is not in issue, therefore, that:

- (i) the ADR are applicable to the Athlete;
- (ii) for the purposes of the ADR the Athlete is an International Level Athlete;
- (iii) the AIU had jurisdiction for result management of the Athlete’s Samples in accordance with Article 7.2 (7.2.1 and 7.2.4 ADR); and
- (iv) in accordance with Article 8.1(a) ADR the Disciplinary Tribunal has jurisdiction to consider this case.

65. Both Parties have accepted jurisdiction of the Disciplinary Tribunal in their respective written submissions.

V. APPLICABLE LAW

66. In their written submissions the Parties referred to WA ADR, therefore their applicability is not disputed by them.

67. Article 2 ADR specifies the circumstances and conduct that constitute ADRVs. This includes Article 2.1 which provides:

"2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample

2.1.1 It is each Athlete's duty to ensure that no Prohibited Substance enters his body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence, or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation under Article 2.1."

68. Article 2.2 ADR also establishes that use of a Prohibited Substance or Prohibited Method constitutes an ADRV:

"2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method

2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence, or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation for Use of a Prohibited Substance or a Prohibited Method."

69. Articles 2.1.1 and 2.2.1 ADR provide that it is each athlete's personal duty to ensure that no Prohibited Substance enters his body and that no Prohibited Substance or Prohibited Method is used. Athletes are strictly responsible for any Prohibited Substance or its Metabolites or Markers found in their samples and both foregoing provisions provide:

"Accordingly, it is not necessary that intent, Fault, negligence, or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation [...]."

70. With regard to the presence of a Prohibited Substance or its Metabolites or Markers in an athlete's Sample, Article 2.1.2 ADR states:

"2.1.2 Sufficient proof of an Anti-Doping Rule Violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete's B Sample is split into two bottles and the analysis of the second bottle confirms the

presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle."

71. In relation to an athlete's use of a Prohibited Substance or Prohibited Method, Article 2.2.2 ADR provides:

"2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an Anti-Doping Rule Violation to be committed."

72. The presence of a Prohibited Substance or its Metabolites or Markers in an athlete's Sample is therefore sufficient to establish that an athlete has committed an ADRV pursuant to Article 2.1 ADR. Additionally, the use of a Prohibited Substance or a Prohibited Method is sufficient for an ADRV to be committed under Article 2.2 ADR.

73. Article 3.1 ADR provides that WA shall have the burden of establishing that an ADRV has occurred to the comfortable satisfaction of the Tribunal:

"3.1 The IAAF or other Anti-Doping Organisation shall have the burden of establishing that an Anti-Doping Rule Violation has been committed. The standard of proof shall be whether the IAAF has established the commission of the alleged Anti-Doping Rule Violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt..."

74. Article 3.2 ADR states that facts relating to ADRV may be established by any reliable means. In that regard, Article 3.2 ADR also states:

"3.2.2 Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly.

3.2.3 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in compliance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that

a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding. In such an event, the IAAF shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

3.2.4 Departures from any other International Standard, or other anti-doping rule or policy set out in the Code or these Anti-Doping Rules that did not cause the facts alleged or evidence cited in support of a charge (e.g., an Adverse Analytical Finding) shall not invalidate such facts or evidence. If the Athlete or other Person establishes the occurrence of a departure from an International Standard or other anti-doping rule or policy set out in the Code or these Anti-Doping Rules that could reasonably have caused the Adverse Analytical Finding or other facts alleged to constitute an Anti-Doping Rule Violation, then the IAAF or other Anti-Doping Organisation shall have the burden to establish that such departure did not cause such Adverse Analytical Finding or the factual basis for the Anti-Doping Rule Violation.”

VI. POSITIONS OF THE PARTIES

75. The following outline is a summary of the main positions of the parties to the case and does not comprise each and every contention put forward by them. The Panel, however, has carefully considered all the submissions made by the Athlete and the AIU, even if no explicit reference has been made in what follows. The parties' written submissions and all documentary evidence, scientific articles relied on by the parties - were all taken into consideration.

The Athlete

76. The Athlete's submissions, in essence, may be summarised as follows:

- The Athlete submits that she has never used a Prohibited Substance. The levels of 19-NA may have been caused by physical activity paired with Polycystic Ovary Syndrome (“PCOS”) she is diagnosed with;

- For the First Sample there is a discrepancy between volume and specific gravity as indicated in DCF by the DCO and those recorded in the corresponding LDP by the WADA accredited laboratory in New-Delhi – 150 ml and 120 ml respectively and 1.010 and 1.005 respectively; therefore, there is a high probability that the integrity of the Sample was compromised or that it does not belong to the Athlete;
- The collection of the Third Sample was conducted in violation of Article 7.3 of the Urine Sample Collection Guidelines because after having collected the Second Sample of sufficient volume (110 ml), the DCO requested the provision of the Third Sample due to alleged insufficient volume of the Second Sample, therefore the Third Sample should be disregarded; moreover, the Third Sample would amount to a double jeopardy, i.e. to incriminate the Athlete for the same offence;
- The Fourth Sample was handled and analysed by the WADA accredited laboratory in Doha, Qatar improperly, namely - during the Sample preparation phase (the temperature and time in the oven were not in accordance with the laboratory standard operational procedures: 56-57.5 degrees instead of 48-52 degrees and 90 minutes instead of 60 minutes) and during the extraction phase (the incubation temperature was too high – 115 degrees instead of 95-105 degrees), which could have led to the laboratory analysis results being incorrect. Further on, the following regarding the Fourth Sample was pointed out:
 - The data in relation to the internal standards of the Sample ratios are not clear;
 - The calibration ranges have not been provided;
 - The blank comparisons conducted are not clear; and
 - The standard operating procedure has not been followed.
- The laboratory did not perform analysis of the Fourth Sample for Luteinizing Hormone, whereas 19-NA is neither a metabolite of nandrolone, nor of testosterone, which suppresses the LH-FSH levels. The suppression of the LH-FSH levels typically occurs upon the use of testosterone in the human body and therefore there is a high probability that the presence of 19-NA at the concentration above 15 ng/mL could be due to endogenous factors;
- There was a delay of two months between first Sample collection (18 March 2019) and notification of AAF for this Sample, which occurred only on 17 May 2019, and prevented the Athlete from taking any mitigating/remedial action in order to avoid further samples returning the same AAF;

- Analysis of sulphated 19-NA (as opposed to the glucuronide 19-NA) would provide conclusive proof or otherwise of the exogenous origin of any 19-NA in the samples;
- 19-NA in the samples was of endogenous origin due to physical activity (all four samples were taken In-Competition) paired with PCOS, suffered by the Athlete.

77. In her written brief the Athlete requested the following relief:

"1) To rule that the Athlete has not committed any violation of Articles 2.1 and 2.2 of the ADR;

2) To uphold all results obtained by the Athlete between 18 March 2019 and 18 May 2019;

3) To uphold the eligibility of the Athlete to participate in any and all competitions as a result of the results obtained during and prior to the interim suspension period; and

4) To award the Athlete a contribution to any legal costs that she has incurred in relation to these proceedings."

The AIU

78. AIU's submissions, in essence, may be summarised as follows:

- Four In-Competition samples collected from Ms. Marimuthu were found to contain norandrosterone, a metabolite of the Prohibited Substance nandrolone and/or its prohibited precursors, in concentrations well in excess of 15 ng/mL, the threshold beyond which the presence of norandrosterone is deemed to exceed the range of values normally found in humans so as not to be consistent with normal endogenous production;
- The negative progression of the 19-NA concentration in the Athlete's Samples collected between 18 March 2019 and 22 April 2019 is, according to the expert opinion of Prof. Saugy, fully consistent with the administration of nandrolone or nandrolone precursors;
- The Athlete denied commission of an ADRV, she put forward various explanations regarding the presence of 19-norandrosterone in her Samples, such as genetic conditions, PCOS which the Athlete allegedly suffers and physical activity - none of which are plausible and

explanatory for the extreme levels of 19-norandrosterone found in her Samples. Alleged medical conditions were not confirmed by any medical evidence;

- Prior to the AAF on 18 March 2019, the Athlete had provided 8 samples since 11 July 2015 (including 5 that were collected In-Competition). None of those samples returned an AAF for 19-NA.
- The Athlete advanced a number of alleged departures from the ISTI and ISL, none of which could potentially have caused an AAF, namely:
 - 1) Alleged error in the chain of custody – it is unspecified for any of the four Samples collected from the Athlete. To the contrary – the chain of custody for all Samples was intact and complete, as demonstrated by the Sample collection and analysis documentation, provided to the Athlete;
 - 2) Long storage period for Sample 4339389 (14 days) that could result in ex-vivo spontaneous generation of 19-NA in the Athlete’s Sample up to a level of 99 ng/mL – the Athlete did not present evidence to demonstrate that the storage conditions could have resulted in such 19-NA generation;
- The circumstances of the collection and analysis of the First Sample (a discrepancy between the First Sample volume and specific gravity as indicated in the DCF by the DCO and by the WADA accredited laboratory in New-Delhi), were reviewed by Prof. Saugy who confirmed that the discrepancies in the records of Sample volume and specific gravity (“**SG**”) between the DCO and the New Delhi Laboratory provide no indication that the First Sample has been tampered with or that its integrity has been compromised;
- Moreover, the CAS decision referred to by the Athlete *CAS 2019/A/6155 WADA v. National Anti-Doping Agency of India (NADA) & Inderjeet Singh* established that a discrepancy in the urine volume does not amount to a departure from a specific standard or rule and that “*the evidentiary value of volumes with regard to the identity of a sample is secondary in relation to the test mission code and the sample code, whose particular purpose is to confirm the identity of a sample.*” The Sample Code for the First Sample (6363569) and the Mission Code recorded on the DCF (923646227) are the same as the Mission Code and Sample Code recorded on the Chain of Custody Document at page 12 of the LDP for the First Sample;

- The Lead DCO (Mr. Jay Singh), for the collection of the Second Sample and the Third Sample, has confirmed that the Third Sample was collected because the Athlete did not adhere to the requirements of the ISTI in splitting the volume of urine obtained in the Second Sample between the A Sample bottle and the B Sample bottle - when dividing the volume of urine collected between the A Sample bottle and the B Sample bottle, the Athlete first filled the A Sample bottle to a level near to (and under) the mark of 60mL followed by the B Sample bottle with the remainder of the urine. This is in direct contravention of the above requirements of the ISTI. Therefore, in order to avoid an insufficient volume of urine in the A Sample bottle and to ensure that a Sample was collected from the Athlete fully in accordance with the ISTI, the DCO (in consultation with the Lead DCO) determined to collect an additional Sample from the Athlete (i.e., the Third Sample). The Athlete agreed to and accepted the collection of the Third Sample on 13 April 2019; The alleged departure from the ISTI was therefore a direct result of the Athlete's conduct during testing on 13 April 2019. The collection of the Third Sample, rather than being a departure from the ISTI, was undertaken specifically in order to cure the Athlete's mistake and to ensure that a urine Sample was collected fully in accordance with the requirements of the ISTI on that date. The Athlete failed to demonstrate that her conduct in incorrectly splitting the urine Sample between the A and B Sample bottles could have caused the presence of 19-NA at a concentration of 187ng/mL. Since the violations in respect of the four samples are being heard and adjudicated together and are not treated as "multiple violations", because the Athlete was not notified of any of the violations before providing the last of the Samples, the Athlete's argument that there is "double jeopardy" must be rejected;
- Prof. Saugy, who reviewed the Athlete's argument in relation to the Fourth Sample, concluded that the small discrepancies in the procedures alleged by the Athlete were not significant departures from the Doha Laboratory's procedures and that there has been no departure from the ISL. Prof. Saugy also concluded that the small discrepancies could never have caused the AAF in the Fourth Sample and rejects the criticisms of the LDP for the Fourth Sample put forward by the Athlete;
- The Athlete is unable to demonstrate how the Prohibited Substance entered her system in order to rebut the presumption that the ADRV was committed unintentionally;

- The Athlete should be suspended from competition for a four-year period required by the Article 10.2.1(a) ADR for intentional violations, commencing as of the date of the Tribunal's award.

79. In its written briefs the AIU requested the following relief:

"1) to rule that the Tribunal has jurisdiction to decide on the subject matter of this dispute.

2) to find that the Athlete has committed anti-doping rule violations pursuant to Article 2.1 ADR and Article 2.2 ADR;

3) to impose a period of ineligibility of four years upon the Athlete, commencing on the date of the Tribunal's Award. The period of provisional suspension imposed on the Athlete from 17 May 2019 until the date of the Tribunal's Award shall be credited against the total period of ineligibility, provided that it has been effectively served by the Athlete.

4) to order the disqualification of any results obtained by the Athlete between 18 March 2019 and 17 May 2019 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Article 10.8 ADR.

5) to award World Athletics a contribution to its legal costs in relation to this matter."

VII. ISSUES

80. The Tribunal is requested to decide whether the Athlete has committed the following ADRVs:

(i) Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, pursuant to Article 2.1 ADR, by virtue of the presence of 19-norandrosterone (a metabolite of nandrolone) in her four urine samples, provided In-Competition in the period between 18 March and 22 April 2019; and

(ii) Use of Prohibited Substance pursuant to Article 2.2 ADR;

(iii) If the Tribunal accepts questions (i) and (ii) – what are the consequences to be applied?

VIII. DELIBERATIONS

81. At the outset, the Panel notes that the Athlete put forward a number of explanations of what could allegedly have caused the AAFs, claiming that she was not at Fault for the presence of a Prohibited Substance in her system.
82. In her numerous statements provided during Results Management and these proceedings, the Athlete denied having ever taken any Prohibited Substances and put forward different scenarios of how 19-NA could have been detected in her samples: to the AIU – that it might have been an act of sabotage; to this Panel – that 19 NA might have an endogenous origin.
83. The Panel now turns to the analysis of all arguments, as put forward by the Athlete.

ALLEGED DEPARTURES DURING SAMPLES' COLLECTION, THEIR ANALYSIS AND NOTIFICATION OF AAFs

84. Before entering into a detailed analysis of each of the alleged departures from the ISTI and the ISL, advanced by the Athlete, and whether those departures could have reasonably caused AAFs, the Panel notices that the Athlete signed all three DCFs without mentioning any comments/reproaches regarding the procedures of Sample collection. Only in the DCF for samples 2 and 3, collected on 13 April 2019, the DCO in charge commented that an additional Sample was taken "*due to partial volume in "A" Sample bottle nr 6364751*". No comments from the Athlete's side were made.
85. Detailed guidelines for laboratory analysis for the substance, found in four consecutive Athlete's samples are outlined in WADA Technical Document – TD2019NA "Harmonization of analysis and reporting of 19-norsteroids related to nandrolone". In the context of this Technical Document, the detection of the *Use* of nandrolone (19-nortestosterone) and other 19-norsteroids (*e.g.* 19-norandrostenedione, 19-norandrostenediol) is based primarily upon the identification of the main urinary *Metabolite*, 19-norandrosterone (19-NA). More than one *Metabolite* of administered 19-norsteroids may be detected in urine *Samples* and reported [*e.g.* 19-noretiocholanolone (19-NE)]; however, the identification of 19-NA, including the demonstration, when required, that the 19-NA is not of endogenous

origin, is sufficient to report an AAF. "Endogenous" origins of 19-NA, in accordance with this TD, include i) trace amounts normally present in males and females; ii) pregnancy; iii) *in-situ* microbial degradation of androsterone (A) to 19-NA; or iv) consumption of the offal of intact, non-castrated pigs. Concentration of 19-NA in case of endogenous production cannot be higher than 15 ng/ml. Each of the Laboratory reports, confirming AAF in an Athlete's Sample, as per the above-mentioned TD, contains the following remark: "19 Norandrosterone finding is not consistent with pregnancy or the use of Norethisterone".

i. Discrepancy in Sample volume and specific gravity in Sample 1

86. The Athlete and her expert Dr. Saravanan note that the volume of urine collected and SG in Sample 1, recorded by the DCO on the relevant DCF were respectively 150 mL and 1.010. However, for this same Sample, the Laboratory, as appears from respective LDP, recorded a volume of 120 mL and SG 1.005. On this basis, the Athlete alleged that the Sample was not collected in accordance with the International Standards and that Sample 1 has been tampered with or does not belong to the Athlete, and shall be therefore, disregarded.
87. The Panel notes that the LDP for Sample 1, bearing the same Sample number and mission code as in the respective DCF, indicates a volume of 120mL as approximate, not as a certain measurement.
88. The Panel further notes that, in accordance with Article D.4.14 to Annex D of the ISTI, *"The Athlete shall pour the minimum Suitable Volume of Urine for Analysis into the B bottle (to a minimum of 30 mL), and then pour the remainder of the urine into the A bottle (to a minimum of 60 mL). The Suitable Volume of Urine for Analysis shall be viewed as an absolute minimum. If more than the minimum Suitable Volume of Urine for Analysis has been provided, the DCO shall ensure that the Athlete fills the A bottle to capacity as per the recommendation of the equipment manufacturer. Should there still be urine remaining, the DCO shall ensure that the Athlete fills the B bottle to capacity as per the recommendation of the equipment manufacturer. The DCO shall instruct the Athlete to ensure that a small amount of urine is left in the collection vessel, explaining that this is to enable the DCO to test that residual urine in accordance with Article D.4.16." [emphasis added by the Panel]. "Small amount" referred to in this article is an uncertain volume of urine.*

89. Regarding these two points (volume and SG) in his statement dated 14 February 2020 Prof. Saugy, on behalf of the AIU, commented that the difference in volumes recorded by the DCO at the time of collection and by the Laboratory personnel when the Sample is delivered is due to a level of measurement uncertainty associated with them. The collection vessel used by the DCO does not have a very accurate volume scale. The measurement recorded by the DCO is an approximation of the volume of urine provided based on a visual assessment, which may be overestimated. In addition, the Laboratory also estimates the volume of urine and has to make the estimation in separate A and B bottles before combining the values and recording the total volume. There is also uncertainty associated with this measurement (which is doubled since the estimation must be made in relation to the A and B bottles separately).
90. Prof. Saugy noted that the DCO must instruct the Athlete to leave a small amount of urine in the collection vessel in order for the SG to be measured and it is highly likely that the Athlete did not pour the entire volume of urine that she provided (as recorded by the DCO) into the A and B bottles at the Doping Control Station. In view of the above, the disparity in the recorded urine volumes could well be explained primarily by the measurement uncertainty (both in the Sample collection vessel at doping control and in the A and B bottles at the laboratory), but also as a result of the fact that a small amount of urine is left in the Sample collection vessel (after measurement) in order to measure specific gravity.
91. The Panel notes that this explanation of the volume difference lies fully within the procedure described in the WADA Urine Sample Collection Guidelines, namely Articles 7.4 and 7.4.1 and is, therefore, satisfied that appearance of this approximately 30 ml difference is reasonably explained by Prof. Saugy.
92. Regarding the difference in SG as recorded by the DCO and by the laboratory, the Panel observes that it is not rare in anti-doping procedures, and might be caused because of different measurement methods. As per WADA Urine Sample Collection Guidelines Article 7.4.2, a DCO might use refractometer (which from time to time has to be calibrated and if not calibrated when due, it may provide inaccurate results) or sticks, whereas the Laboratory uses a method which is validated and accredited.

93. The meaning of SG obtained by the DCO, as pointed by Prof. Saugy and not disputed by Dr. Saravanan, may depend on whether the urine had or had not been carefully mixed before the measurement was taken. Prof. Saugy emphasized that laboratories participate in external quality controls for this measurement and the SG recorded in the laboratory is a more reliable measurement of SG than the measurement obtained by the DCO (whatever measurement instrument is used). Prof. Saugy concluded that the discrepancy is likely due to the different methods used by the DCO and the laboratory in determining the SG of the urine Sample.

94. The Panel further observes that the Athlete and her expert did not indicate how the difference in volume and, in SG, if any indeed, could influence the results of the Laboratory test and cause an AAF. Moreover, the concentration of 19-NA in the Athlete's four samples when recalculated by Prof. Saugy with adjustment of SG to 1.020 appeared to be even higher:

No	Code	Type	Date	Concentration	SG	Concentration (adjusted to SG 1.020)
1	6363569	IC	18/03/2019	416ng/mL	1.005	1664 ng/mL
2	6364751	IC	13/04/2019 (19:15)	187ng/mL	1.012	312 ng/mL
3	6364741	IC	13/04/2019 (19:50)	16.2ng/mL	1.003	108 ng/mL
4	4339389	IC	22/04/2019	99 ng/mL	1.009	220 ng/mL

95. Prof. Saugy underlined that those discrepancies are not an indication that the integrity of Sample 1 had been compromised. He pointed out that, on page 5 of the LDP for S 1, there

is a confirmation that the seal condition of vessels was “properly intact” and that no remarks were made in relation to the condition of Sample 1 by the relevant analyst when the Sample was received (meaning that no non-conformity was observed) (pages 14, 15 and 16 LDP for Sample 1). The Panel reviewed LDP and observed that indeed the Sample bearing number 6363569 was received intact and sealed.

96. Further, the Panel observes that pursuant to Articles 3.2.3 and 3.2.4 of the ADR, only departures from International Standards or “*other anti-doping rule or policy set out in the Code or these Anti-Doping Rules*” can lead to invalidation of the AAF and only if such departure could reasonably have caused the AAF. A connection between alleged departure and an AAF shall be proven by an athlete on the balance of probabilities. The laboratory procedures clearly fall outside of the relevant rules and policies.

97. The Panel agrees with the Sole Arbitrator in the case *CAS 2019/A/6155 WADA v. NADA India & Inderjeet Singh*, brought to the Panel’s attention by the Athlete’s counsel, in that: “*the evidentiary value of volumes with regard to the identity of a sample is secondary in relation to the test mission code and the sample code, whose particular purpose is to confirm the identity of a sample*” (*para 109*). Since there is no issue with the test mission code and the Sample code in the present proceedings and in the absence of other arguments advanced by the Athlete that may give rise to doubts as to whether the samples tested were samples collected from the Athlete, the Panel finds that the samples tested must be attributed to the Athlete.

98. Further, the Panel observes that in the LDP for Sample 1 there are no indications that the chain of custody for this Sample was in any way compromised and indeed the Athlete did not point any precise parameter which was in non-conformity with usual procedures. Therefore, this argument of the Athlete fails.

ii. Reasons for collection of Sample 3

99. The Athlete claims that Sample 3 was collected in violation of Article 7.3 of the WADA Guidelines on Urine Sample Collection, namely that it was collected additionally without necessity, because the volume of Sample 2 provided by her within the same hour was of sufficient volume, i.e. 110 ml.

100. Indeed, the Panel observes that WADA ISTI 2019 provides the following definition:

"Suitable Volume of Urine for Analysis: A minimum of 90 mL, whether the laboratory will be analysing the *Sample* for all or only some *Prohibited Substances* or *Prohibited Methods*".

101. Further, the Panel notes that Article D.4.14 of Annex D to ISTI specifies that "*The Athlete shall pour the minimum Suitable Volume of Urine for Analysis into the B bottle (to a minimum of 30 mL), and then pour the remainder of the urine into the A bottle (to a minimum of 60 mL). The Suitable Volume of Urine for Analysis shall be viewed as an absolute minimum. If more than the minimum Suitable Volume of Urine for Analysis has been provided, the DCO shall ensure that the Athlete fills the A bottle to capacity as per the recommendation of the equipment manufacturer. Should there still be urine remaining, the DCO shall ensure that the Athlete fills the B bottle to capacity as per the recommendation of the equipment manufacturer. The DCO shall instruct the Athlete to ensure that a small amount of urine is left in the collection vessel, explaining that this is to enable the DCO to test that residual urine in accordance with Article D.4.16.*" [emphasis added by the panel]
102. Upon request from the AIU, the DCO responsible for the Second Sample collection, explained why an additional Sample was requested to be provided by the Athlete – that happened because "*during the process of splitting & sealing of sample by the athlete in A sample bottle no. 6364751, it was observed by the DCO that volume of urine poured in A bottle was just near to mark of 60 ml and the rest volume of urine was poured and sealed in B bottle by the athlete inadvertently. So to avoid the chances of non- conformity by the Lab in respect of volume in A bottle, the DCO after consultation with the Lead DCO i.e. undersigned, decided to collect additional sample*". This explanation appears to be in conformity with Articles 7.3 and 7.4 of the WADA Urine Sample Collection Guidelines, and Article D.4.14 of Annex D to ISTI, quoted above. The Athlete did not oppose to the DCO's explanation regarding the sequence of events during these samples' (2 and 3) collection.
103. In view of the above, the Panel has no doubt that collection of Sample 3 was necessary and performed in accordance with WADA ISTI and WADA Urine Sample Collection Guidelines. Therefore, the Panel is satisfied that Sample 3 is valid.
104. In her Closing statement paras 2.3.2 and 2.3.3 the Athlete submitted the following regarding the Third Sample:

2.3.2. The WADA Guidelines for Urine Sample Collection, attached hereto as Annexure A clearly state that the suitable specific gravity for analysis of a sample shall be 1.05 or higher, when measured with a refractometer, and 1.010 or higher when measured with lab sticks.

2.3.3 Even if we assume that the specific gravity was measured using lab sticks, the test report provided at pages 73-74 of LDP bearing Ref No 82/NDTL/TSO/2019-20 clearly states that the specific gravity of the Third Sample was in fact 1.003. This puts it at a level that is lesser than what is considered suitable by the WADA for analysis.

2.3.4 With the Third Sample being clearly not suitable for analysis, it is our submission that any results that arise out of the same, should be nullified and held void.” - this argument, due to its late submission, is not taken into consideration by the Panel.

105. The Panel observes that ISTI 2019 contains the following definition: *“Suitable Specific Gravity for Analysis: Specific gravity measured at 1.005 or higher with a refractometer, or 1.010 or higher with lab sticks.”*, whereas WADA Guidelines for Urine Sample Collection Article 7.4.2 “Testing Sample for Suitable Specific Gravity for Analysis” further specifies: *“The DCO tests the residual volume of urine remaining in the Sample collection vessel to determine if the Sample has a Suitable Specific Gravity for Analysis. The specific gravity measurement must be greater than or equal to 1.005 if using a refractometer, or greater than or equal to 1.010 with lab sticks”*.
106. Therefore, it is the Panel’s understanding that the specific gravity range, mentioned in this Article of the Guidelines and referred to by the Athlete, is indicated for the Sample collection procedure and when measured by the DCO, not by the Laboratory. Sample 3’s SG as measured by the DCO and reflected in the DCF was 1.010, i.e. within the range mentioned in the Article 7.4.2.
107. Further, the Panel observes that WADA ISTI 2019 and WADA ISL 2016 and WADA TD2019NA “Harmonization of analysis and reporting of 19-norsteroids related to nandrolone” do not contain any lower or upper SG limit, below or above which a Sample should be deemed invalid and not analysed by a laboratory. It is obvious that the more diluted a Sample is, the more difficult it is for a Laboratory to detect a Prohibited Substance in it and different methods of analysis shall be used.

108. Therefore, the Panel concludes that, when measured in the laboratory, SG of a Sample might be lower than the one indicated in the DCF as measured by the DCO, circumstances which do not make a Sample invalid for the analysis. Therefore, this argument of the Athlete also fails.

iii. Alleged late notification of the Athlete regarding AAF for Samples 1, 2 and 3 by NADA India

109. As a starting point, the Panel observes that in accordance with Article 5.2.6.5 ISL 2016, in force at the time of samples' collection "*Reporting of "A" Sample results should occur within ten working days of receipt of the Sample. The reporting time required for specific Competitions may be substantially less than ten days. The reporting time may be altered by agreement between the Laboratory and the Testing Authority*". [emphasis added by the Panel].

110. In this regard the Panel notes that using the auxiliary verb "should" instead of "shall" it is meant to denote a guideline or whenever non-compliance with the specification is permissible. And indeed, in the third sentence of this rule it is outlined when this period can be altered and become longer.

111. In accordance with Article 7.3.1 ADR, "*Upon receipt of an Adverse Analytical Finding in relation to an A Sample, the Integrity Unit shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding*".

112. In accordance with Article 7.3.3, "*If the review of an Adverse Analytical Finding under Article 7.3.1 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the Integrity Unit shall promptly notify the Athlete, and simultaneously the Athlete's National Federation, the Athlete's National Anti-Doping Organization and WADA, in the manner set out in Article 14.1.*" [emphasis added by the Panel].

113. The Athlete claims that it was to her disadvantage that there was a significant delay between her samples' collection and notification of AAFs which prevented the Athlete from taking any mitigating/remedial action in order to avoid further samples returning the same AAF. At the same time, she did not mention what could possibly be those remedial actions.
114. The Panel notes that the ADR do not provide any specific deadline within which an athlete shall be notified of an AAF in his/her doping Sample. The word "promptly" is used in Article 7.3.3 and it comes into play only after the review under Article 7.3.1 was performed, which obviously takes some time depending on the level of the athlete and workload of staff, responsible for such a review.
115. In case of substantial delays the rule maker put in place a very specific remedy, namely Article 10.10.2(c) ADR, which specifies as follows: *"where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, the period of Ineligibility may be deemed to have started at an earlier date, commencing as early as the date the Anti-Doping Rule Violation last occurred (e.g., under Article 2.1, the date of Sample collection). All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified"*.
116. Indeed, the ADR does not contain a definition of a substantial delay. However, practice shows that such delays, when pertinent to the laboratory analysis and notification of an athlete about an AAF, are much longer than in the case at hand (at least 4-5 months to a year). As an example – see *CAS 2018/A/5581* (para 91-94); *CAS 2009/A/1759 & 1778* (para 90, 91).
117. In the case of the Athlete, in accordance with data, available in LDPs for the samples 1-3, it appears that there were no significant delays:
- The First Sample was collected on 18 March 2019, delivered to the laboratory on 19 March 2019 and analysed between 26 March - 2 May 2019. On page 1 of the relevant LDP, all procedures performed with samples A and B nr 6363569 are detailed under headings "Sample Registration", "Sample opening and aliquoting for initial testing", "A Sample analysis" ("Screening" and separately "Confirmation"), "B Sample opening", "B Sample analysis", "Report". The AAF was reported by the Laboratory to NADA India on 2 May 2019. On 21 May 2019 NADA India informed the Athlete about the AAF in her First Sample;

- The Second and Third samples were collected on 13 April 2019, delivered to the laboratory on 14 April 2019 and analysed between 18 April - 27 May 2019. The AAF was reported by the Laboratory to NADA India on 27 May 2019. On 3 June 2019 NADA India informed the Athlete about AAF in her second and third samples.

118. In any case, the Athlete did not point out in her submissions how the alleged late notification of an AAF could cast doubt on the result of the laboratory finding, besides advancing an unspecified manipulation plot against her by the Laboratory and/or NADA India. Also, the Athlete is not prejudiced by the late notification of the AAFs for samples 1-3, because she is not charged for "multiple violations", but for one joint charge in respect of Samples 1-4 together.

119. In her Closing statement the Athlete submitted a new argument: *"Further, the simulate sequence run log in relation to the First Sample was conducted on May 6, 2019. However, there has been an unexplained delay in the signature of the same, the signing of the log has only been done on 5 June 2019. This unexplained error provides room for further discrepancies and doubts in relation to the validity of the sample and the tests conducted in relation to the same."* The Panel observes that this argument, entirely unspecified and non-indicative of any departure, is filed late. However, the Panel finds that such inconsistency in any event does not explain how this would have caused the presence of 19-NA in Sample 1.

120. Considering all the above, the Panel is of the opinion that Samples 1-3 were collected and analysed without meaningful departures from applicable standards and Laboratory SOPs and are, therefore, valid.

iv. Alleged departures from Sequence Operational Procedures and/or WADA International Standard for Laboratories in relation to the analysis of Sample 4

121. The Athlete alleges the following departures from the normal operating practices by the Doha Laboratory:

a) There was a difference in the temperature of the oven for the hydrolysis of the Sample (began at 56 degrees and finished at 57.5 degrees) whereas the SOP of the laboratory indicates temperature range of 50 +/- 2 degrees;

- b) The actual time for the hydrolysis was 60 minutes instead of 90 minutes as foreseen in the SOP;
- c) The temperature for the derivatization of the samples in the conical tubes was set 10 degrees higher than the range foreseen by SOP (being 95-105 degrees);
- d) Data in relation to the internal standards to the Sample ratios are not clear;
- e) The calibration ranges have not been provided;
- f) The blank comparisons conducted are not clear.
- g) Long storage period (14 days) which could have caused ex-vivo generation of 19-NA.

122. In this regard Prof. Saugy noted that the difference in the temperatures and time recorded for the hydrolysis of the samples and what is indicated in the laboratory procedures is not as significant as claimed by the Athlete.

123. This step, as explained by Prof. Saugy, is performed in order to de-conjugate the steroids from the glucuronides. This step is done with an enzyme (glucuronidase) which acts at a certain temperature and for some time. Even if the temperature recorded is higher than the scale given in the procedure, it is known from experience that the hydrolysis step will be achieved in a larger scale for both parameters (temperature and time) than what is set in the procedure. He explained that an internal standard is also used to monitor that the process of hydrolysis has been achieved. This internal standard ("IS") is the "labeled-synthetic" 4-deuterated 19-Norandrosterone glucuronide, presented at page 19/50 of the LDP. This IS passes through the entire process of Sample preparation in the same way as the Athlete's Sample, to show that all the steps were performed correctly. Prof Saugy emphasized that analytical data clearly show that the small differences in time and temperature did not influence the efficiency of the hydrolysis of Sample 4, as it can be seen in the data on page 27/50 of the LDP.

124. Regarding the temperature for the derivatization of the samples, Prof. Saugy stated that the higher temperature of the oven for the conical tubes in which the samples are derivatized follows the same reasoning as described above. The 10 degrees difference in temperature between that described in the procedure and the oven itself would not affect

the derivatization process of the Sample, thus subsequently not affect the AAF. He mentioned that 95 degrees (given the 100 degrees +/- 5 as described on page 20/50 LDP) is the minimum for the derivatization process in the conical tubes. Furthermore, the results for the IS and of the Calibration Sample and of the Quality Control (QC) allows to confirm that the procedure was applied correctly (as shown on pages 26-29/50 LDP).

125. Regarding the information (non)contained in the LDP, as claimed by Dr. Saravanan - Prof. Saugy affirmed that the data of the internal standard, and the blanks appeared clearly in the LDP (pages 26-29/50). The calibration ranges are explained on page 22/50 of the LDP. In fact, one positive control contains 15 ng/mL of NA and a second positive control contains 20 ng/mL of NA and 5 ng/mL of Nor-Etiocholanolone (NE). The Panel observed that indeed such data is present in the LDP for this Sample. Both above explanations from Prof. Saugy were neither commented nor contradicted by Dr. Saravanan.
126. The Panel is, therefore, satisfied that the AAF for Sample 4 is fully reliable.
127. In any event, the Panel is not convinced that any of such alleged deviations from the Sequence Operational Procedures and/or WADA's ISL could have caused the presence of 19 NA in the Fourth Sample.
128. In her written explanation to the AIU dated 10 October 2019, the Athlete put forward the following argument: *"it is evident from the Laboratory Document Package A4339389/AU08808 that there were around 14 (fourteen) days between the date of collection of sample and the date of testing of the sample. Such long storage periods could facilitate the exvivo spontaneous generation of nandrolone and 19-NA. My advisors have informed me that such storage leads to spontaneous decarboxylation of steroid molecule in the urine samples"*.
129. The Panel, however, observes that, as outlined by the AIU in its Brief, in the respective LDP there is no data confirming this allegation. Namely:
- The Fourth Sample was first analysed 8-days following collection on 30 April 2019 and the confirmation procedure was undertaken 14-days after collection on 6 May 2019. Page 8 of the LDP confirms that the Sample was placed into cold storage in refrigerator "R02" on receipt of the Sample and removed at 07:15 for registration in the LIMS. Page 10 confirms that Sample 4 was assigned internal Laboratory

codes: AU08808 (A Sample) and BU08808 (B Sample). Page 15-16 of the LDP for Sample 4339389 provides the LIMS data for the Chain of Custody for Sample AU08808. Following removal of the Sample from the refrigerator "R02" at 07:15 on 23 April 2019 in order to commence Sample registration (page 8 LDP) Sample AU08808 was then registered in the LIMS at 08:33, then returned to freezer "F01" by Ahmad Nofal at 09:35 on the same date (rows 1-11).

- Sample AU08808 was then taken from freezer "F01" by Ahmad Nofal at 10:17 on 30 April 2019 (row 12) and returned to the same freezer at 12:08 on the same date (row 25) and stored there until 6 May 2019. On 6 May 2019, Sample AU08808 was removed from freezer "F01" by Najib Dbes at 10:23 (row 26) for reanalysis and returned at 11:05 (row 30). On 8 May 2019, Sample AU08808 was removed from freezer "F01" by Najib Dbes at 09:45 (row 31) and moved to freezer "F04" (row 32). On 9 May 2019 test results were submitted by the Laboratory via ADAMS.

130. Therefore, there was no alleged long storage period. In any case, the Athlete did not provide any evidence that the storage conditions, even if, as she believed, could result in ex-vivo generation of nandrolone or 19-NA to a certain level, especially to such a high level as found in her Sample 4 - 99ng/mL.

131. In view of the unchallenged expert evidence of Prof. Saugy concerning the alleged departures from the ISTI and the ISL, as well as of Laboratory's Sequence Operational Procedures which, as demonstrated, can be at maximum viewed as discrepancies and not as departures - which could never be a cause for an AAF - keeping in mind normal range of values for endogenous production of norandrosterone in humans and the degree to which the concentration of norandrosterone found in the Athlete's samples exceeded those values, the Panel is comfortably satisfied that the AIU has fully met its burden of proof and established that alleged departures did not cause the AAF.

132. According to Articles 3.2.2 and 3.2.3 IAAF ADR quoted above, an athlete must establish a specific departure(s) from ISL and/or ISTI and to demonstrate that such a departure could have reasonably caused an AAF. Crucially, in this case all arguments put forward by the Athlete did not satisfy this condition - not only she did not indicate a certain rule of the ISL and/or the ISTI from which an alleged departure occurred, she did not even try to demonstrate a possible scenario, mentioning concentrations of 19-NA, that could have

possibly caused the presence of 19-NA in her samples which, as evident from the relevant LDPs, were all sealed, with Sample numbers matching.

133. The Panel, therefore, is comfortably satisfied that the Athlete did not succeed in explaining how exactly the alleged departures in Sample collection, handling and analysis could potentially influence the outcome of laboratory analysis, namely - how they could lead to a) detection of 19-NA as found in her four samples; b) detection of such extreme concentrations of a Prohibited Substance Metabolite as found in her four samples.

ENDOGENOUS ORIGIN OF 19-NA: POLYCYSTIC OVARY SYNDROME COMBINED WITH PHYSICAL ACTIVITY

134. Although no evidence has been provided besides her own testimony that the Athlete suffers from the PCOS, the Panel notes that, even if this allegation were accepted, the Athlete and her expert, Dr. Saravanan, failed to demonstrate to the Panel how this syndrome could have affected her 19-NA level. Dr. Saravanan, in his report, did not provide any detailed explanation that would demonstrate to the Panel that this syndrome might have caused production of such a high level of 19-NA as found in the Athlete's samples and that the concentration of 19-NA could be so extremely unstable as found in the Athlete's samples in 2019 (due to PCOS alone or coupled with claimed extreme physical activity).
135. Quite the opposite, the Athlete's defense provided a number of scientific articles, among which "*Reprod Biol Endocrinol. 2018; 16: 108; Endogenous Nandrolone Production: Studies in granulosa cells from patients with polycystic ovary syndrome. Recent Advances in Doping Analysis. Sport und Buch Straus- Koln 2005*", that indicates patients with the diagnosis of PCOS have higher levels of androgens than normally found in women. Endogenous nandrolone production was observed, but the synthesis of nandrolone occurred mainly when the cells were exposed to testosterone. Authors of this article state, that this confirms that norsteroids are synthesised as a by-product of the aromatisation of androgens to estrogens. Their conclusion is that no difference in the rate of synthesis of nandrolone between the PCOS-patients and the control group could be observed. This means that, even if the Athlete has PCOS, this cannot explain the high concentrations of 19-NA found in her urine samples.

136. The Panel notes that in case of PCOS the levels of 19-NA should have been not only much lower (as mentioned in the scientific article quoted above and all other articles, provided by both parties during these proceedings – not above 2 ng/ml), than those observed in the Athlete’s four consecutive samples, but should have been stable.
137. In its Brief, the AIU pointed out that prior to the AAF on 18 March 2019, the Athlete provided 8 samples since 11 July 2015 (including 5 collected In-Competition). None of those samples returned an AAF for 19-NA, whereas in the Athlete’s four consecutive samples in question there was an extreme difference observed in 19-NA levels from 416 to 99 ng/mL. Prof. Saugy was firm regarding such extreme levels of 19-NA in the Athlete’s Samples - the consecutive results of the four urine samples showing high concentrations of 19-NA with negative inclination are fully consistent with the ingestion of exogenous nandrolone or nandrolone precursors, substances of the category S1, Anabolic Agents, of the WADA Prohibited List with subsequent continued metabolization and decreasing of concentration from 416 to 99 ng/mL.
138. In his statement dated 14 February 2020, Prof. Saugy also indicated that the LH measurement (which was requested by the Athlete to be performed for her Fourth Sample) is never done by the anti-doping laboratories in female athletes because this hormone is strongly dependent on the menstrual cycle and could never be diagnostic of any doping manipulation. This was uncontested by the Athlete and her expert.
139. Dr. Saravanan also alleged that the measurement of the sulphated 19-NA could prove the endogenous production of 19-NA. Prof. Saugy in his turn observed that the Athlete quoted the publication of Le Bizec et al in 2002 (*Endogenous nandrolone metabolites in human urine: preliminary results to discriminate between endogenous and exogenous origin. Steroids 67 (2002) 105-110*), where the authors try to use the ratio between the sulphated and the glucuronide of 19- NA in order to differentiate the endogenous production and the exogenous application. Nevertheless, this study was done on samples and athletes who exhibit very low levels of 19-NA, lower than the 19-NA threshold defined by WADA (< 2ng/mL) for which the IRMS measurements could not be applied because it is clearly below the limits of detection (LOD) of this technique.
140. Prof. Saugy further underlined that the ratio between sulphates and glucuronides was never considered appropriate to use when the concentration of 19-NA is higher than 15

ng/mL, for which science shows that it is due to an exogenous application. Prof. Saugy concluded that in any case, WADA laboratories have to apply the International Standard for Laboratories, which stipulates clearly that in case of the quantification of steroids, the glucuronides must be measured and not the sulphates (see WADA TD19NA).

141. Since this was not contested, the Panel concurs with Prof. Saugy's explanation that the ratio between sulphates and glucuronides was never considered appropriate to use when the concentration of 19-NA exceeds 15ng/mL, which, as demonstrated by the scientific literature, is compatible only with exogenous application.
142. Regarding the possibility of 19-NA detection in samples because of physical activity, Prof. Saugy ruled out such a possibility in view of the high concentration of 19-NA found in the Athlete's samples. He referred to the paper published by Le Bizec *et al* named "*Endogenous Nandrolone metabolites in human urine. Two years monitoring of male professional soccer players*". *Journal of analytical toxicology Vol 26, 43-47*. The aim of this paper was to understand if physical exercise was able to stimulate the endogenous production of nandrolone by football players. For the 385 urine samples that the authors analysed, 70% were below the detection limit (0.1 ng/mL 19-NA) and only four samples were found to contain levels of 19-NA between 1 and 2 ng/mL. The concentrations of 19-NA were found to be slightly higher after the game than before but stayed within this very low range of concentrations (most of them lower than 1 ng/mL of 19-NA). Prof. Saugy concluded from that publication that exercise may slightly increase the endogenous production of 19-NA, but that 19-NA level will stay in a concentration below the threshold defined by WADA (< 2ng/mL 19-NA). Dr. Saravanan did not indicate any connection between exercise and increased levels of 19-NA to such levels as found in the Athlete's samples, therefore, the Panel accepts Prof. Saugy's explanation.
143. Finally, the Panel wishes to add that, although it did not admit Dr. Saravanan's second Expert report on file, this did not have a material impact on the outcome of the proceedings, because even if the Panel had admitted it on file, this would not have resulted in a different overall conclusion by the Panel: i) despite the wrong reference numbers, the authenticity of the samples was convincingly established by the documentary evidence as explained by Prof. Saugy in his supplementary report; ii) there are no new arguments in respect of the alleged inconsistencies in SG and volume of Sample 1 in comparison with Dr. Saravanan's first Expert report; iii) the Panel finds that Dr. Saravanan's reference to

the ratio between sulphates and glucuronides was already convincingly dismissed by Prof. Saugy because he maintained that this ratio is not appropriate when the concentration of 19-NA is higher than 15 ng/mL as is the case in all four Samples of the Athlete and no new argument was advanced by Dr. Saravanan in his second Expert report, that would discredit Prof. Saugy's analysis; iv) Dr. Saravanan's reference to literature about steroid profiling in women and PCOS could not be analysed by the Panel because the literature referred to was not provided and because the Panel in any event finds that the Athlete did not prove that she suffers from PCOS.

144. The Panel concludes that neither PCOS alone, nor in conjunction with physical activity, could have caused such high concentrations of 19-NA as detected in the Athlete's samples.

X. CONCLUSIONS

145. After reviewing the file, including all above-mentioned arguments of the Athlete and counterarguments of the AIU, the Panel is comfortably satisfied that the Athlete had committed an ADRV pursuant to Articles 2.1 and 2.2. of the IAAF ADR.

146. The Panel further notes that a Metabolite of a Prohibited Substance, specifically a non-Specified Substance, 19-norandrosterone, was detected in four consecutive samples of the Athlete. Nevertheless, due to the fact that she was not notified of the AAFs before she provided the last, fourth, Sample on 22 April 2019 and in accordance with Article 10.7.4 of ADR, these four violations are heard and adjudicated as one single violation.

147. This is in accordance with Article 10.7.4 ADR, which states as follows: "Additional Rules for Certain Potential Multiple Offences:

"(a) For purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second Anti-Doping Rule Violation if the Integrity Unit can establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after the Athlete or other Person received notice, or after the Integrity Unit made a reasonable attempt to give notice, of the first alleged Anti-Doping Rule Violation. If the Integrity Unit cannot establish this, the Anti-Doping Rule Violations shall be considered together as one single Anti-Doping Rule Violation for sanctioning purposes, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction".

148. In accordance with Article 10.2.1(a) ADR, which states: *"The period of Ineligibility shall be four years where ... the Anti-Doping Rule Violation does not involve a Specified Substance, unless the Athlete or other Person establishes that the Anti-Doping Rule Violation was not intentional"* the Panel imposes a period of Ineligibility of four years upon the Athlete.
149. The Panel is of the unanimous view that the Athlete did not offer any sustainable scenario for the presence of 19-NA in her samples at the levels detected. Therefore, there is no explanation other than administration of exogenous nandrolone (or its precursor) for the values found in the Athlete's samples. The Athlete did not establish the source of the Prohibited Substance and, thus, did not overcome the presumption of intention, with the consequence that a four year period of Ineligibility is, in principle, to be imposed.
150. The Athlete did not invoke any non-Fault related justification to eliminate, reduce or suspend the period of Ineligibility to be imposed on the basis of Article 10.6 ADR, as a consequence of which a four year period of Ineligibility is to be imposed.
151. In accordance with Article 10.10.2 *"The period of Ineligibility shall start on the date that the decision is issued provided that: (a) any period of Provisional Suspension served by the Athlete or other Person (whether imposed in accordance with Article 7.10 or voluntarily accepted by the Athlete or other Person in accordance with Article 7.10.6) shall be credited against the total period of Ineligibility to be served."*
152. A Provisional Suspension was imposed on the Athlete pursuant to Article 7.10.1 ADR on 17 May 2019 and remained in force, barring the Athlete temporarily from participating in any competition or activity until her matter is fully determined. The Provisional Suspension was respected by the Athlete and therefore shall be credited against her period of Ineligibility. Therefore, period of Ineligibility is ordered to run from 17 May 2019 and shall end on 16 May 2023.
153. Article 10.8 ADR provides that: *"In addition to the automatic Disqualification, pursuant to Article 9, of the results in the Competition that produced the Adverse Analytical Finding (if any), all other competitive results of the Athlete obtained from the date the Sample in question was collected (whether In-Competition or Out-of-Competition) or other Anti-Doping Rule Violation occurred through to the start of any Provisional Suspension or Ineligibility period shall be Disqualified (with all of the resulting consequences, including*

forfeiture of any medals, titles, ranking points and prize and appearance money), unless the Disciplinary Tribunal determines that fairness requires otherwise."

154. Given that the First Sample was collected on 18 March 2019, the Athlete's competitive results obtained between 18 March and 17 May 2019 are disqualified. The Athlete did not argue, and the Panel does not find that fairness requires otherwise.
155. The Athlete may return to train as part of a team or to use the facilities of a club or other member organisation of a Signatory's member organisation during the last two months of the Athlete's period of Ineligibility.

XI. COSTS

156. The AIU has requested a contribution towards its legal costs in these proceedings. Costs are a matter for the Panel's discretion pursuant to ADR 8.6.1.(j).
157. As an ADRV has been established, Ms Marimuthu is ordered to pay to AIU the total amount of £1000 as a contribution towards the legal fees and other expenses incurred in connection with these proceedings within 28 days of notification of this decision.

XII. ORDER

158. The Athlete violated ADR Articles 2.1 and 2.2. in that she had used a Prohibited Substance and that a metabolite of that Prohibited Substance was found to be present in her urine Samples numbered 6363569 provided In-Competition on 18 March 2019, 6364751 and 6364741 provided In-Competition on 13 April 2019, and Sample numbered 4339389 provided In-Competition on 22 April 2019.
159. The Panel imposes a period of Ineligibility of four years upon the Athlete.
160. The period of Ineligibility is ordered to run from 17 May 2019 (the starting date of the Provisional Suspension) and shall end at midnight on 16 May 2023.

161. The Athlete's competition results between 18 March and 17 May 2019 are disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, ranking points and prize and appearance money.
162. Ms Marimuthu is ordered to pay to AIU the total amount of £1000 as a contribution towards the legal fees and other expenses incurred in connection with these proceedings within 28 days of notification of this decision.
163. All other prayers for relief are dismissed.

XIII. RIGHT TO APPEAL

164. Article 8.9.2 of the IAAF Rules requires the Tribunal to set out and explain in its decision the rights of appeal applicable pursuant to Article 13 of the IAAF Rules.
165. As this proceeding involves an International Level Athlete, the decision may be appealed exclusively to CAS. The scope of review on appeal includes "all relevant issues to the matter and is expressly not limited to the issues or scope of review before the initial matter" (see Article 13.1.1 of the IAAF Rules).
166. The deadline for filing an appeal to CAS is 30 days from the date of receipt of the decision by the appealing party (see Article 13.7 of the IAAF Anti-Doping Rules). In making its decision, CAS need not give deference to the discretion exercised by the Disciplinary Tribunal (see Article 13.1.2 of the ADR).



Anna Bordiugova

Chair, on behalf and for the Tribunal

London

26 May 2020



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