

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS HALIMA HACHLAF

INTRODUCTION

1. World Athletics¹ has established the Athletics Integrity Unit (“**AIU**”) whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics’ obligations as a Signatory to the World Anti-Doping Code (“the “**Code**”). World Athletics has delegated implementation of the World Athletics Anti-Doping Rules (“**ADR**”) to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Ms Halima Hachlaf (“the **Athlete**”) is a 33-year-old middle-distance runner from Morocco² who is an International-Level Athlete for the purposes of the ADR³.
3. On 23 January 2014, the Fédération Royal Marocaine d’Athlétisme (“**FRMA**”) Disciplinary Commission issued a decision confirming that the Athlete had committed an anti-doping rule violation under Rule 32.2(b) (Use of a Prohibited Substance or a Prohibited Method) of the IAAF Anti-Doping Rules based on an Adverse Passport Finding in relation to her Athlete Biological Passport and that a period of ineligibility of four (4) years from 19 December 2013 was imposed.
4. This matter therefore concerns a second anti-doping rule violation committed by the Athlete.
5. This decision is issued by the AIU pursuant to Rule 8.5.2(f) which provides that:

“[...]if the Athlete or other Person does not challenge the Integrity Unit’s assertion of a violation or proposed Consequences nor request a hearing within the prescribed deadline, the Integrity Unit shall be entitled to deem that the Athlete or other Person has waived their right to a hearing and admitted the anti-doping rule violation as well as accepted the Consequences set out by the Integrity Unit in the Notice of Charge.”

6. In addition, Rule 8.5.6 ADR also specifies that:

“8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*

¹ Formerly the International Association of Athletics Federations (“**IAAF**”)

² <https://www.worldathletics.org/athletes/morocco/halima-hachlaf-14290676>

³ The Athlete’s anti-doping rule violation arises from Testing conducted under the Testing Authority of World Athletics/the AIU in accordance with Rule 1.4.4(c) ADR.

- (c) *send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

THE ATHLETE'S COMMISSION OF A SECOND ANTI-DOPING RULE VIOLATION

7. Rule 2 ADR sets out that the following shall constitute an anti-doping rule violation:

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

8. On 17 January 2021, the Athlete provided a urine Sample, In-Competition, at the '4ème Meeting Fédéral' held in Rabat, Morocco, which was given code 4457283 (the "**Sample**").
9. On 10 February 2021, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Lausanne, Switzerland (the "**Laboratory**") reported an Adverse Analytical Finding in the Sample for the presence of Methylprednisolone (the "**Adverse Analytical Finding**").
10. Methylprednisolone is a Prohibited Substance according to the WADA 2021 Prohibited List under the category S9. *Glucocorticoids*. It is a Specified Substance prohibited In-Competition when administered by oral, intravenous, intramuscular or rectal routes.
11. The AIU conducted an initial review of the Adverse Analytical Finding in accordance with Rule 7.2 ADR and Article 5.1.1 of the International Standard for Results Management ("**ISRM**") and determined that:
- 11.1. the Athlete did not have a Therapeutic Use Exemption ("**TUE**") that had been granted (or that would be granted) for the Methylprednisolone found in the Sample; and
- 11.2. there was no apparent departure from the International Standard for Testing and Investigations ("**ISTI**") or from the International Standard for Laboratories ("**ISL**") that could reasonably have caused the Adverse Analytical Finding.
12. In addition, in accordance with Article 5.1.1.3 ISRM, the AIU determined that none of the relevant available documentation, including the Athlete's Doping Control Form, indicated that Methylprednisolone had been ingested through a permitted route. Therefore, on 16 February 2021, the AIU wrote to the Athlete and informed her of (i) the Adverse Analytical Finding, (ii) the status of Methylprednisolone viz. the WADA 2021 Prohibited List and (iii) requested that the Athlete provide any additional information in relation to the presence of Methylprednisolone in the Sample.
13. On 22 February 2021 and 1 March 2021, the Athlete responded to the AIU by email, explaining that she had received emergency medical treatment, which included an intramuscular injection of Depo-medrol (80 mg/2 ml) on 13 January 2021. The Athlete also provided medical documentation related to that asserted treatment, including a prescription for Depo-medrol dated 13 January 2021.
14. Following a review of the information and documentation provided by the Athlete, the AIU completed its review of the Adverse Analytical Finding and determined that Methylprednisolone

detected in the Sample collected from the Athlete In-Competition had been administered by an intramuscular (i.e., non-permitted) route.

15. Accordingly, on 9 April 2021, the AIU issued to the Athlete a Notice of Allegation of Anti-Doping Rule Violations in accordance with Article 5.1.2.1 ISRM, informing her of the imposition of an immediate Provisional Suspension and invited her, *inter alia*, to provide a detailed written explanation of the Adverse Analytical Finding and to indicate whether she wished to have her "B" Sample analyzed by 19 April 2021.
16. Between April 2021 and September 2021, the AIU conducted further investigation into the Athlete's explanation and supporting information and the Athlete was engaged with the AIU in relation to the determination of the matter⁴.
17. On 22 October 2021, in accordance with Article 7 ISRM, the AIU issued the Athlete with a Notice of Charge for committing an anti-doping rule violation pursuant to Rule 2.1 ADR ("**the Charge**"). The Athlete was offered the opportunity to either request a hearing before the Disciplinary Tribunal by no later than 5 November 2021 or, in accordance with Rule 10.8.1 ADR, to admit the anti-doping rule violation within 20 days of her receipt of the Charge (i.e., by no later than 11 November 2021) to obtain an automatic one (1) year reduction in the period of Ineligibility⁵.
18. On 4 November 2021, the Athlete wrote to the AIU but failed to confirm how she wished to proceed with the Charge.
19. The AIU therefore responded by e-mail on the same day, reminding the Athlete that she had until 5 November 2021 to confirm how she wished to proceed with her case. The Athlete failed to respond by 5 November 2021.
20. Having failed to respond by the deadline of 5 November 2021, the AIU wrote to the Athlete on 8 November 2021 to confirm that, in the absence of a response, she was considered to have waived her right to a hearing before the Disciplinary Tribunal in her case and to have accepted a period of Ineligibility of six (6) years for a second anti-doping rule violation under the ADR. The AIU reminded the Athlete at the same time that, in accordance with Rule 10.8.1 ADR, she had until no later than 11 November 2021 to benefit from an automatic one (1) year reduction in the period of Ineligibility of six (6) years by signing and returning an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form to the AIU.
21. The Athlete failed to respond to the AIU by the deadline of 11 November 2021.
22. On 12 November 2021, the AIU therefore wrote to the Athlete for a final time to confirm that she was deemed to have admitted the anti-doping rule violation under Rule 2.1 ADR and accepted a period of Ineligibility of six (6) years.

CONSEQUENCES

23. This is the Athlete's second anti-doping rule violation.

⁴ The Athlete did not request the B Sample analysis within the given deadline. She is therefore considered as having waived her right to it.

⁵ The Charge confirmed that the Consequences included a period of Ineligibility of six (6) years based on the application of Rule 10.9.1 ADR.

24. Rule 10.2 ADR specifies that the period of Ineligibility for a first anti-doping rule violation under Rule 2.1 shall be as follows:

“10.2.1 Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:

- (a) The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*
- (b) The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was intentional.”*

25. Methylprednisolone is a Prohibited Substance according to the WADA 2021 Prohibited List under the category *S9. Glucocorticoids*. It is a Specified Substance prohibited In-Competition when administered by oral, intravenous, intramuscular or rectal routes.

26. Treated as a first anti-doping rule violation, the period of Ineligibility to be imposed in this case would therefore be a period of Ineligibility of two (2) years⁶.

27. However, in relation to a second anti-doping rule violation, Rule 10.9.1(a) ADR provides that:

“For an Athlete or other Person’s second anti-doping rule violation, the period of Ineligibility will be the greater of:

(i) a six month period of Ineligibility; or

(ii) a period of Ineligibility in the range between:

(aa) the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation; and

(bb) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of Ineligibility within this range will be determined based on the entirety of the circumstances and the Athlete or other Person’s degree of Fault with respect to the second violation.”

28. In accordance with the foregoing, the Athlete’s period of ineligibility for her second anti-doping rule violation shall therefore be in the range between four (4) years⁷ and six (6) years⁸.

⁶ The AIU has not discovered any evidence upon which it can rely to demonstrate that the Athlete’s anti-doping rule violations in this matter were intentional for the purposes of Rule 10.2.1.

⁷ Per 10.9.1(a)(ii)(bb) twice the period of ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

⁸ Per 10.9.1(a)(ii)(aa) the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

29. Having reviewed the entirety of the circumstances, including the Athlete's degree of Fault with respect to the second anti-doping rule violation, the AIU considers that the period of Ineligibility to be imposed is a period of six (6) years.
30. On the basis that the Athlete is deemed to have admitted the anti-doping rule violation under Rule 2.1 ADR and accepted the period of Ineligibility of six (6) years, in accordance with Rule 10.2.1 and 10.9.1(a) ADR, the AIU confirms by this decision the following Consequences for the Athlete's second anti-doping rule violation:
- 30.1. a period of Ineligibility of six (6) years commencing on the date of this decision, with credit for the period of Provisional Suspension served by the Athlete since 9 April 2021 in accordance with Rule 10.13.2(a); and
 - 30.2. disqualification of the Athlete's results on and since 17 January 2021, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.

PUBLICATION

31. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

RIGHTS OF APPEAL

32. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
33. Further to Rule 13.2.3 ADR, WADA, the Agence Marocaine Antidopage and the Athlete have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Rule 13.6.1 ADR.
34. If an appeal is filed against this decision by WADA or the Agence Marocaine Antidopage, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 29 November 2021