

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR NIKOLIN DIONISI

INTRODUCTION

1. World Athletics has established the Athletics Integrity Unit (**AIU**) whose role is to protect the integrity of the sport of Athletics. Upon receiving or becoming aware of any matter which may constitute an alleged violation of the World Athletics Integrity Code of Conduct (in force from 1 November 2019) (the **Code**), the AIU shall proceed with investigations and prosecutions as the case may require (per Rule 6.1 of the Code).
2. This matter concerns violations of the Integrity Standards of Honesty, Maintain Integrity and Reporting in Rules 3.3.1, 3.3.4 and 3.3.15 of the Code, as well as a violation of Rule 4.4 of the Code, by Mr Nikolin Dionisi, the General Secretary of the Albanian Athletics Federation (**AAF**).
3. This decision is issued by the AIU pursuant to Rules 5.3.1 and 5.8 of the AIU Reporting, Investigation and Prosecution Rules - Non-Doping (in force from 1 November 2019) (the **RIP Rules**), which provide that:

5.3 The Applicable Person may respond to the Notice of Charge in one of the following ways:

5.3.1 admit the Non-Doping Violation(s) charged and accept all or any of the potential consequences and sanctions specified in the Notice of Charge;

...

5.8 In the event that the Integrity Unit withdraws the Notice of Charge, or the Applicable Person admits the Non-Doping Violation(s) charged and accepts the consequences and sanctions specified (or is deemed to have done so in accordance with Rule 5.5), a hearing before the Disciplinary Tribunal will not be required. If this occurs, the Integrity Unit:

5.8.1 will promptly issue a decision confirming (as applicable) its withdrawal of the Notice of Charge or the admission of the Non-Doping Violation(s) and the imposition of the specified consequences and sanctions;

5.8.2 will Publicly Disclose any decision confirming the admission of the Non-Doping Violation(s) and the imposition of the specified consequences and sanctions in accordance with the Disciplinary Tribunal Rules (but shall not disclose a decision to withdraw a Notice of Charge); and

5.8.3 will send a copy of the decision to the Applicable Person subject to the charge, and for any decision confirming the admission of the Non-Doping Violation(s) and the imposition of the specified consequences and sanctions, send a copy of that decision to their relevant Member Federation, and Area Association (if applicable).

FACTUAL AND PROCEDURAL BACKGROUND

4. On 10 May 2021, in his capacity as the General Secretary of the AAF, Mr Dionisi sent an email to World Athletics notifying them that a long jump athlete, Mr Izmir Smajlaj (**Athlete**), had set a new National Record of 8.16m at the Dita E Kërcimeve Competition (**Competition**) held on 8 May 2021 in Tirana, Albania.
5. Also on 10 May 2021, World Athletics requested that Mr Dionisi provide the wind measurement results for the Athlete's jump and a measurement report by a certified surveyor of the long jump track and proof of the Athlete's technical level and international participation. The same day, Mr Dionisi provided a wind measurement for the Athlete's jump only (i.e. not for any other athletes).
6. On 11 May 2021, the day after World Athletics' request for wind measurements for all results in the Competition, the AAF email account (which Mr Dionisi accesses in his capacity as the AAF General Secretary) received an email from Mr Gjergj Ruli, the AAF President and Athlete's coach. Mr Ruli's email was blank, with the subject: "Print", and attached a photo of a Wohler FA 410 wind-measuring apparatus and its price.
7. In response to the measurement report requested by World Athletics, Mr Ruli was included in a number of emails between 11 and 27 May 2021 concerning the long-jump track and forwarded an email from the alleged surveyor to AAF with the requested survey documents and measurements. The original email from the alleged surveyor was sent directly to Mr Ruli's personal email address, and no-one else.
8. On 19 May 2021, Mr Ruli sent track measurements to Mr Dionisi.
9. On 27 May 2021, once the other relevant documents had been compiled, they were first sent to Mr Dionisi and Mr Ruli. Mr Dionisi emailed the final set of documents to World Athletics on 28 May 2021, including a "final and complete measurement report" by Eno Kume, the person who purportedly prepared the track reports.
10. On 18 June 2021, based in part on the Athlete's jump results at the Competition, the Albanian National Olympic Committee applied for the Athlete's entry into the 2021 Tokyo Olympic Games under the Universality Programme.
11. On 30 June 2021, the AIU contacted Mr Dionisi to request (i) the Competition results; (ii) photographic and video evidence of the Athlete's jump; and (iii) evidence of the wind measuring equipment used and its placement during the Competition.
12. Analysis of Mr Ruli's phone shows that an image was created in the 'sent' images folder of his WhatsApp account on the same day, 30 June 2021. This image has the Athlete standing with Wohler FA 410 wind measuring equipment placed alongside the track, wearing the same kit that he wore on the day of the Competition (**Recreated Photo**).
13. On 1 July 2021, Mr Dionisi emailed the AIU a PDF of the Competition results, YouTube links to the Athlete's jump, photos of the Wohler FA 410 wind measuring apparatus in a box (**WMA Photos**) and the Recreated Photo. None of the photos contained metadata to authenticate or verify when, where and by whom the photos were taken.

14. Contemporaneous, open-source evidence of the Competition demonstrates that there was no wind measurement equipment for the Athlete's jump, contrary to the image in the Recreated Photo.
15. On 8 February 2022, the Head of the AIU considered the circumstances of this matter sufficient to establish a *prima facie* case of a Non-Doping Violation under RIP Rule 2.3. Accordingly, the AIU commenced an investigation of the matter into possible violations of the Code.
16. The AIU interviewed Mr Dionisi on 18 February 2022. During his interview, Mr Dionisi stated that he did not know who took the Recreated Photo, that it could have been the official photographer for the Competition, and that he received the Recreated Photo after the AIU request on 30 June 2021. He also agreed that there was no wind measuring apparatus on the day of the Competition.
17. As part of its investigation, the AIU also interviewed the Athlete and Mr Ruli, accessed relevant emails from the AAF email account (which is administered by World Athletics) and reviewed data from Mr Ruli's mobile phone.

APPLICABLE RULES

18. As the General Secretary of a Member Federation, Mr Dionisi is a Member Federation Official and an Applicable Person under Rule 1.1.3 of the Code.
19. Rule 4.1 of the Code makes it clear that it shall be a violation of the Code for an Applicable Person to violate or fail to comply with any one or more of the Integrity Standards set out in Rule 3, including any one or more of the Rules referred to in the Code.
20. The relevant Code provisions in this case are as follows:

Integrity Standard 3.3.1 Honesty: to act with utmost integrity and honesty at all times including acting in good faith towards others and with mutual trust and understanding in all their dealings and in particular not to forge any document, falsify any authentic document or use a forged or falsified document.

Integrity Standard 3.3.4 Maintain Integrity: to ensure the integrity of, and not to improperly benefit from, Athletics competitions, and in particular to comply with the Manipulation of Sports Competition Rules.

Integrity Standard 3.3.15 Reporting: to promptly report to the integrity Unit any act, thing or information which the person becomes aware of, which may constitute (on its own or with other information) a violation of this Integrity Code.

Rule 4.4 Violation of the Code

Applicable Persons shall also violate this Integrity Code of Conduct if they assist, encourage, aid, abet, conspire, cover up or engage in any other type of intentional complicity involving a violation or attempted violation of this Integrity Code.

NON-DOPING RULE VIOLATIONS

21. On 9 December 2022, the AIU charged Mr Dionisi with committing violations of the Integrity Standards of Honesty, Maintain Integrity and Reporting in Rules 3.3.1, 3.3.4 and 3.3.15 of the Code, as well as a violation of Rule 4.4 of the Code (together, the **Non-Doping Violations**), and imposed a Provisional Suspension with immediate effect.
22. In the Notice of Charge, the AIU's specific charges against Mr Dionisi were that he had committed the Non-Doping Violations and had knowingly submitted falsified and manipulated Competition results for the Athlete based on the following facts and evidence:
 - 22.1 the Athlete historically performed better in Albanian competitions than international competitions and his jump results at the 2021 Tokyo Olympic Games were significantly lower than his Competition results;
 - 22.2 the track for the Competition did not comply with World Athletics Technical and Competition Rules;
 - 22.3 there was no evidence of any wind measuring equipment being used at the Competition, such that the wind measurement results provided by Mr Dionisi to World Athletics were either false or completely unreliable;
 - 22.4 Mr Dionisi most likely purchased or acquired wind measuring equipment in the period between 11 May and 30 June 2021, based on Mr Ruli's recommendation, after the Competition was held and when World Athletics first requested wind measurement results;
 - 22.5 the wind measuring apparatus in the Recreated Photo was the same make and model as the apparatus in the WMA Photos that Mr Dionisi sent to World Athletics on 1 July 2021;
 - 22.6 Mr Dionisi's explanations as to the timing and genesis of the Recreated Photo were not credible;
 - 22.7 the Recreated Photo was most likely staged on 30 June 2021, following the AIU's request for evidence of wind measuring equipment;
 - 22.8 Mr Dionisi knew that the Recreated Photo was taken after the Competition, for the sole purpose of answering World Athletics' request for wind measurement results, and knowingly submitted false evidence to the AIU;
 - 22.9 Mr Dionisi was dishonest in his AIU interview;
 - 22.10 Mr Dionisi conspired with Mr Ruli and the Athlete to provide concerted answers in each of his interviews, to stage the Recreated Photo and to submit falsified Competition results to World Athletics;
 - 22.11 the Athlete's Competition results were not valid and were manipulated by Mr Dionisi to make him eligible for the Universality Programme for the 2021 Tokyo Olympic Games; and

- 22.12 the Athlete's Competition results substantially contributed to his selection for the Universality Programme, which in turn afforded the AAF the benefit of participating in the 2021 Tokyo Olympic Games.
23. The Notice of Charge also set out the AIU's position as to the appropriate sanction to be imposed on Mr Dionisi for the Non-Doping Violations. More particularly, that the violations of the Integrity Standards committed by Mr Dionisi constituted particularly serious violations with the following factors present as aggravating circumstances:
- 23.1. as Secretary General of the AAF, he was its most senior appointed official and as such had a high level of responsibility to represent his country in the sport;
- 23.2. he conspired with others to cover up the falsification of the Athlete's results;
- 23.3. he failed to co-operate fully with the AIU's investigation, in particular, he failed to provide information requested of him at interview;
- 23.4. he committed multiple breaches of the Integrity Standards including failing to report breaches of the Code by others;
- 23.5. the violations directly affected the Athlete's results and eligibility for a universality place, which in turn contributed to the AAF's ability to participate in the 2021 Tokyo Olympic Games;
- 23.6. the violations involved more than one person; and
- 23.7. he did not admit to his conduct or express any remorse.
24. On 10 January 2023, Mr Dionisi signed an admission and acceptance form in which he admitted that he had committed the Non-Doping Violations and accepted the applicable Consequences for such violations.

CONSEQUENCES

25. On the basis that Mr Dionisi has admitted the Non-Doping Violations under RIP Rule 5.3.1, specifically, that he has committed violations of the Code by failing to comply with the Integrity Standards of Honesty, Maintain Integrity and Reporting in Rules 3.3.1, 3.3.4 and 3.3.15 of the Code, as well as committing a violation under Rule 4.4 of the Code, the AIU confirms by this decision the following Consequences:
- 25.1. a period of Ineligibility of four (4) years from 9 December 2022 to 8 December 2026.¹

¹ The Notice of Charge stipulated that the AIU considered that Mr Dionisi should serve a period of Ineligibility of six (6) years. However, if Mr Dionisi admitted the Non-Doping Violations by a fixed date, he could accept a lesser period of Ineligibility of four (4) years. If Mr Dionisi had not admitted the Non-Doping Violations by the fixed date, the AIU would have pursued a period of Ineligibility of six (6) years in any Disciplinary Tribunal proceedings.

26. Mr Dionisi has accepted these Consequences for committing violations of the Code and has expressly waived his right to have them determined by the Disciplinary Tribunal at a hearing.

PUBLICATION

27. In accordance with RIP Rule 5.8.2, the AIU shall publicly report this decision on the AIU's website.

RIGHTS OF APPEAL

28. This decision constitutes the final decision of the AIU. Mr Dionisi has expressly and irrevocably waived his right to any form of appeal, review or recourse by or in any court against this decision.

Monaco, 25 January 2023