

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR TITUS EKIRU

INTRODUCTION

1. World Athletics 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. Mr Titus Ekiru ("the **Athlete**") is a 31-year-old long distance runner from Kenya.¹
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

"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;*
- (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 ANTI-DOPING RULE VIOLATIONS

4. 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*
[...]
 - 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*
[...]

¹ <https://worldathletics.org/athletes/kenya/titus-ekiru-14766247>

2.5 *Tampering or Attempted Tampering with any part of Doping Control² by an Athlete or other Person.”*

A. First Adverse Analytical Finding - Rule 2.1 (Presence) Sample 0018262

5. On 16 May 2021, the Athlete provided a urine Sample, In-Competition, at the Generali Milano Marathon in Milan, Italy, which was given code 0018262 (“the **First Sample**”). Analysis of the First Sample revealed the presence of triamcinolone acetonide (“the **First Adverse Analytical Finding**”).
6. According to the WADA 2021 Prohibited List, triamcinolone acetonide was (at that time) prohibited In-Competition when administered by certain injectable routes.³
7. Therefore, on 14 June 2021, in the context of an initial review of the First Adverse Analytical Finding conducted pursuant to Article 5 of the International Standard for Results Management (“**ISRM**”), the AIU wrote to the Athlete requesting his preliminary explanation.
8. On 21 June 2021, the Athlete submitted his explanation for the First Adverse Analytical Finding which stated that he had visited the ██████████ Hospital (“the **Hospital**”) on 29 April 2021 and on 6 May 2021 and received an intraarticular injection of triamcinolone acetonide on both occasions from a doctor, ██████████ (“the **Doctor**”). The Athlete submitted medical documents (Outpatient Sheets) dated 29 April 2021 and 6 May 2021 from the Hospital and the Doctor to support that explanation.
9. The AIU proceeded to investigate the Athlete’s explanation and medical documents (“the **Initial Investigation**”) and found that the medical document evidencing a patellar injury in 2020 was consistent with publicly available information about the Athlete having such an injury at the time and that the concentration of triamcinolone acetonide in the First Sample was potentially consistent with the intraarticular injections that the Athlete asserted he had received at the Hospital on 29 April 2021 and 6 May 2021.
10. On 10 August 2021, the AIU requested the assistance of the Anti-Doping Agency of Kenya (“**ADAK**”) in the context of an investigation into the Athlete’s explanation and the supporting medical documents that he submitted to the AIU on 21 June 2021.
11. Following review of the information obtained from the Initial Investigation, on 2 September 2021, the AIU wrote to the Athlete stating that, based on his explanation and the information available to the AIU at that stage, the AIU had concluded that triamcinolone acetonide had not been administered to the Athlete via one of the prohibited routes identified on the WADA 2021 Prohibited List (“the **Initial AIU Decision**”).

² Doping Control is defined in the ADR as: “All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of Consequences, including all steps and processes in between, including but not limited to Testing, investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management, and investigations or proceedings relating to violations of Rule 10.14 (Status during Ineligibility or Provisional Suspension)”.

³ Under the current 2023 WADA Prohibited List, triamcinolone acetonide is prohibited by all routes of injection during the In-Competition period.

12. In the Initial AIU Decision, the AIU expressly reserved its rights to assert Anti-Doping Rule Violations against the Athlete based on the First Adverse Analytical Finding, including for Tampering and/or Attempted Tampering pursuant to Rule 2.5 of the World Athletics Anti-Doping Rules (see Section C below).
13. On 22 November 2021, ADAK forwarded to the AIU a handwritten response from the Doctor dated 16 November 2021 (responding for the Hospital) which corroborated the Athlete's explanation and confirmed the findings from the Initial Investigation, i.e., that the Athlete was seen at the Hospital on 29 April 2021 and 6 May 2021 and was injected with triamcinolone acetonide on those dates. The Doctor further confirmed that the documents that the Athlete had submitted were authentic.

B. Second Adverse Analytical Finding - Rule 2.1 (Presence) Sample 4619245

14. On 26 November 2021, the Athlete provided a urine Sample In-Competition in Abu Dhabi, UAE, which was given code 4619245 (the "**Second Sample**"). Analysis of the Second Sample revealed the presence of Pethidine⁴ and its Metabolite norpethidine (the "**Second Adverse Analytical Finding**").
15. On 4 February 2022, the AIU issued the Athlete with a Notice of Allegation of Anti-Doping Rule Violation pursuant to Rule 7 ADR and requested the Athlete's explanation for the Second Adverse Analytical Finding.
16. On 11 February 2022, the Athlete submitted his explanation for the Second Adverse Analytical Finding including supporting medical documents. In summary, the Athlete asserted that the Second Adverse Analytical Finding had been caused by his ingestion of medication prescribed to him in November 2021 to ameliorate pain from an ongoing injury.
17. An investigation subsequently conducted by the AIU into the Athlete's explanation for the Second Adverse Analytical Finding and supporting medical documents revealed evidence that the explanation was not genuine and that the medical documents submitted to corroborate it were forged/fraudulent (see **Section C** below). The same investigation also caused the AIU to re-visit the findings of its Initial Investigation into the First Adverse Analytical Finding.

C. Tampering or Attempted Tampering - Rule 2.5

18. The violations of Rule 2.5 committed by the Athlete ("the **Tampering Violations**") relate to the explanations and supporting medical documents submitted to the AIU to explain the First Adverse Analytical Finding and the Second Adverse Analytical Finding. The detailed factual background to the Tampering Violations is set out below.
19. Following the Second Adverse Analytical Finding being reported to the AIU, on 4 February 2022, the AIU issued the Athlete with a Notice of Allegation of Anti-Doping Rule Violation (pursuant to Rule 7 ADR) and requested his explanation for the Second Adverse Analytical Finding.

⁴ Also known as Meperidine.

20. On 11 February 2022, the Athlete provided the AIU with a written statement and medical documents, including an Outpatient Sheet from the Hospital, to support his explanation, which can be summarised as follows:
 - 20.1. the Athlete began to feel pain in his hip after the 2021 London Marathon and obtained a scan from the ██████████ Hospital in ██████████ on 7 October 2021;
 - 20.2. based on advice received from the doctor at ██████████ Hospital, and with the consent of the Athlete's manager, he travelled to Italy and undertook tecar therapy, o-zone therapy, mesotherapy and postural physiotherapy in the period from 24 October to 5 November 2021;
 - 20.3. the Athlete then returned to Kenya and began training for the Abu Dhabi Marathon (scheduled for 26 November 2021);
 - 20.4. the Athlete started to feel pain in his hip again on 19 November 2021 and immediately went to the Hospital ██████████ where he was training;
 - 20.5. at the Hospital, the Doctor prescribed the Athlete with a pethidine injection, paracetamol, diclofenac gel and, in case of acute pain, meperidine tablets;
 - 20.6. on the evening before the Abu Dhabi Marathon, the Athlete asserted that he was experiencing 'unbearable' pain and therefore took a tablet of meperidine as prescribed to him by the Doctor;
 - 20.7. the Athlete had forgotten to disclose his ingestion of meperidine on the Doping Control Form due to his physical condition after the marathon (dehydration, vomiting, fainting); and
 - 20.8. the Athlete had no intention to Use a Prohibited Substance and considered his ingestion of meperidine to be part of a medical treatment plan which had been taken Out of Competition.
21. On 23 March 2022, the AIU requested assistance from ADAK with an investigation into the Athlete's explanation and supporting medical documents submitted on 11 February 2022.
22. On 5 April 2022, ADAK forwarded a response to the AIU's questions from the Nursing Officer in Charge of the Hospital, dated 31 March 2022. This response confirmed that (i) the Doctor worked in the Hospital, and (ii) the Athlete had visited the Hospital on 16 June 2021, but not on 19 November 2021 and enclosed copies of Outpatient Registers from the Hospital.
23. On 7 April 2022, the AIU asked ADAK to conduct follow up enquiries with the Hospital in relation to the information received on 5 April 2022.
24. On 13 April 2022, ADAK forwarded a formal response from the Hospital dated 12 April 2022, which confirmed that:
 - 24.1. the Hospital has specific procedures for registering outpatient treatment and assigns one outpatient number ("Op. No") per year to each patient;
 - 24.2. the Athlete was assigned Op. No 6581/2021 on 16 June 2021;

- 24.3. the Doctor was working at the Hospital as the Hospital Medical Superintendent on 16 June 2021 and 19 November 2021; and
- 24.4. according to the Hospital's records, the Athlete was only registered as attending the Hospital as an outpatient on 16 June 2021.
25. This additional information from the Hospital called into question the authenticity of the Athlete's explanation (and supporting documents) for the Second Adverse Analytical Finding. It also cast doubt on the veracity of the Athlete's explanation for the First Adverse Analytical Finding and documents submitted to corroborate that explanation⁵.
26. In an attempt to reconcile these inconsistencies, on 10 May 2022, the AIU requested the Athlete's consent to disclosure of medical records held by the Hospital relating to all treatment that he received there between 1 January 2021 and 31 December 2021. The Athlete provided his formal, signed, written consent on the same day.
27. Having obtained the Athlete's consent, ADAK (on behalf of the AIU) requested the Athlete's medical records from the Hospital on 27 May 2022.
28. In a letter dated 2 June 2022, the Hospital advised that, as the Athlete was an outpatient, there was no case file and his test results, doctors' notes, diagnoses, prescriptions, and any recommendations were contained in an outpatient booklet which would have been given to the Athlete at the time. The Hospital did confirm however that, in the period 1 January to 31 December 2021, the Athlete had only attended the Hospital as an outpatient on one occasion, on 16 June 2021.
29. Based on the information received from the Hospital, the AIU considered that the Athlete's explanations for the First Adverse Analytical Finding and the Second Adverse Analytical Finding were not genuine and that the medical documents that he had submitted to corroborate those explanations were forged/fraudulent documents.
30. On 28 June 2022, the AIU therefore proceeded to interview the Athlete (pursuant to a Demand issued on 22 June 2022) concerning his explanations for the two Adverse Analytical Findings.
31. In summary, at interview, the Athlete (who was represented by legal counsel) confirmed his explanations for both Adverse Analytical Findings, including that:
- 31.1. he went to the Hospital for the first time, and saw the Doctor, on 29 April 2021. He had no appointment, so asked on his arrival if there was anyone available to help him and was shown to a door where he found the Doctor who proceeded to treat him with a triamcinolone acetonide injection;
- 31.2. he was given an outpatient number and card during registration at the Hospital on 29 April 2021;

⁵ Since, according to the Outpatient Registers, there was no evidence of the Athlete's attendance at the Hospital on 29 April 2021 or 6 May 2021, the dates on which the Athlete claimed to have received the triamcinolone injections that resulted in the First Adverse Analytical Finding (see paragraph 8 above).

- 31.3. he returned to the Hospital on 6 May 2021 and, on that date, went straight to the Doctor and was given a second injection;
- 31.4. on 19 November 2021, he visited the Doctor directly again (i.e., he did not go via any registration process) and was injected in the buttock and given a cream and tablets; and
- 31.5. he had visited the Doctor at the Hospital in June 2021 because he was feeling unwell with a cough and suspected flu. He did not go through any registration process in June 2021 and had gone straight to the Doctor because he already had an outpatient number and card and knew the Doctor from his earlier visits to the Hospital in April and May 2021.
32. The Athlete was confronted with the discrepancy between the medical documents that he had submitted to the AIU and the information that had been provided by the Hospital, namely, that there were no records of his visits as an outpatient to the Hospital on 29 April 2021, 6 May 2021 or 19 November 2021 as asserted, and that his outpatient number had been assigned on his (first) visit to the Hospital on 16 June 2021. The AIU specifically put to the Athlete that it believed the medical documents that he had submitted to corroborate his explanations to be fake.
33. The Athlete did not admit that the documents were forged/falsified and maintained that they were genuine documents that had been given to him by the Hospital.
34. At the end of the interview on 28 June 2022, the AIU issued the Athlete with correspondence confirming that it rejected his explanation for the Second Adverse Analytical Finding and that he was subject to a Provisional Suspension effective immediately pending the determination of the matter.
35. On 29 July 2022, ADAK representatives (on behalf of the AIU) conducted an interview with the Doctor in relation to the Outpatient Sheets dated 29 April 2021, 6 May 2021 and 19 November 2021 and the (contradictory) information obtained from the Hospital during the AIU investigation.
36. The Doctor confirmed that he had treated the Athlete at the Hospital on those dates, but that the Athlete had attended early in the morning, before the registration offices had opened, so his name had not been recorded in the Outpatient Registers for the days in question.
37. Considering the Doctor's position, the AIU proceeded to conduct a number of alternative lines of enquiry to obtain additional evidence in relation to the medical documents from the Hospital (again with assistance from ADAK).
38. Following a lengthy period of these additional investigations, on 9 June 2023, the AIU obtained a witness statement from ██████████ County Director of Medical Services for ██████████ County⁶. The statement recorded the County Director's evidence in the matter, in particular, in relation to the medical documents that the Athlete submitted to the AIU to

⁶ The Hospital is located in ██████████ County under the authority of the ██████████ County Government and falls within Dr ██████████ area of responsibility as the County Director for Medical Services for the ██████████ County.

corroborate his various explanations when compared against the records held by the Hospital.

39. In summary, Dr ██████ evidence was that the documents submitted by the Athlete were forged/fabricated medical documents. More particularly, Dr ██████ confirmed:

39.1. the medical documents for 29 April 2021 and 6 May 2021 that the Athlete submitted to the AIU (viz. in respect of the First Adverse Analytical Finding) were not accurate or genuine and are forged/falsified documents that are inconsistent with the Hospital's records for the following reasons:

- a) the Athlete does not appear in the Hospital's outpatient registers for 29 April 2021 or 6 May 2021;
- b) the OP. No 6581/21 was not issued by the Hospital until 16 June 2021 such that the only explanation is that the medical documents submitted by the Athlete for alleged treatment on 29 April 2021 and 6 May 2021 were produced on or after 16 June 2021 and were back-dated;
- c) the Hospital does not stock (and has never stocked) triamcinolone acetonide and the Pharmacy Registers show that no triamcinolone acetonide was dispensed from the Hospital pharmacy on 29 April 2021 or 6 May 2021.

39.2. further, the medical documents for 19 November 2021 that the Athlete submitted to the AIU (viz. in respect of the Second Adverse Analytical Finding) are not accurate or genuine and are also forged/falsified documents that are inconsistent with the Hospital's records for the following reasons:

- a) the Athlete does not appear on the Hospital's outpatient register for 19 November 2021;
- b) the Hospital's Injection Register has been manipulated to include a reference to an injection of pethidine on 19 November 2021 - the Hospital Pharmacy Register confirms that no pethidine was dispensed on that date;
- c) moreover, the ██████ County Government has never purchased meperidine tablets for distribution to any hospital in the County, including the Hospital, and the Pharmacy Register confirms that no meperidine tablets were dispensed to anyone on 19 November 2021.

40. Based on the foregoing, on 3 July 2023, the AIU issued the Athlete with a composite Notice of Charge which charged him with committing the following Anti-Doping Rule Violations:

40.1. Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, pursuant to Rule 2.1 of the World Athletics Anti-Doping Rules effective 1 January 2021 ("the 2021 Rules"), by virtue of the presence of triamcinolone acetonide in the First Sample; and/or

40.2. Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, pursuant to Rule 2.1 of the 2021 Rules, by virtue of the presence of pethidine and its Metabolite norpethidine in the Second Sample; and/or

- 40.3. Tampering or Attempted Tampering with any part of Doping Control by an Athlete, pursuant to Rule 2.5 of the 2021 Rules, for obstructing or delaying an AIU investigation (see Rule 5.7.9 ADR) and/or for providing false/misleading information and documentation, in particular, in relation to the explanation and documents submitted to the AIU for the First Adverse Analytical Finding; and/or
- 40.4. Tampering or Attempted Tampering with any part of Doping Control by an Athlete, pursuant to Rule 2.5 of the 2021 Rules for obstructing or delaying an AIU investigation (see Rule 5.7.9 ADR) and/or for providing false/misleading information and documentation, in particular, in relation to the explanation and documents submitted to the AIU for the Second Adverse Analytical Finding.
41. The Notice of Charge issued on 3 July 2023 set out that the AIU would seek Consequences including a period of Ineligibility of ten (10) years⁷ and disqualification of the Athlete's results from 16 May 2021 for the Anti-Doping Rule Violations.
42. On 14 July 2023, the Athlete responded through his appointed legal counsel confirming that he contested the Notice of Charge. The matter was therefore referred to the Disciplinary Tribunal for determination.
43. On 15 August 2023, the Athlete's appointed legal counsel wrote to the Secretariat of the Disciplinary Tribunal confirming that he was without instructions in relation to a Preliminary Meeting that had been scheduled in the case for later that day. The Athlete's legal counsel confirmed that the Athlete had written to him by SMS on 25 July 2023 "*stating that he no longer wanted to pursue the case*" but that the Athlete had thereafter failed (on request) to formally confirm that position in writing.
44. In response to this information, the AIU made an application to the Chair of the Panel for a stay of the disciplinary proceedings to allow for the Athlete's position to be confirmed.
45. On 29 August 2023, the AIU wrote to the Athlete by e-mail and by WhatsApp message confirming its understanding was that he no longer wished to pursue his case and that, unless the Athlete confirmed to the contrary by 1 September 2023, the AIU would proceed by issuing a decision in the matter in accordance with Rule 8.5.6 ADR which would impose the Consequences that were set out in the Notice of Charge.
46. On 1 September 2023, the Athlete wrote to the AIU by WhatsApp confirming that he had nothing to add.

⁷ In accordance with Rule 10.9.3(a) of the 2021 Rules, the Rule 2.1 violation based on the First Adverse Analytical Finding, the Rule 2.5 (Tampering) violation in relation to the Athlete's explanation for the First Adverse Analytical Finding, and the Rule 2.1 violation based on the Second Adverse Analytical Finding are to be considered together as one single Anti-Doping Rule Violation for the purposes of the Rules, and the period of Ineligibility imposed based on the violation out of the three that carries with it the more severe sanction, including the Application of Aggravating Circumstances, i.e., four (4) years for the Rule 2.5 (Tampering) violation, plus up to a further two (2) years for Aggravating Circumstances, thus a total period of Ineligibility of six (6) years. The period of Ineligibility to be imposed for the Rule 2.5 (Tampering) violation committed in relation to the Second Adverse Analytical Finding (four (4) years) is then applied in accordance with Rule 10.9.3(c), i.e., served consecutively, such that the total period of Ineligibility in this matter is a period of Ineligibility of ten (10) years.

47. On 21 September 2023, the AIU responded to the Athlete's message above by WhatsApp message, confirming its understanding of the Athlete's position and that it would request the termination of the disciplinary proceedings before the Disciplinary Tribunal and would issue a decision in the Athlete's case.
48. Following the above, on the same date the AIU also wrote to the Chair of the Panel via the Secretariat (copied to the Athlete) with an update on the Athlete's position and requested termination of the disciplinary proceedings.
49. On 25 September 2023, the Chair of the Panel issued a Termination Order terminating the disciplinary proceedings before the Disciplinary Tribunal.

CONSEQUENCES

50. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 or Rule 2.2 ADR 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.”*

51. Moreover, Rule 10.3.1 ADR set outs that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.5 ADR shall be four (4) years unless exceptional circumstances justify a period in the range of two (2) to four (4) years depending on the degree of Fault:

“10.3.1 For violations of Rule 2.3 or Rule 2.5, the period of Ineligibility will be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility will be two (2) years; (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility will be in a range from two (2) years to four (4) years depending on the Athlete's or other Person's degree of Fault; or (iii) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility will be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.”

52. Further, Rule 10.9.3(a) provides that an Anti-Doping Rule Violation will only be considered a second (or third) violation (as applicable) if the AIU can establish that the Athlete committed the additional Anti-Doping Rule Violation after they received notice pursuant to Rule 7 ADR of the first Anti-Doping Rule Violation.
53. In this matter, the Athlete did not receive notice pursuant to Rule 7 ADR of the Rule 2.1 ADR (Presence) violation in relation to the Second Adverse Analytical Finding after receiving notice pursuant to Rule 7 ADR of the Rule 2.1 ADR (Presence) violation in relation to the First Adverse Analytical Finding, or of the Rule 2.5 ADR (Tampering) violation in relation to the

- Athlete's explanation and medical documents submitted in relation to the First Adverse Analytical Finding⁸.
54. Therefore, the Rule 2.1 ADR violations and the Rule 2.5 ADR violation in relation to the Athlete's explanation for the First Adverse Analytical Finding shall be treated together as one single violation and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances.
 55. The Rule 2.1 ADR (Presence) violations concern the presence of Specified Substances (*viz.* trimetazidine and pethidine) and the applicable period of Ineligibility is therefore a period of two (2) years pursuant to Rule 10.2.1(b) ADR. The Rule 2.5 ADR (Tampering) violation carries with it a mandatory period of Ineligibility of four (4) years pursuant to Rule 10.3.1 ADR and is therefore the more severe sanction.
 56. Moreover, the AIU considers that Aggravating Circumstances are present in relation to these violations, in particular, that the Athlete committed multiple Anti-Doping Rule Violations, engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an Anti-Doping Rule Violation and engaged in Tampering during Results Management, which are specifically identified as Aggravating Circumstances in the definition in Appendix 1 ADR.⁹
 57. Based on the seriousness of the violation(s) and the nature of the Aggravating Circumstances, the AIU considers that the period of Ineligibility of four (4) years may therefore be increased by the maximum period of two (2) years to a total of six (6) years.
 58. In addition, Rule 10.9.3(c) ADR specifies that if it is established that the Athlete committed a violation of Rule 2.5 ADR in connection with an underlying asserted Anti-Doping Rule Violation, then the Rule 2.5 ADR violation will be treated as a stand-alone first violation and the period of Ineligibility must be served consecutively with the period of Ineligibility imposed for the underlying Anti-Doping Rule Violation.
 59. In this case, the Athlete was notified of the asserted Rule 2.1 ADR (Presence) violation arising from the Second Adverse Analytical Finding pursuant to Rule 7 ADR on 4 February 2022.

⁸ The AIU issued the Athlete with a notice pursuant to Rule 7 ADR of the Rule 2.1 ADR (Presence) violation in relation to the Second Adverse Analytical Finding on 30 March 2023. The notice pursuant to Rule 7 ADR of the Rule 2.1 ADR (Presence) violation in relation to the First Adverse Analytical Finding was issued to the Athlete on 20 April 2023 and the notice pursuant to Rule 7 ADR of the Rule 2.5 ADR (Tampering) violation in relation to the Athlete's explanation for the First Adverse Analytical Finding was issued on 3 July 2023.

⁹ "**Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person that may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or other Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility."**

60. On 11 February 2022, the Athlete then submitted documents as part of his explanation for that underlying 2.1 ADR (Presence) violation that form the basis of the (further) Rule 2.5 ADR (Tampering) violation.
61. The Athlete therefore committed the Rule 2.5 ADR (Tampering) violation in relation to the Second Adverse Analytical Finding in connection with an underlying asserted Anti-Doping Rule Violation pursuant to Rule 10.9.3(c) ADR. The Rule 2.5 ADR violation committed in connection with the Second Adverse Analytical Finding shall therefore be considered a stand-alone first violation, but the applicable period of Ineligibility of four (4) years shall be served consecutively to the period imposed for the underlying violation (i.e., the six (6) year period as set out in paragraphs 50 - 57 above).
62. The total period of Ineligibility to be served by the Athlete is therefore a period of ten (10) years.
63. Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) or more years may benefit from a one (1)-year reduction in the period of Ineligibility based on an early admission and acceptance of sanction:
- “10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction.*
- Where the Integrity Unit notifies an Athlete or other Person of an anti-doping rule violation charge that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Rule 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Notice of Charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the Integrity Unit. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Rule 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”*
64. The Athlete did not admit the Anti-Doping Rule Violations in accordance with Rule 10.8.1 ADR.
65. The Athlete shall therefore receive no reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 ADR based on an early admission and acceptance of sanction.
66. Based on the Athlete’s position relating to the determination of the matter as set out above, the AIU is entitled to deem that the Athlete has admitted the Anti-Doping Rule Violations, waived his right to a hearing and accepted the Consequences set out in the Notice of Charge pursuant to Rule 8.5.2(f) ADR.
67. Pursuant to Rule 8.5.6 ADR, the AIU therefore confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
- 67.1. a period of Ineligibility of ten (10) years commencing on 28 June 2022 (the date of the Athlete’s Provisional Suspension) until 27 June 2032; and

- 67.2. disqualification of the Athlete's results on and since 16 May 2021 with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.
68. As set out above, the Athlete is deemed to have accepted the above Consequences for the Anti-Doping Rule Violations and to have waived his right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

PUBLICATION

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

RIGHTS OF APPEAL

70. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
71. Further to Rule 13.2.3 ADR, the Athlete, WADA and ADAK 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.
72. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 16 October 2023