

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR LUGUELIN SANTOS

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 (**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 World Athletics (formerly IAAF) Competition Rules, Code of Ethics and Integrity Code of Conduct by Dominican Republic athlete, Mr Luguelin Santos:
 - 2.1. IAAF Competition Rules 2012-2013 (**2012 Competition Rules**);
 - 2.2. The IAAF Code of Ethics in force from 1 May 2012 (**2012 Code**); and
 - 2.3. The World Athletics Integrity Code of Conduct in force from 3 April 2017 (**2017 Code**).
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 (the **RIP Rules**).

FACTUAL AND PROCEDURAL BACKGROUND

4. According to Rule 141 of the 2012 Competition Rules, for the purposes of International Competition, the “Junior” category included any Athlete who was aged 18 or 19 on 31 December of the year of the competition. Athletes were required to be of this age to be eligible for age-group competition.
5. Mr Santos competed in the 2010 IAAF World Junior Championships with a passport (issued in 2010) that gave his date of birth (**DOB**) as 12 November 1993, i.e. that he was aged 17 on 31 December 2010.
6. Mr Santos then competed in the 2012 IAAF World Junior Championships with the same DOB (i.e. that he was aged 19 on 31 December 2012) and finished first in the 400m event.
7. With a DOB of 12 November 1993, Mr Santos would have been aged 19 on 31 December 2012, which was within the age range specified in the 2012 Competition Rules for the “Junior” category.
8. Mr Santos continued to declare his DOB as being the same date of 12 November 1993 in various competitions from 2012 through to 2017.
9. However, on 28 February 2018, in advance of the IAAF World Indoor Championships, Mr Santos was subject to Testing by the IAAF. He declared his DOB as being a year earlier, i.e., 12 November 1992 and produced a passport (issued in 2018) to verify his identity and DOB. Mr Santos continued to participate in competitions with his 1992 DOB throughout 2018.

10. With a DOB in 1992, on 31 December 2012, Mr Santos would have been 20 years old and therefore ineligible to compete as a “Junior” in the 2012 World Junior Championships.
11. On 8 April 2021, the AIU issued Mr Santos with a Notice of Prima Facie Case confirming that the Head had concluded that a *prima facie* case existed based on the facts set out above and that he had caused an investigation to be commenced under Rule 2.3 of the RIP Rules.
12. Between April 2021 and September 2021, the AIU and Mr Santos exchanged various correspondence. Mr Santos requested several extensions to respond to the Notice of Prima Facie Case.
13. On 23 September 2021, Mr Santos attended an interview with AIU representatives accompanied by his legal representatives. Mr Santos submitted a sworn affidavit shortly before that interview (which he read out during interview), which explained that:
 - 13.1. on instructions, he had obtained a ‘special passport’ issued by the Dominican authorities which gave his DOB as being 12 November 1993, contrary to his actual DOB of 12 November 1992;
 - 13.2. he was instructed or ordered to use the ‘special passport’ with the false 1993 DOB in competitions, and to use his other passport with his genuine 1992 DOB for all immigration and all other official purposes;
 - 13.3. he used the ‘special passport’ with the 1993 DOB to gain entry into the 2012 World Junior Championships, notwithstanding that he was over-age and ineligible to compete in that competition at that time; and
 - 13.4. he acknowledged that he had committed violations of the Competition Rules, Code of Ethics and Integrity Code of Conduct.
14. Following the interview, Mr Santos was asked to provide additional documents and information to support his explanation, including information from the passport authorities in the Dominican Republic and any other information that he may wish to provide to the AIU.
15. In the period following interview until June 2022, the AIU interviewed several individuals connected to/implicated in Mr Santos’ explanation for how the ‘special passport’ was obtained and used. Over the same period, Mr Santos proceeded to collate and provide additional documents and information to the AIU in the context of his explanation.
16. On 8 July 2022, following an *ex parte* application by the AIU to the Disciplinary Tribunal pursuant to Rule 3 of the RIP Rules, a Provisional Suspension was imposed upon Mr Santos pending the outcome of the AIU’s investigation and any disciplinary proceedings (meaning that he was suspended temporarily from participating in any competition or activity from 8 July 2022).
17. On 22 December 2022, Mr Santos was issued with a Notice of Charge which charged him with violations of the 2012 Competition Rules, 2012 Code and 2017 Code. Mr Santos was advised that the AIU considered the appropriate consequences in his case to include a prospective period of

Ineligibility of four (4) years and disqualification of his results from the 2012 World Junior Championships.¹

18. On 13 January 2023, Mr Santos returned a signed admission and acceptance form in which he admitted the violations and accepted the period of Ineligibility specified by the AIU in the Notice of Charge.
19. On 13 June 2023, the AIU wrote to Mr Santos requesting his explanation for an apparent violation of the terms of his Provisional Suspension following his participation in a competition organised by the Dominican Federation on 11 March 2023 (**2023 Competition**).²
20. On 17 June 2023, Mr Santos made a public statement on social media concerning the investigation conducted by the AIU ‘for falsification of documents (passport one year less than age)’.³
21. On 28 June 2023, Mr Santos provided the AIU with a signed final statement containing additional and detailed explanations for the violations of the 2012 Competition Rules, 2012 Code and 2017 Code and all documents and evidence in support of those explanations.
22. Also on 28 June 2023, Mr Santos admitted to the AIU that his participation in the 2023 Competition on 11 March 2023 constituted a breach of his period of Ineligibility.

APPLICABLE RULES

23. The 2012 World Junior Championships was an International Competition pursuant to Rule 1(1)(a)(i) of the 2012 Competition Rules.
24. Rule 1.2(a) of the 2012 Competition Rules specifies that Chapter 5 (Technical Rules) (Rules 100 to 263) shall apply to all International Competitions.
25. Specifically, Rule 141 of the 2012 Competition Rules provides for age categories for the “Junior” age group classification as follows:

RULE 141 *Age and Sex Categories*

Age Categories

1. *Competition under these Rules may be divided into age group classification as follows:*

Junior Men and Women: Any athlete of 18 or 19 years on 31st December in the year of competition.

¹ Mr Santos was also advised that the period of Ineligibility could be reduced by one (1) year if he admitted the violations set out in the Charge and accepted the period of Ineligibility specified by the AIU by a given deadline.

² Mr Santos ran for the Academia FS team and came third in the finals for the Men’s 800m with a time of 1:52:49 at the Isaac Ogando Athletics Tournament held on 11 March 2023 and organised by the Dominican Federation: see <https://almomento.net/estelares-acaparan-honores-en-el-torneo-atletismo-isaac-ogando/>

³ <https://twitter.com/LuguelinSantos/status/1669745197431894037/photo/2>.

26. Rule 1.2(d) of the 2012 Competition Rules also confirms that Rule 9 shall apply to all International Competitions (except to the extent that any Rule specifically limits its applicability). As of 1 May 2012, a new Rule 9 - Betting and other Anti-Corruption Violations, and associated definitions, entered into force and specifically applied to all Participants who participated or assisted in an International Competition (**Rule 9 Amendment**).

27. A “Participant” was defined in the Rule 9 Amendment as follows:

Participant: Athletes, Athlete Support Personnel, competition officials, officials, managers or other members of any delegation, referees, jury members and any other persons accredited to attend or participate in an International Competition and the term “Participant” in this Rule 9 shall be construed accordingly.

28. The Rule 9 Amendment confirmed that each Participant shall automatically be bound by and be required to comply with Rule 9 by virtue of such participation or assistance. It also established specific conduct that constituted a violation, including the manipulation of results and failure to report (Rules 9.6 and 9.10 of the Rule 9 Amendment):

6. Manipulation of results

(a) *Fixing or contriving in any way, or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result, progress, outcome, conduct or any other aspect of an Event or Competition.*

...

10. Other violations

(c) *Failing to report to the IAAF or other competent authority (without undue delay) full details of any approaches or invitations received by the Participant to engage in conduct that would amount to a violation of this Rule;*

29. At the material time in 2012, Mr Santos was also subject to the provisions set out in the 2012 Code as a Participant in an International Competition (the 2012 Code defines “Participants” in almost identical terms to the definition of “Participant” set out in the Rule 9 Amendment as set out above).

30. Article C.6 of the 2012 Code expressly applied to Mr Santos, including a prohibition on other corrupt practices pursuant to Rule 9 of the Competition Rules:

C. FAIR PLAY (see IAAF Constitution, Articles 3.3, 3.8 and 3.9, IAAF Competition Rules 9, 20 and 32.1)

4. *Fair play is the basic guiding principle in the sport of Athletics.*

6. *Betting on Athletics and other corrupt practices relating to the sport of Athletics by IAAF Officials or Participants, including improperly influencing the outcomes and results of an event or competition are prohibited. In particular, betting and other corrupt practices by Participants under Rule 9 of the IAAF Competition Rules are prohibited.*

31. Moreover, the IAAF (World Athletics) Integrity Code of Conduct entered into force from 3 April 2017 (**2017 Code**) and, for all of the International Competitions that Mr Santos entered from that date onwards, on the basis of his ‘special passport’, he was an Applicable Person within the definition in Section 1.1.6 of the 2017 Code⁴. Furthermore, Mr Santos’ obligation to act in accordance with the Integrity Standards in the 2017 Code included:

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;

32. The World Athletics Competition - Eligibility Rules (effective 13 July 2022) (**2022 Competition Rules**) are the applicable rules to Mr Santos’ participation in the 2023 Competition. Rule 6.1.3 provides that any athlete who is currently serving a period of provisional suspension shall be ineligible for competitions, and Rule 6.5 provides that:

If an athlete competes (or an athlete support personnel or other person participates) in a competition, whether held under these Rules or the rules of an Area or Member, whilst ineligible to do so under any other Rule, the period of his ineligibility shall recommence from the time he last competed as though no part of a period of ineligibility had been served.

VIOLATIONS OF THE COMPETITION RULES, CODE OF ETHICS AND INTEGRITY CODE OF CONDUCT

33. In the Notice of Charge, the AIU’s specific charges against Mr Santos were that he had committed the following violations:
- 33.1. a violation of Rule 141 of the Competition Rules for participating in the 2012 World Junior Championships whilst he was not eligible;
 - 33.2. a violation of Rule 9.6 of the Competition Rules for engaging in corrupt practices in relation to Athletics, including (being a party to) contriving and otherwise improperly influencing the result, progress, outcome and conduct of the 2012 World Junior Championships;
 - 33.3. a violation of Rule 9.10(c) of the Competition Rules for failing to report to the IAAF or other competent authority (without undue delay) full details of any approaches or invitations received by the Participant to engage in conduct that would amount to a violation of Rule 9; and, as a result;
 - 33.4. violations of Articles C.4 and C.6 of the 2012 Code for engaging in corrupt practices relating to the sport of Athletics under Rule 9 of the Competition Rules; and
 - 33.5. a violation of the Integrity Standard set out in Section 3.3.1 of the 2017 Code for failing to act with utmost integrity and honesty at all times in entering International Competitions from 3 April 2017 onwards using a falsified document.

⁴ Section 1.1.6 provides that Applicable Persons are “*Persons and entities who are participating in Athletics in International Competitions, including but not limited to Athletes and Athlete Support Personnel*”.

34. On 13 January 2023, Mr Santos signed an admission and acceptance form in which he admitted the violations specified in the Notice of Charge.
35. On 28 June 2023, Mr Santos further admitted through his lawyers to participating in a competition whilst ineligible on 11 March 2023.

CONSEQUENCES

36. On the basis therefore that Mr Santos has admitted (i) the violations specified in the Notice of Charge and accepted the specified consequences under Rule 5.3.1 of the RIP Rules, and (ii) that he competed on 11 March 2023 whilst ineligible to do so under Rule 6.5 of the 2022 Competition Rules, the AIU confirms by this decision the following consequences:
 - 36.1. a period of Ineligibility of three (3) years from participating in any capacity in any aspect of Athletics and/or in any activities authorised, organised, controlled, recognised, sanctioned and/or supported in any way by World Athletics, its Area Associations or any of its Member Federations (other than authorised education or rehabilitation programs);
 - 36.2. pursuant to Rule 6.5 of the 2022 Competition Rules, the period of Ineligibility will be from **11 March 2023 to 10 March 2026**; and
 - 36.3. pursuant to Rule 22.2 of the 2012 Competition Rules, disqualification of Mr Santos' results in the 2012 World Junior Championships with all resulting consequences, including the forfeiture of all titles, awards, medals, points and prize and appearance money.
37. Mr Santos accepted the consequences under Rule 5.3.1 of the RIP Rules and expressly waived his right to have them determined by the Disciplinary Tribunal at a hearing.

PUBLICATION

38. In accordance with Rule 5.8.2 of the RIP Rules, the AIU shall issue a decision confirming Mr Santos' admission of the violations set out in the Notice of Charge and the imposition of the specified consequences and sanctions and shall Publicly Disclose the decision in accordance with the DT Rules.⁵

RIGHTS OF APPEAL

39. This decision constitutes the final decision of the AIU. Mr Santos has expressly and irrevocably waived his right to any form of appeal, review or recourse by, or in any court or judicial authority, against this decision.
40. In accordance with Rule 5.8.3 of the RIP Rules, this decision shall be copied to Mr Santos' Member Federation.

Monaco, 1 December 2023

⁵ See the definition of "Publicly Disclosed" and Rule 12 of the DT Rules.