
DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR RENEILWE APHANE

Introduction

1. In April 2017, the International Association of Athletics Federations (“**IAAF**”) established the Athletics Integrity Unit (“**AIU**”) whose role is to protect the integrity of the sport of Athletics, including fulfilling the IAAF’s obligations as a Signatory to the World Anti-Doping Code. The IAAF has delegated implementation of the IAAF 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. Reneilwe Aphane is a 28-year old South African long-jumper who is an International-Level Athlete for the purposes of the ADR (the “**Athlete**”).
3. This decision is issued pursuant to Article 8.4.7 ADR which provides that *“[i]n the event that [...] the Athlete or Athlete Support Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the Integrity Unit, a hearing before the Disciplinary Tribunal shall not be required. In such a case, the Integrity Unit...shall promptly issue a decision confirming...the commission of the Anti-Doping Rule Violation(s) and the imposition of the Specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed)”*.

The Athlete's commission of Anti-Doping Rule Violations (“**ADRVs**”)

4. On 31 January 2018, the Athlete underwent an out-of-competition doping control in South Africa. The Athlete provided a urine sample numbered 41565701 (the “**Sample**”).
5. On 20 February 2018, the WADA accredited laboratory in Lausanne reported an Adverse Analytical Finding (the “**AAF**”) for the presence of metabolites of dehydrochloromethyltestosterone (“**DHCMT**”), clomiphene and its metabolite OH-methoxy-clomiphene and metabolites of GW1516 in the Sample.
6. DHCMT is a Prohibited Substance under the WADA 2017 Prohibited List under the category S1.a Exogenous Anabolic Androgenic Steroids (AAS). Clomiphene is a Prohibited Substance under the category S4. Hormone and Metabolic Modulators (4.3 Other anti-estrogenic substances). GW1516 is also a Prohibited Substance included in S4 (4.5 Metabolic modulators). They are non-specified substances prohibited at all times.
7. The Athlete did not have a TUE permitting the use of DHCMT, clomiphene or GW1516.
8. On 23 February 2018, the AIU notified the Athlete of the AAF and offered him the opportunity to explain the circumstances which resulted in the presence of DHCMT metabolites, clomiphene and its metabolite OH-methoxy-clomiphene and metabolites of GW1516 in the Sample.
9. Between 23 February 2018 and 28 February 2018, the Athlete provided his explanation for the AAF to the AIU, which provided that the AAF had occurred due to the Athlete’s consumption of supplements that had been obtained from an unnamed third-party. The Athlete accepted full responsibility for the AAF and the imposition of a voluntary provisional suspension effective 28 February 2018.

10. On 25 May 2018, the AIU formally notified the Athlete of the AAF and requested his full explanation in writing for the presence of DHCMT metabolites, clomiphene and its metabolite OH-methoxy-clomiphene and metabolites of GW1516 in the Sample. The Athlete was also afforded the opportunity to request analysis of the B Sample and to admit the anti-doping rule violations asserted against him on the basis of the AAF.
11. On 4 June 2018 and 13 June 2018, the AIU received responses to the notice sent to the Athlete on 25 May 2018 via his *pro bono* legal representatives. These responses confirmed the Athlete's explanation for the AAF as follows:
 - 11.1. the Athlete was running low on his usual pre-workout supplement and so purchased a supplement called "Muscle Primer" from an unidentified individual in the gym on 20 November 2018. The "Muscle Primer" was offered to the Athlete at a discount price because it had already been opened at the time of the Athlete's purchase. The same individual also provided the Athlete with "T3 tablets" (at no cost) to assist the Athlete lose weight;
 - 11.2. the Athlete had used the "Muscle Primer" as a pre-workout supplement (2 x 50g scoops per day 5-10 minutes before a workout) in the period 23 November 2017 to 23 December 2017 and had taken "T3 tablets" (2 x tablets per day) in the period 23 December 2017 to 5 January 2018;
 - 11.3. the Athlete had checked to see if "Muscle Primer" contained any prohibited substances prior to using it, but it was not registered on the "Aegis Shield" app¹ that he used to check for prohibited substances;
 - 11.4. the Athlete had also checked to see if the T3 tablets contained any prohibited substances prior to taking them using online resources provided by the South African institute for Drug Free Sport ("**SAIDS**")² and they did not appear to him to contain any prohibited substances;
 - 11.5. the Athlete had decided to retire from athletics (due to recurrent injuries) at the time of his ingestion of "Muscle Primer" and "T3 tablets", had no intention of returning to professional triple-jumping and no longer considered himself to be, nor did he expect to be, a competitive Athlete;
 - 11.6. since being notified of the AAF by the AIU, the Athlete had discovered:
 - 11.6.1. that the manufacturer of "Muscle Primer" also manufactured, sold and distributed prohibited substances found in the Athlete's system; and
 - 11.6.2. that the unnamed individual in the gym had admitted to mixing "Clomid" and "Turinabol" with the "Muscle Primer" prior to selling it to the Athlete because it had originally not been intended for the Athlete's use.
12. The Athlete confirmed that he admitted the anti-doping rule violations, that he did not require a hearing for the matter to be determined and requested that the AIU exercise its discretion to reduce the period of ineligibility pursuant to Article 10.6.3 ADR and on the basis of the explanations that he had provided.

¹ www.aegisshield.com

² www.drugfreesport.org.za/online-medication-check

Article 10.6.3 – Prompt Admission

13. Article 10.6.3 ADR provides that *“An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection) may receive a reduction in the period of ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete or other Person’s degree of Fault, by promptly admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and the Integrity Unit”*.
14. The AIU accepts that as early as 24 February 2018, the Athlete took full responsibility for the presence of metabolites of DHCMT, clomiphene and its metabolite OH-methoxy-clomiphene and GW1516 in the Sample and that his acceptance of the AAF and admission of the ADRVs was confirmed in writing on 4 June 2018, promptly after formal written notification of the AAF and the assertion of ADRVs against him in correspondence from the AIU dated 25 May 2018.
15. Upon consultation, the AIU and WADA have agreed that the Athlete may receive a reduction in the mandatory period of ineligibility of four years for his prompt admission of the anti-doping rule violations, pursuant to Article 10.6.3 ADR.
16. In light of the above, the AIU proposed to the Athlete on 27 September 2018 a period of Ineligibility in this case of 3 years and 6 months, beginning on the date of the Athlete’s voluntary provisional suspension, i.e., 28 February 2018. On 1 February 2019, the Athlete accepted that proposal.

Consequences

17. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
18. On the basis that the Athlete has admitted to committing Anti-Doping Rule Violations under Article 2.1 ADR and Article 2.2 ADR, the AIU confirms by this decision the following consequences for a first Anti-Doping Rule Violation:
 - 18.1. a period of Ineligibility of three (3) years and six (6) months pursuant to Article 10.2.1(a) and Article 10.6.3 ADR, commencing on 28 February 2018 in accordance with Article 10.10.2(a) ADR; and
 - 18.2. disqualification of all the Athlete’s results obtained since 31 January 2018 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money, pursuant to Article 10.8 ADR.
19. The Athlete has accepted the above consequences for his Anti-Doping Rule Violations and has expressly waived his right to have the consequences determined by the Disciplinary Tribunal at a hearing.

Publication

20. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.

Rights of Appeal

21. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
22. Further to Article 13.2.4 ADR, the World Anti-Doping Agency (“**WADA**”) and the South African Institute of Doping Free Sport (“**SAIDS**”) 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 Article 13.7.2 ADR.
23. If an appeal is filed against this decision by WADA or SAIDS, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Article 13.9.3 ADR.

Monaco, 2 May 2019