

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MUSTAPHA EL AZIZ

Introduction

1. In April 2017, the 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. Mr Mustapha El Aziz is a 33-year old Moroccan long-distance runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. This decision is issued by the AIU pursuant to Articles 8.4.5 and 8.4.7 ADR.
4. Article 8.4.5 ADR provides that:

8.4.5 "[i]n the event that the Athlete or Athlete Support Person does not respond to the Notice of Charge by the specified deadline, the Athlete or Athlete Support Person will be deemed to have [...] admitted the Anti-Doping Rule Violation(s) charged and to have acceded to the Consequences specified in the Notice of Charge and, in such event, the Integrity Unit shall promptly issue a decision in accordance with Article 8.4.7."

5. Article 8.4.7 ADR provides that:

8.4.7 "[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 (or is deemed to have done so), 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 [...]."

The Athlete's commission of an Anti-Doping Rule Violation

6. On 7 June 2019, the Athlete underwent an in-competition doping control at the 'Karlovac 10K' held in Karlovac, Croatia. The Athlete provided a urine sample numbered 4352962 (the "**First Sample**").
7. On 14 June 2019, the Athlete underwent an in-competition doping control at the 'Corrida de Languieux' held in Languieux, France. The Athlete provided a urine sample numbered 4416450 (the "**Second Sample**").

8. On 1 July 2019, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Seibersdorf reported an Adverse Analytical Finding for the presence of recombinant EPO (“**EPO**”) in the First Sample (the “**First AAF**”).
9. On 3 July 2019, the WADA accredited laboratory in Paris reported an Adverse Analytical Finding for the presence of EPO in the Second Sample (the “**Second AAF**”).
10. EPO is a Prohibited Substance under the WADA 2019 Prohibited List (S2: Peptide Hormones, Growth Factors, Related Substances and Mimetics). It is a non-Specified Substance and is prohibited at all times. The Athlete did not have a TUE permitting the use of EPO.
11. On 2 July 2019, the Croatian Institute of Public Health (“**HZJZ**”) notified the Athlete of the First AAF and imposed a provisional suspension pending resolution of his case. The Athlete was requested to provide an explanation for the presence of EPO in the First Sample and was afforded the opportunity to request the analysis of the B Sample.
12. On 9 August 2019, the Athlete provided his explanation for the First AAF to HZJZ in which he stated that he did not ingest EPO intentionally but failed to provide any evidence for how the substance entered his body. The Athlete did not request the analysis of the B Sample.
13. On 14 August 2019, the AIU notified the Athlete of the Second AAF. The Athlete was requested to provide an explanation for the presence of EPO in the Second Sample and was afforded the opportunity to request analysis of the B Sample by no later than 21 August 2019.
14. The Athlete did not reply within the given deadline.
15. On 16 August 2019, the HZJZ transferred the results management of the First AAF to the AIU so that it could be treated together with the Second AAF.
16. On 26 August 2019, the Athlete was given an extension until 28 August 2019 to provide a reply to the AIU notification of the Second AAF on 14 August 2019.
17. The Athlete failed to provide any explanation for his Second AAF or request the B analysis of the Second Sample within the extended deadline or at all.
18. On 9 September 2019, the AIU issued the Athlete with a Notice of Charge for committing Anti-Doping Rule Violations pursuant to Article 2.1 ADR (Presence of a Prohibited Substance) and Article 2.2 ADR (Use of a Prohibited Substance) in relation to the First AAF and the Second AAF (“the **Charge**”). The Athlete was offered the opportunity to admit the Anti-Doping Rule Violations and accept a four (4) year sanction, or to request a hearing before the Disciplinary Tribunal, by no later than 19 September 2019.
19. The Athlete did not reply to the Charge within the given deadline.
20. On 20 September 2019, the Athlete was given a final opportunity to respond to the Charge and advised that, if he did not do so by 25 September 2019, he would be deemed to have waived his right to a hearing before the Disciplinary Tribunal, to have admitted the Anti-Doping Rule Violations and to have accepted the Consequences for those Anti-Doping Rule Violations specified in the Charge.
21. The Athlete failed to respond by the specified deadline of 25 September 2019.
22. On 26 September 2019, the AIU wrote to the Athlete to confirm that he was considered to have admitted the Anti-Doping Rule Violations and to have accepted the specified Consequences.

Consequences

23. The First AAF and the Second AAF are considered as one violation in accordance with Article 10.7.4 ADR and, together, the Anti-Doping Rule Violations constitute the Athlete's first violation under the ADR.
24. On the basis that the Athlete is deemed to have admitted the Anti-Doping Rule Violations as specified above, the AIU confirms by this decision the following Consequences in his case:
 - 24.1. a period of Ineligibility of four (4) years pursuant to Article 10.2.1(a) commencing on 2 July 2019; and
 - 24.2. disqualification of the Athlete's results since 7 June 2019 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Articles 9 and 10.8 ADR.

Publication

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

Rights of Appeal

26. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
27. Further to Article 13.2.4 ADR, WADA, the Moroccan Olympic Committee ("**MOC**") 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 Article 13.7.2 ADR.
28. If an appeal is filed against this decision by WADA or the MOC, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Article 13.9.3 ADR.

Monaco, 8 October 2019