
DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR PHILIP SANGA KIMUTAI

Introduction

1. In April 2017, World Athletics (formerly the IAAF) 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. 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. Philip Sanga KIMUTAI is a 36-year old Kenyan 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 Anti-Doping Rule Violations

6. On 28 July 2019, the Athlete underwent an in-competition doping control at the 'Liupanshui Summer International Marathon' held in Liupanshui, China. The Athlete provided a urine sample numbered 6390769 (the "**Sample**").
7. On 8 October 2019, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Beijing, China, reported an Adverse Analytical Finding (the "**AAF**") for the presence of of exogenous 5a-Androstane-3a,17b-diol ("**5aAdiol**") and 5b-Androstane-3a,17b-diol ("**5bAdiol**") in the Sample.

8. 5aAdiol and 5bAdiol are Prohibited Substances under the WADA 2019 Prohibited List (S1: Anabolic Agents). They are non-Specified Substances, prohibited at all times.
9. The Athlete did not have a TUE consistent with the AAF.
10. On 9 October 2019, the AIU notified the Athlete of the AAF and imposed a provisional suspension pending resolution of his case. The Athlete was requested to provide an explanation for the presence of 5aAdiol and 5bAdiol in the Sample and was afforded the opportunity to request analysis of the B Sample.
11. On 17, 23 and 24 October 2019 and on 13 November 2019, the Athlete provided his explanation for the AAF in which he stated that he did not dope intentionally but failed to establish the origin of the finding. The Athlete did not request analysis of the B Sample.
12. On 18 November 2019, the AIU charged the Athlete with committing an Anti-Doping Rule Violation pursuant to Article 2.1 ADR (Presence of a Prohibited Substance) and Article 2.2 ADR (Use of a Prohibited Substance). The Athlete was offered the opportunity to either admit the Anti-Doping Rule Violation and accept a four (4) year sanction or to request a hearing before the Disciplinary Tribunal, by no later than 28 November 2019.
13. The Athlete did not reply to the Charge within the given deadline.
14. On 29 November 2019, the Athlete was given a final opportunity to respond to the Charge and advised that, if he did not do so by 2 December 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.
15. The Athlete failed to respond by the specified deadline of 2 December 2019 or at all.
16. On 11 December 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

17. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
18. On the basis that the Athlete is deemed to have admitted the Anti-Doping Rule Violation 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 four (4) years pursuant to Article 10.2.1(a) commencing on 9 October 2019; and
 - 18.2 disqualification of the Athlete's results since 28 July 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

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

Rights of Appeal

20. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
21. Further to Article 13.2.4 ADR, WADA, the Anti-Doping Agency of Kenya (ADAK) 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.
22. 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 Article 13.9.3 ADR.

Monaco, 19 December 2019