

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR BELAL AHMED

### INTRODUCTION

1. In April 2017, World Athletics<sup>1</sup> 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 Belal AHMED (the "**Athlete**") is a 35-year-old Egyptian national (resident in the United Kingdom) and a long-distance runner<sup>2</sup>.

### SUMMARY OF THE PROCEEDINGS

3. On 27 September 2019, the Athlete was subject to out-of-competition Testing pursuant to the Testing Authority of World Athletics in Berlin, Germany. The Athlete provided a urine sample numbered 4323001 ("**the Sample**").
4. On 11 November 2019, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Kreischa (Germany) reported an Adverse Analytical Finding for the presence of recombinant EPO ("**EPO**") in the Sample ("**the AAF**").
5. 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.
6. On 4 December 2019, the AIU notified the Athlete of the AAF and imposed a Provisional Suspension upon him pending the determination of the matter. The Athlete was requested to provide an explanation for the presence of EPO in the Sample and was afforded the opportunity to request analysis of the B Sample by no later than 11 December 2019.
7. On 24 December 2019, the Athlete (through his legal counsel) admitted the Anti-Doping Rule Violations set out in the AIU correspondence sent to him on 4 December 2019 and confirmed that (i) he did not require the B Sample analysis; (ii) he did not wish for the matter to proceed to a hearing before the Disciplinary Tribunal; and (iii) he accepted the applicable period of Ineligibility was a period of four (4) years.
8. On 30 December 2019, the AIU issued a decision pursuant to Article 8.4.7 of the 2019 ADR, confirming the following Consequences for a first Anti-Doping Rule Violation under Article 2.1 ADR and Article 2.2 ADR:
  - 8.1. a period of Ineligibility of four (4) years pursuant to Article 10.2.1(a) commencing on 4 December 2019; and

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<sup>1</sup> formerly the International Association of Athletics Federations

<sup>2</sup> <https://www.worldathletics.org/athletes/egypt/belal-ahmed-14746877>

- 8.2. disqualification of the Athlete's results since 27 September 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.
9. No appeal was filed against the AIU decision to the Court of Arbitration for Sport and the decision duly became final and binding under the 2019 ADR.

## 2021 WORLD ANTI-DOPING CODE AND 2021 ADR

10. On 1 January 2021, the 2021 World Anti-Doping Code (the "Code") and the corresponding 2021 ADR came into effect (the "Effective Date").
11. Consistent with the 2021 Code, the 2021 ADR introduced a new mechanism under Rule 10.8.1 2021 ADR allowing for a one-year reduction in sanction for certain anti-doping rule violations (those carrying an asserted period of Ineligibility of 4 or more years) in circumstances where the athlete makes an early admission of the anti-doping rule violation and accepts the asserted period of Ineligibility:

*"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."*

(Emphasis added)

12. Rule 1.7.2(f) of the 2021 World Athletics Anti-Doping Rules ("2021 ADR") states as follows:

*"These Anti-Doping Rules do not apply retroactively to matters pending before the Effective Date, save that:*

*[...]*

- (d) With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to the Integrity Unit or other Anti-Doping Organisation that had Results Management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these Anti-Doping Rules. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Rule 13.2. These Anti-Doping Rules will have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired".*

## ATHLETE'S APPLICATION

13. On 30 November 2021, the Athlete made an application to the AIU for reconsideration of his sanction in light of the 2021 World Anti-Doping Code.

## AIU DECISION

14. By application of Rule 1.7.2(f) ADR described above, the AIU considers that the Athlete may benefit from the one-year reduction set out in Rule 10.8.1 ADR since, when he was confronted with his 2019 violation, he admitted the Anti-Doping Rule Violations and accepted the Consequences proposed by the AIU within 20 days of being first notified<sup>3</sup>.
15. By application of the principle of *lex mitior*, the Athlete's period of Ineligibility is therefore reduced from four (4) years to three (3) years and will now expire accordingly on 3 December 2022.

## APPEAL RIGHTS

16. This decision is copied to the Athlete and his National Federation and to the parties with a right of appeal against the decision under the 2021 ADR, namely, the United Kingdom Anti-Doping ("UKAD") and the World Anti-Doping Agency.

Monaco, 6 December 2021

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<sup>3</sup> The Athlete admitted the Anti-Doping Rule Violations and accepted the proposed Consequences twenty (20) days after receiving the Notice of Allegation and thus before the Notice of Charge was even issued.