

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR JAPHET KIPCHIRCHIR KIPKORIR

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 the 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 Japhet Kipchirchir Kipkorir is a 39-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 Article 8.4.7 ADR which 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 [...], 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

4. On 10 November 2019, the Athlete was subject to in-competition Testing at the 'Nanjing Marathon' held in Nanjing, China. The Athlete provided a urine sample numbered 6392892 (the "**Sample**").
5. On 8 May 2020, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Beijing, China, reported an Adverse Analytical Finding (the "**AAF**") for the presence of a metabolite of nandrolone (or nandrolone precursors), specifically 19-norandrosterone, consistent with exogenous origin, in the Sample.
6. Nandrolone (19-nortestosterone) is a Prohibited Substance under the WADA 2019 Prohibited List (S1.1b: Endogenous Anabolic Androgenic Steroids and their Metabolites when administered exogenously). It is a Non-Specified Substance and is prohibited at all times. The Athlete did not have a TUE permitting the use of nandrolone or nandrolone precursors.
7. On 11 May 2020, the AIU notified the Athlete of the AAF ("the **Notice of Allegation**") and imposed a Provisional Suspension pending resolution of the case. The Athlete was requested to provide an explanation for the presence of metabolites of nandrolone (or nandrolone precursors) consistent with exogenous origin in the Sample by no later than 18 May 2020 and was afforded the opportunity to request analysis of the B Sample.

8. The Athlete failed to respond by 18 May 2020. Therefore, the AIU requested the assistance of Athletics Kenya in contacting the Athlete directly concerning the Notice of Allegation. On 19 May 2020, Athletics Kenya confirmed that they had managed to contact the Athlete and that he was now in receipt of the Notice of Allegation.
9. On the same day, the Athlete provided his explanation for the AAF stating that he did not know how the substance had entered his body. The Athlete did not request analysis of the B Sample.
10. On 26 May 2020, 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). The Athlete was offered the opportunity to either admit the Anti-Doping Rule Violations and accept a four (4) year period of ineligibility, or to request a hearing before the Disciplinary Tribunal (“the **Tribunal**”), by no later than 5 June 2020.
11. On 3 June 2020, the Athlete provided the AIU with details from his medical file related to a back injury and treatment received in October 2018. The AIU concluded that this treatment could not explain the AAF in the Sample collected on 10 November 2019.
12. On 3 June 2020, the AIU confirmed receipt of the details from the Athlete’s medical file and reminded him that he had until 5 June 2020 to reply to the Notice of Charge by confirming whether he (i) admitted the Charge and the mandatory Consequences or (ii) wished for the Charge and/or the Consequences to be determined by the Tribunal.
13. On 5 June 2020, the Athlete admitted committing Anti-Doping Rule Violations, stating that it was unintentional, and accepted the proposed Consequences by signing and returning an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form.

Consequences

14. Taken together, the Anti-Doping Rule Violations pursuant to Article 2.1 ADR and Article 2.2 ADR constitute the Athlete's first Anti-Doping Rule Violation under the ADR.
15. 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:
 - 15.1. a period of Ineligibility of four (4) years commencing on 11 May 2020 pursuant to Article 10.2.1(a) ADR; and
 - 15.2. disqualification of the Athlete’s results since 10 November 2019 with all resulting consequences, including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Article 9 ADR and Article 10.8 ADR.
16. The Athlete has accepted the above Consequences for his Anti-Doping Rule Violations and has expressly waived his right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

Publication

17. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.
18. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.

Rights of Appeal

19. Further to Article 13.2.4 ADR, WADA and the Anti-Doping Agency of Kenya (“**ADAK**”) 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 ADR.
20. 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, 10 June 2020