
Decision of the Athletics Integrity Unit in the Case of Mr Ibrahim Mukunga Wachira

Introduction

1. World Athletics has 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 Ibrahim Mukunga Wachira ("the **Athlete**") is a 32-year-old road runner from Kenya.¹
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

"8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

The Athlete's Commission of Anti-Doping Rule Violations

4. Rule 2 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

"2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample

[...]

¹ <https://worldathletics.org/athletes/kenya/ibrahim-wachira-15035436>

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method”

5. On 10 September 2022, the Athlete provided a urine Sample In-Competition in Tallinn, Estonia, which was given code 1008931 (the “Sample”).
6. On 30 September 2022, the World Anti-Doping Agency (“WADA”) accredited laboratory in Stockholm, Sweden (the “Laboratory”) reported that the analysis of the Sample had revealed the presence of Tamoxifen Metabolites² and 19-Norandrosterone (“19-NA”)³ greater than 15ng/mL (the “Adverse Analytical Finding”).
7. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“ISRM”) and determined that:
 - 7.1. the Athlete did not have a Therapeutic Use Exemption (“TUE”) that had been granted (or that would be granted) for either the 19-NA or the Tamoxifen Metabolites found in the Sample; and
 - 7.2. there was no apparent departure from the International Standard for Testing and Investigations (“ISTI”) or from the International Standard for Laboratories (“ISL”) that could reasonably have caused the Adverse Analytical Finding.
8. On 4 October 2022, the AIU notified the Athlete of the Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR and of the imposition of an immediate Provisional Suspension.
9. The Athlete was also informed of his rights, *inter alia*, to request the B Sample analysis, to request copies of the laboratory documentation supporting the Adverse Analytical Finding and to admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR. The AIU also requested that the Athlete provide an explanation for the Adverse Analytical Finding by no later than 11 October 2022.
10. The Athlete failed to respond by 11 October 2022.
11. On 18 October 2022, the AIU Publicly Disclosed the details of the Provisional Suspension imposed upon the Athlete on 4 October 2022, as set out in the Notice of Allegation, and in accordance with Rule 14.3.1.
12. On 21 October 2022, the AIU wrote to the Athlete by e-mail noting that he had failed to respond to the Notice of Allegation and afforded him an extension until 25 October 2022 to do so.

² Namely 3-hydroxy-4-methoxytamoxifen and 4-hydroxytamoxifen.

³ 19-NA is a Metabolite of Nandrolone (19-nortestosterone) and Nandrolone precursors.

13. On 24 October 2022, the Athlete provided his initial explanation for the Adverse Analytical Finding, which, in summary, set out that in February 2022 he had “[twisted a knee in training](#)” and that since then, his knee had been painful and he had taken painkillers. The Athlete explained that by June 2022 “[the knee got worse again and I had to stop racing](#)”, so he returned to Kenya from Estonia and “[decided to visit a local hospital in Karatina](#)”.
14. The Athlete further explained that the hospital he visited was the Alpha Medical Clinic and that he visited this clinic on 2 August, 10 August and 16 August 2022 and received the following treatment: “[IM dinac 150mg; norandrosterone 250mg in 3 doses 2th, 10th and 16th of August, Pharmasol gel, Nitroflex, Floradix, IM calcium gluconate](#)”. The Athlete also submitted a photo of a CT-scan dated 2 October 2022 and a hand-written medical file from the Alpha Medical Clinic dated 2 August 2022.
15. On 25 October 2022, the AIU asked the Athlete to provide further information, specifically:
 - 15.1. The address of the Alpha Medical Clinic;
 - 15.2. The name of the doctor who treated the Athlete at the Alpha Medical Clinic on 2 August 2022; and
 - 15.3. The Athlete’s full medical file from the Alpha Medical Clinic including the prescription for the medication referenced in the medical certificate dated 2 August 2022 and the documents related to the Athlete’s follow-up visits on 10 August 2022 and 16 August 2022.
16. On 31 October 2022, the Athlete replied to the AIU and provided the address of the Alpha Medical Clinic, the name of the doctor and the Athlete’s patient information card.
17. On 9 November 2022, the AIU wrote to the Athlete to confirm whether the three (3) “[Norandrosterone](#)” injections were all given to him at the Alpha Medical Clinic and whether the patient information card attached to the Athlete’s e-mail on 31 October 2022 constituted his full medical file from the Alpha Medical Clinic.
18. On 11 November 2022, the Athlete replied to the AIU and confirmed that all three injections were administered at the Alpha Medical Clinic and that the documents he had submitted comprised all the information that he had about his medical file.
19. On 15 November 2022, the AIU requested the assistance of the Anti-Doping Agency of Kenya (“[ADAK](#)”) with an investigation into the Athlete’s explanation.
20. On 24 April 2023, the AIU received a handwritten response from the Alpha Medical Clinic dated 19 April 2023 to a request for information submitted by ADAK. This handwritten response stated that the Athlete had visited the Alpha Medical Clinic on 2, 10 and 16 August 2022 for “[administration](#)” of “[ranferon, calcium gluconate and norandrosterone](#)” with a prescription from a physician (unspecified) in Nairobi.
21. On 27 June 2023, the Athlete attended an interview with AIU representatives in relation to the asserted medical treatment that he had received at the Alpha Medical Clinic and the origin of the substances that he claimed to have been injected with.

22. In summary, the Athlete stated in interview that he had attended the Alpha Medical Clinic to get treatment for his knee pain and confirmed that all substances were given to him by the Alpha Medical Clinic.
23. Following the interview, the AIU conducted additional investigations (assisted by ADAK) into the circumstances of the Athlete's asserted medical treatment, including to establish the provenance of the substances allegedly administered to the Athlete at the Alpha Medical Clinic in August 2022. During that investigation, the Alpha Medical Clinic confirmed that the Athlete had attended the Clinic in August 2022 with norandrosterone already in his possession to be injected.
24. On 6 December 2023, the Athlete attended a second interview with AIU representatives.
25. In summary, in the second interview, the Athlete confirmed his earlier statement that the substances were given to him by the Alpha Medical Clinic and denied that he had received treatment or medication from any other sources at any time. The Athlete was unable to provide any explanation at all for the Tamoxifen Metabolites that were also found in the Sample.
26. Following the second interview, the AIU conducted further investigations into the circumstances of the Athlete's asserted medical treatment (assisted by ADAK) including further visits by ADAK representatives to the Alpha Medical Clinic.
27. On 1 March 2024, the AIU received a second handwritten response from the Alpha Medical Clinic dated 28 February 2024 which confirmed, inter alia, that the Athlete had visited the Alpha Medical Clinic for assistance "in administering already prescribed injections".
28. Following review of the Athlete's explanation and the information obtained from the AIU's investigation, the AIU remained satisfied that the Athlete had committed Anti-Doping Rule Violations as set out in the Rules.
29. Therefore, on 2 May 2024, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM confirming that he was being charged with Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR ("the **Charge**") and that the Consequences included (i) a period of Ineligibility of six (6) years⁴ and (ii) disqualification of his results on and since 10 September 2022.
30. The AIU invited the Athlete to respond to the Charge confirming how he wished to proceed by no later than 16 May 2024. The letter confirmed that, should the Athlete fail to challenge the AIU's assertion of the Anti-Doping Rule Violations or the Consequences, or fail to request a hearing, then he would be deemed to have waived his right to a hearing, admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge in accordance with Rule 8.5.2(f) ADR.

⁴ Based on the presence of Aggravating Circumstances in the matter in accordance with Rule 10.4, as set out further below.

31. The Athlete failed to respond by 16 May 2024.
32. On 17 May 2024, the AIU therefore wrote to the Athlete confirming that, due to his failure to respond to the Charge by 16 May 2024, he was deemed to have (i) waived his right to a hearing, (ii) admitted the Anti-Doping Rule Violations and (iii) accepted the Consequences specified in the Charge.
33. The AIU reminded the Athlete that he had until no later than 22 May 2024 by which to sign and return an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form (“the Admission Form”) (that was enclosed with the Charge) to benefit from an automatic one (1) year reduction in the period of Ineligibility, pursuant to Rule 10.8.1 ADR.
34. The AIU also informed the Athlete that if he failed to respond, the AIU would issue a final decision in the matter confirming a period of Ineligibility of six (6) years against him.
35. On 22 May 2024, the AIU wrote to the Athlete reminding him that he had a final opportunity to sign and return the Admission Form to benefit from an automatic one (1) year reduction in the period of Ineligibility, pursuant to Rule 10.8.1 ADR.
36. The Athlete failed to respond or to sign and return the Admission Form by the 22 May 2024 deadline.

Consequences

37. This is the Athlete’s first Anti-Doping Rule Violation.
38. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 ADR or Rule 2.2 ADR shall be as follows:

“10.2.1 Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:

- (a) The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*
- (b) The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was intentional.”*

39. Tamoxifen is a Prohibited Substance under the WADA 2022 Prohibited List under the category S4.2: Anti-Estrogenic Substances. It is a Specified Substance prohibited at all times.

40. Nandrolone (when administered exogenously) is also a Prohibited Substance under the WADA 2022 Prohibited List under the category S1.1 Anabolic Androgenic Steroids (AAS). It is a Non-Specified Substance prohibited at all times.
41. The period of Ineligibility to be imposed is therefore a period of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.
42. The Athlete has not demonstrated that the Anti-Doping Rule Violations were not intentional. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.
43. However, Rule 10.4 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation may be greater than the standard sanction when it is established that Aggravating Circumstances are present:

“10.4 Aggravating Circumstances that may increase the period of Ineligibility

If the Integrity Unit or other prosecuting authority establishes in an individual case involving an anti-doping rule violation [...] that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable will be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that they did not knowingly commit the anti-doping rule violation.”

44. Aggravating Circumstances are defined in ADR as follows:

*“**Aggravating Circumstances:** Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.”*

45. The analysis of the Sample revealed the presence of Tamoxifen Metabolites and 19-NA. This constitutes clear evidence of the Athlete's Use of multiple Prohibited Substances which is expressly identified in the definition of Aggravating Circumstances and therefore justifies an increase of the period of Ineligibility unless the Athlete can establish that he did not knowingly commit the Anti-Doping Rule Violations.
46. The Athlete has failed to establish that he did not knowingly commit the Anti-Doping Rule Violations. Therefore, the period of Ineligibility to be imposed is a period of six (6) years.
47. The Athlete failed to admit the Anti-Doping Rule Violations and accept the Consequences specified by the AIU in the Notice of Charge within twenty (20) days in accordance with Rule 10.8.1 ADR. The Athlete cannot therefore benefit from the one (1)-year reduction in the period of Ineligibility in accordance with this provision.
48. On the basis that the Athlete is deemed to have admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, in accordance with Rule 10.2.1 ADR and the application of Rule 10.4 ADR, the AIU confirms by this decision the following Consequences for the Athlete's Anti-Doping Rule Violations:
 - 48.1. a period of Ineligibility of six (6) years commencing on 4 October 2022 (the date of Provisional Suspension); and
 - 48.2. disqualification of the Athlete's results on and since 10 September 2022, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.

Publication

49. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

Rights of Appeal

50. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
51. Further to Rule 13.2.3 ADR, WADA and 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 Rule 13.6.1 ADR.
52. 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 Rule 13.2.4 ADR.

Monaco, 17 June 2024