

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR JOSE SANCHEZ

### 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 José Sanchez ("the **Athlete**") is a 35-year-old Argentinian middle and long-distance runner<sup>1</sup>.
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 AN ANTI-DOPING RULE VIOLATION

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"*

5. On 18 September 2022, the Athlete provided a urine Sample, In-Competition, at the 'Maraton de Buenos Aires Nandu' held in Buenos Aires, Argentina, which was given code 7133447 (the "**Sample**").
6. On 10 November 2022, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Madrid, Spain (the "**Laboratory**") reported an Adverse Analytical Finding in the Sample for the

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<sup>1</sup> <https://www.worldathletics.org/athletes/argentina/jose-sanchez-14501515>

presence of Cocaine<sup>2</sup> and its metabolites Benzoyllecgonine<sup>3</sup> and Ecgonine methylester (the “**Adverse Analytical Finding**”).

7. Cocaine<sup>4</sup> is a Prohibited Substance under the WADA 2022 Prohibited List under the category “S6: Stimulants”. It is a Non-Specified Substance prohibited In-Competition. Cocaine is also specified in the 2022 Prohibited List as being a Substance of Abuse<sup>5</sup>.
8. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“**ISRM**”) and determined that:
  - 8.1. the Athlete did not have a Therapeutic Use Exemption (“**TUE**”) that had been granted (or that would be granted) for the Cocaine (or its metabolites) found in the Sample; and
  - 8.2. 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.
9. Therefore, on 18 November 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.
10. In the same letter on 18 November 2022, the Athlete was also informed that, under Rule 10.2.4 ADR, if he was able to establish that the ingestion or Use of Cocaine (a Substance of Abuse) occurred Out-of-Competition and was unrelated to sport performance, then the period of Ineligibility for the Anti-Doping Rule Violations would be three (3) months’ Ineligibility, which may be further reduced to one (1) month, if he were to satisfactorily complete a Substance of Abuse treatment program approved by the AIU.
11. On 16 December 2022, the Athlete wrote to the AIU and explained *inter alia* that:
  - 11.1. He chewed coca leaves<sup>6</sup> on 16 September 2022 to help with mountain sickness he was experiencing while travelling by car via the ‘Cuesta del Obispo’<sup>7</sup>; and
  - 11.2. He drank coca tea<sup>8</sup> after lunch and dinner from 7 September until 17 September 2022 to treat an upset stomach caused by altitude sickness while sojourning and training in Cachi (at an altitude of 2,500m).

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<sup>2</sup> The approximate concentration of Cocaine in the Sample is 18 ng/mL.

<sup>3</sup> The estimated concentration of Benzoyllecgonine in the Sample is 710 ng/mL.

<sup>4</sup> In accordance with the WADA Technical Document TD2022MRPL, laboratories shall confirm the presence of cocaine in a Sample when (i) Cocaine is present at a concentration higher than 10 ng/mL, and/or (ii) Benzoyllecgonine is present at a concentration higher than 50 ng/mL.

<sup>5</sup> Pursuant to Rule 4.2.3 and in accordance with page 3 and section 6 of the 2022 WADA Prohibited List, cocaine is designated as a Substance of Abuse.

<sup>6</sup> Coca is a plant native to western South America. Its leaves contain several alkaloids, including cocaine.

<sup>7</sup> The road culminates at an altitude of 3,348m.

<sup>8</sup> Coca tea is an herbal infusion made using the raw or dried leaves of the coca plant. It also contains cocaine.

12. The Athlete also provided the AIU with flight tickets and medical records corroborating his whereabouts prior to the Marathon.
13. The AIU sought an opinion from an independent scientific expert who confirmed that the Adverse Analytical Finding was compatible with the use of coca tea and coca leaves described by the Athlete.
14. On 13 February 2023, the Athlete was informed that:
  - 14.1. following review of his explanation, the AIU was satisfied that he had established that his ingestion of Cocaine, through coca tea and coca leaves, occurred Out-of-Competition and was unrelated to sport performance.
  - 14.2. in accordance with Rule 10.2.4 ADR, the applicable period of Ineligibility was a period of three (3) months.
15. On 15 February 2023, the Athlete wrote to the AIU and confirmed that he admitted the Anti-Doping Rule Violation pursuant to Rule 2.1 ADR and accepted a period of Ineligibility of three (3) months. The Athlete enclosed a signed Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form.

## CONSEQUENCES

16. This is the Athlete's first Anti-Doping Rule Violation.
17. On the basis that the Athlete has admitted the Anti-Doping Rule Violation under Rule 2.1 ADR, in accordance with Rule 10.2.4 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
  - 17.1. a period of Ineligibility of three (3) months commencing on the date of the provisional suspension, i.e., 18 November 2022; and
  - 17.2. disqualification of the Athlete's results on 18 September 2022, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.
18. The Athlete has accepted the above Consequences for his Anti-Doping Rule Violation and has expressly waived his right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## PUBLICATION

19. In accordance with Rule 8.5.6(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 Rule 8.5.6 ADR.
21. Further to Rule 13.2.3 ADR, WADA and the Argentinian National Anti-Doping Commission (“**CNAD**”) 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.
22. If an appeal is filed against this decision by WADA or the CNAD, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 17 February 2023