Athletics Integrity Unit

1st Floor
6 Quai Antoine 1er
MC 98007, Monaco

Decision of the Athletics Integrity Unit in the Case of Ms Salina Jebet

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. Ms Salina Jebet ("the **Athlete**") is a 37-year-old marathon 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/salina-jebet-14865899

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

[…]

2.5 Tampering or Attempted Tampering with any part of Doping Control by an Athlete or other Person"[2]

5. On 16 July 2023, the Athlete provided a urine Sample In-Competition at the '*Cool City Liupanshui Summer Marathon*' in Liupanshui, China, which was given code 6507650 (the "**Sample**").

6. On 2 August 2023, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Beijing, China (the "**Laboratory**") reported that analysis of the Sample had revealed the presence of 19-norandrosterone ("**19-NA**")[3] at a concentration 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 the 19-NA 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 17 August 2023, 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 her 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.

---

[2] Tampering is defined in the ADR as follows: "*Intentional conduct that subverts the Doping Control process but that would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organization or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organization or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control.*"

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

10. On 22 August 2023, the Athlete provided her initial explanation to the AIU for the Adverse Analytical Finding. In summary, the Athlete explained that she had been diagnosed with osteoarthritis in March 2023 and that the condition had worsened in the beginning of July 2023, so she visited a doctor for treatment.

11. To support the Athlete's initial explanation, she submitted a payment request and a prescription form from the Kapsabet County Referral Hospital ("the **Hospital**") dated July 2023 and a letter from a Dr B K Tai dated 21 August 2023.

12. On 11 September 2023, the AIU asked the Athlete to provide additional information, including the following:

    12.1. The Athlete's medical records from the appointment on 3 March 2023;

    12.2. full details and medical records of any treatment for osteoarthritis between 3 March 2023 and 3 July 2023; and

    12.3. the full name(s) and license number for "Dr B K Tai".

13. On 14 September 2023, the Athlete submitted further documentation, including a prescription form dated 3 March 2023, a photo of an X-ray scan from the KAPSABET L5 Hospital dated 31 July 2023 and the license information of Dr Tai Bethwuel Kibiwot.

14. On 18 September 2023, the AIU requested assistance from the Anti-Doping Agency of Kenya ("**ADAK**") to determine the veracity of the Athlete's asserted medical treatment at the Hospital and the authenticity of the medical documents submitted by the Athlete.

15. On 18 October 2023, ADAK forwarded a formal response from the Hospital to the AIU's questions, which confirmed that:

    15.1. there was no record in the Hospital's database indicating that the Athlete had received any medical treatment at the facility;

    15.2. the Hospital does not stock Nandrolone, and therefore, there is no record of such drug being administered to any patient;

    15.3. the Hospital only had record of the Athlete attending the Hospital Outpatient Clinic on one occasion on 21 August 2023 (i.e., immediately following her receipt of the Notice of Allegation); and

    15.4. the Hospital did not consider the prescriptions bearing the Athlete's name dated 3 March 2023 and 3 July 2023, and the letter purporting to be from Dr Tai dated 21 August 2023, to be authentic documents.

16. Due to the contradictions between the medical documents submitted by the Athlete and the information provided by the Hospital (in particular, that there were no records indicating that the Athlete had ever received any medical treatment at the Hospital and the Hospital records show only a visit by the Athlete to the Outpatient Clinic on 21 August 2023 (shortly after the Notice of Allegation was issued to her on 17 August 2023)), the AIU considered that

1st Floor
6 Quai Antoine 1er
MC 98007, Monaco

there was evidence that the medical documents submitted by the Athlete had been falsified and/or were not authentic.

17. On 6 December 2023, the AIU therefore interviewed the Athlete in relation to the events leading up to the Athlete's apparent treatment at the Hospital on 3 March 2023 and 3 July 2023, the prescription forms dated 3 March 2023 and 3 July 2023, the letter purporting to be from Dr Tai dated 21 August 2023, and the response from the Hospital confirming that the medical documents were not considered to be authentic documents.

18. In summary of the interview, the Athlete confirmed her explanation for the Adverse Analytical Finding, including that

    18.1. on 3 March 2023, she was diagnosed with osteoarthritis in her knee, and following that diagnosis, she was prescribed medication for it and injected at the Hospital;

    18.2. a few months later the knee pain worsened and so she visited the doctor again on 3 July 2023 and was prescribed (and given) injections; and

    18.3. she did not inform the doctor that treated her on 3 July 2023 of her intention to participate in the marathon competition in China on 16 July 2023, and only later learned that the injection contained a prohibited substance.

19. The Athlete was confronted with the information in the Hospital's response (see para 15 above) and the AIU put it to the Athlete that the medical documents that she had submitted were forged/falsified documents. The Athlete did not admit that the documents were forged/falsified. She maintained that the documents were genuine and that she had been given them by the Hospital. She accepted only that she should have told the doctor that treated her on 3 July 2023 that she was a competitive athlete.

20. Following a review of the information and evidence obtained (as summarised above), the AIU considered there to be compelling evidence that demonstrated that the Athlete procured forged/falsified medical documents[4] and submitted those documents to the AIU to explain the Adverse Analytical Finding, and which constituted a further Anti-Doping Rule

---

[4] The AIU notes further that it is a criminal offence in Kenya for someone to issue forged/falsified medical certificates. See section 42.1(e) of the Anti-Doping Act No 5 of 2016 (http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/A/Anti-Doping%20Act%20-%20No.%205%20of%202016/docs/Anti-DopingAct5of2016.pdf):

> *"42. Offences*
> *(1) A person or body who*
>
> *[...]*
>
> *(e) presents to the [Anti-Doping] Agency a false document or makes a false statement with the intent to deceive or mislead an investigating officer*
>
> *commits an offence and shall be liable, upon conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both such fine and imprisonment."*

Violation pursuant to Rule 2.5 ADR (Tampering or Attempted Tampering with any part of Doping Control).

21. Therefore, on 16 May 2024, the AIU issued the Athlete with a (further) Notice of Allegation of Anti-Doping Rule Violation for committing a violation pursuant to Rule 2.5 ADR[5] and provided her with an opportunity to submit an explanation and to confirm how she wanted to proceed by no later than 23 May 2024.

22. On 21 May 2024, the Athlete responded to the Notice of Allegation via e-mail and stated that she "*cannot argue any further regarding this case*" and "*cannot provide any additional evidence*". Furthermore, the Athlete stated that she was "*writing for the purpose of admission*" and requested "*pardon and leniency when determining my case*".

23. On 22 May 2024, the AIU confirmed that its understanding of the Athlete's response was that she admitted the Anti-Doping Rule Violations alleged against her in the Notice of Allegation of 16 May 2024. The AIU invited the Athlete to confirm her admission by signing and returning the Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form ("**the Admission Form**") that was enclosed with that Notice of Allegation. The Athlete was reminded that by doing so, she would benefit from an automatic one-year reduction in the period of Ineligibility, pursuant to Rule 10.8.1 ADR.

24. On 23 May 2024, the Athlete replied to the AIU stating that she "*accepted the case for closure purposes*" because she was unable to provide any more evidence. The Athlete stated that she had not doped intentionally and maintained that the Adverse Analytical Finding was due to (legitimate) medical treatment. The Athlete stated that she did not accept that she had committed a tampering violation.

25. On 27 May 2024, the AIU asked the Athlete to confirm that her position was that she had no further explanation to provide concerning the matters set out in the Notice of Allegation dated 16 May 2024, but that she did not accept the asserted Anti-Doping Rule Violation for Tampering (Rule 2.5 ADR). The AIU explained that if its understanding was correct, then it would proceed with the matter by issuing the Athlete with a Notice of Charge.

26. On 29 May 2024, the Athlete replied to the AIU and confirmed that she did not accept the asserted Anti-Doping Rule Violation for Tampering. She also confirmed that she did not wish to proceed with the case to a hearing.

27. On 10 June 2024, the AIU informed the Athlete that, considering her position, the only available options for the matter to be determined were for the Athlete to (i) admit the Anti-Doping Rule Violations and accept the proposed Consequences or (ii) request a hearing to determine the Anti-Doping Rule Violations and/or the Consequences.

[5] A Provisional Suspension was also imposed upon the Athlete in relation to the alleged violation of Rule 2.5 ADR pursuant to Rule 7.4.2 ADR.

28. On 11 June 2024, the Athlete responded to the AIU and requested an extension of one month to consider her options. The AIU agreed to the Athlete's request and extended the deadline for the Athlete to confirm how she wished to proceed until 14 July 2024.

29. On 16 July 2024, the Athlete contacted the AIU using a new e-mail address and asked the AIU to use her new e-mail address for further communication.

30. On 17 July 2024, the AIU responded to the Athlete and repeated the options for determination of the matter as set out in the e-mail of 10 June 2024. The AIU gave the Athlete until 22 July 2024 to confirm how she wanted to proceed with the matter.

31. On 18 July 2024, the AIU received the Admission Form signed by the Athlete.

Consequences

32. This is the Athlete's first Anti-Doping Rule Violation.

33. 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."*

34. 19-Norandrosterone is a Metabolite of Nandrolone (19-nortestosterone). Nandrolone (including its Metabolites) is a Prohibited Substance under the WADA 2023 Prohibited List under the category S1.1: *Anabolic Androgenic Steroids*. It is a Non-Specified Substance prohibited at all times.

35. The period of Ineligibility to be imposed is therefore a period of Ineligibility of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.

36. The Athlete has failed to demonstrate that the Anti-Doping Rule Violations were not intentional. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.

37. Rule 10.3.1 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.5 ADR (Tampering) shall be as follows:

> *"10.3.1 For violations of Rule 2.3 or Rule 2.5, the period of Ineligibility will be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not*

intentional, the period of Ineligibility will be two (2) years; (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility will be in a range from two (2) years to four (4) years depending on the Athlete's or other Person's degree of Fault; or (iii) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility will be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault."

(emphasis added)

38. The Athlete has not established that any exceptional circumstances exist to justify any reduction in the period of Ineligibility of four (4) years to be imposed for the Anti-Doping Rule Violation committed pursuant to Rule 2.5 ADR.

39. Rule 10.9.3(c) states as follows:

"10.9.3 Additional rules for certain potential multiple violations

[...]

(a) If the Integrity Unit establishes that an Athlete or other Person committed a violation of Rule 2.5 in connection with the Doping Control process for an underlying asserted anti-doping rule violation, the violation of Rule 2.5 will be treated as a stand-alone first violation, and the period of Ineligibility for such violation must be served consecutively (rather than concurrently) with the period of Ineligibility, if any, imposed for the underlying anti-doping rule violation. Where this Rule 10.9.3(c) is applied, the violations taken together will constitute a single violation for purposes of Rule 10.9.1.

[...]."

(emphasis added)

40. The Athlete committed the violation of Rule 2.5 ADR in connection with the Doping Control Process (specifically during Results Management of the Adverse Analytical Finding) and therefore falls squarely within this provision. The violation of Rule 2.5 ADR shall therefore be treated as a stand-alone first violation and the four (4)-year period of Ineligibility for the Rule 2.5 ADR must be served consecutively to the four (4)-year period of Ineligibility imposed for the violations of Rule 2.1 ADR and Rule 2.2 ADR (i.e., a total period of Ineligibility of eight (8) years).

41. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years or more may benefit from a one (1)-year reduction in the period of Ineligibility based on an early admission and acceptance of sanction:

"10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction.

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."

42. Notice of Allegation letters were issued to the Athlete on 17 August 2023 (viz. Rule 2.1 ADR and Rule 2.2 ADR) and on 16 May 2024 (which included the violation of Rule 2.5 ADR). On 18 July 2024, the AIU received the Admission Form signed by the Athlete confirming that she admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility of eight (8) years set out in the Notice of Allegation dated 16 May 2024.[6]

43. The Athlete shall therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 ADR based on an early admission and acceptance of sanction.

44. On the basis that the Athlete has confirmed that she admits the Anti-Doping Rule Violations under Rule 2.1 ADR, Rule 2.2 ADR and Rule 2.5 ADR, in accordance with Rule 10.2.1 ADR, Rule 10.3.1 ADR, Rule 10.9.3(c) ADR, Rule 9 ADR and Rule 10.10 ADR, and the application of Rule 10.8.1 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:

    44.1. a period of Ineligibility of seven (7) years commencing on 17 August 2023 (the date of Provisional Suspension); and

    44.2. disqualification of the Athlete's results on and since 16 July 2023, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.

45. The Athlete has accepted the above Consequences for her Anti-Doping Rule Violations and has expressly waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

[6] The Notice of Allegation of Anti-Doping Rule Violations letters were issued to the Athlete by the AIU in accordance with Article 5.1.2 of the ISRM, prior to a Notice of Charge issued in accordance with Article 7 of the ISRM. Considering the Athlete's signed admission and acceptance of Consequences on 18 July 2024, no Notice of Charge was ever issued.

1st Floor
6 Quai Antoine 1er
MC 98007, Monaco

Publication

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

Rights of Appeal

47. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.

48. 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.

49. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 14 August 2024