

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR MOHAMED KATIR

### 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 Mohamed Katir is a 25-year-old Spanish middle-distance runner and an International-Level Athlete for the purposes of the ADR (the "**Athlete**").<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)."*

### WHEREABOUTS FAILURES

4. Rule 2.4 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

*"2.4 Whereabouts Failures by an Athlete in a Registered Testing Pool*

*Any combination of three missed tests and/or filing failures, as defined in the International Standard for Results Management, within a 12-month period by an Athlete in a Registered Testing Pool."*

5. A Missed Test and a Filing Failure are defined in the International Standard for Results Management ("**ISRM**") respectively as follows:

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<sup>1</sup> <https://worldathletics.org/athletes/spain/mohamed-katir-14642046>

*“**Missed Test:** A failure by the Athlete to be available for Testing at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.*

*“**Filing Failure:** A failure by the Athlete (or by a third party to whom the Athlete has delegated the task) to make an accurate and complete Whereabouts Filing that enables the Athlete to be located for Testing at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.”*

6. In short, an athlete violates Rule 2.4 of the ADR where he or she has any combination of three Missed Tests and/or Filing Failures within any twelve-month period, that period beginning on the day of the first relevant Missed Test/Filing Failure.

#### THE ATHLETE’S COMMISSION OF AN ANTI-DOPING RULE VIOLATION

7. In this instance, the Athlete has had three Whereabouts Failures in the twelve-month period beginning on 28 February 2023, specifically:
  - (i) a Filing Failure on 28 February 2023;
  - (ii) a Missed Test/Filing Failure on 3 April 2023; and
  - (iii) a Missed Test/Filing Failure on 10 October 2023.

##### ***1. First Whereabouts Failure - Filing Failure on 28 February 2023***

8. In summary, on 28 February 2023 at 20:10, a Doping Control Officer (“**DCO**”) attended an address in Murcia, Spain that was indicated in the Athlete’s Whereabouts information to be his overnight accommodation for that date (the “**Home Address**”) and met the Athlete’s father who informed the DCO that the Athlete was not present as he had travelled to Portugal. The DCO called the Athlete who confirmed that he was indeed in Lisbon, Portugal for a few days and that he would return to Spain on 2 March 2023.
9. On 2 March 2023, the AIU notified the Athlete of an apparent Filing Failure on 28 February 2023 and requested his explanation for such by no later than 16 March 2023.
10. On 9 March 2023, the Athlete submitted his explanation for the Filing Failure to the AIU. In summary, the Athlete asserted the following:
  - 10.1. he had been present at the Home Address during his 60-minute time slot (07:00-08:00) on 28 February 2023;
  - 10.2. at some time after 08:30 on 28 February 2023, the Athlete received a call from his fiancée asking him to visit her because she was feeling unwell, and he immediately booked a flight to Lisbon (Portugal) and updated his Whereabouts information for the following day to reflect his stay in Portugal.

11. On 29 March 2023, after repeated requests from the AIU on 22 and 28 March 2023, the Athlete provided the AIU with a copy of his booking confirmation for the flight to Portugal on 28 February 2023. According to that confirmation when it was finally received, the flight to Portugal had in fact been booked on 26 February 2023 i.e., two (2) days before the Athlete's departure, and not on the day of the attempt as the Athlete had previously explained.
12. On 31 March 2023, the AIU therefore confirmed a Filing Failure against the Athlete effective on 28 February 2023 on the basis that he had failed to update his Whereabouts as soon as his circumstances had changed and that his overnight accommodation for 28 February 2023 was materially inaccurate. He was afforded the right to request an administrative review of that decision by no later than 14 April 2023 and advised that, if he failed to do so, the Filing Failure would be considered as a Whereabouts Failure for the purposes of Rule 2.4 ADR.
13. No request for an administrative review was received by 14 April 2023.
14. Therefore, the AIU recorded a first Whereabouts Failure (a Filing Failure) against the Athlete effective 28 February 2023.

***II. Second Whereabouts Failure - Missed Test/Filing Failure on 3 April 2023***

15. In summary, on 3 April 2023, a DCO went to the Home Address where the Athlete indicated he would be for his 60-minute time slot on that date (19:50 - 20:50). The DCO arrived at the Athlete's address at the start of the time slot and met the Athlete's father who informed the DCO that the Athlete was not there because he was currently away training in France. The DCO called the Athlete who confirmed that he was indeed in France. The DCO remained at the Athlete's specified location for the remainder of the specified 60-minute time slot and the Athlete did not return during this period.
16. On 6 April 2023, the AIU notified the Athlete of an apparent Whereabouts Failure on 3 April 2023 and requested his explanation by no later than 20 April 2023.
17. On 19 April 2023, the Athlete submitted his explanation to the AIU. In summary, he explained that, on 28 March 2023, he had tried to update his Whereabouts information via ADAMS to indicate that he would be in Font Romeu, France, but "*the APP and the system was not working*", so he sent an email to ADAMS to provide his address in Font Romeu for the following weeks. The Athlete also claimed that he had tried to update his Whereabouts information via "*the APP*" on "*the 30, 31, 01, 02, but the APP still wasn't working*" and that he was only able to update (via the app) on 3 April 2023.
18. On 28 April 2023, following review of the Athlete's explanation, the AIU confirmed a Whereabouts Failure effective 3 April 2023 against the Athlete. The AIU noted that, whilst athletes who have technical issues with ADAMS may exceptionally submit an update to their whereabouts information with the AIU by e-mail to [whereabouts@athleticsintegrity.org](mailto:whereabouts@athleticsintegrity.org) (and when doing so must provide a description and evidence of the alleged technical issues experienced)<sup>2</sup>, the Athlete had instead sent an e-mail to ADAMS. The Athlete had received an automated reply from ADAMS stating that he was to write to the AIU with any

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<sup>2</sup> See paragraph 1.4 of Appendix 2 to the Rules.

whereabouts update, but he failed to do so. The AIU therefore concluded that the Athlete had failed to update his Whereabouts information as required<sup>3</sup>.

19. The Athlete was afforded the right to request an administrative review of that decision by no later than 12 May 2023 and advised that, if he failed to do so, the Whereabouts Failure would be confirmed against him as his second Whereabouts Failure in the twelve-month period beginning on 28 February 2023 for the purposes of Rule 2.4 ADR.
20. No request for an administrative review was received by 12 May 2023. However, on 21 December 2023 (following confirmation of a third Whereabouts Failure against the Athlete - see Section III below), the Athlete submitted a request for an administrative review through his appointed legal representatives<sup>4</sup>.
21. In summary, it was submitted as part of the administrative review as follows:
  - 21.1. on 28 March 2023, the Athlete had tried to update his Whereabouts Filing for the period from 28 March 2023 until the end of April 2023 to the location of a training camp he was attending in Font Romeu, but “*encountered technical problems with the ADAMS platform*”. He therefore sent an email to ADAMS ([adams@wada-ama.org](mailto:adams@wada-ama.org)) on 28 March 2023 at 20:32 CET containing the address of the training camp in Font Romeu, a phone number, and a period (from 27 March until 30 April);
  - 21.2. on 29 March 2023, at 13:00 GMT, the Athlete was finally able to update his Whereabouts in ADAMS for the period from 29 March to 31 March 2023;
  - 21.3. on 3 April 2023, at 19:25 CET and 19:46 CET, i.e., before the start of the 60-minute time slot and while “*still experiencing technical problems with ADAMS*”, the Athlete managed to update his Whereabouts for that day, including that he would be “*available for Testing from 17:00 to 21:00 CET*” in Font Romeu, as well as for the period between 3 April 2023 and the end of the training camp in Font Romeu.
22. The administrative review considered anew whether the requirements of Article B2.1 and/or B2.4 of the ISRM were satisfied and the matter was reviewed considering the Athlete’s original explanation and the further information provided with the administrative review request.
23. Upon review of the Athlete’s submissions, the AIU noted the following:
  - 23.1. the Athlete had failed to update his Whereabouts information to reflect his stay in Font Romeu as soon as possible after he became aware that his circumstances had changed. According to the Athlete’s own explanation, he was already in Font Romeu, France on 28 March 2023 (from 27 March 2023 according to his email to ADAMS), before

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<sup>3</sup> The Rules make clear that it shall not be a defence to an allegation of a Whereabouts Failure that an Athlete (or a third party with delegated authority) sought to submit a Whereabouts Filing (or update thereto) in ADAMS, but ADAMS was unavailable for technical reasons.

<sup>4</sup> In these circumstances, whilst the Athlete did not request an administrative review within the stipulated deadline, the AIU exceptionally agreed to conduct an administrative review of the 3 April 2023 Whereabouts Failure.

- he attempted to make any update to his Whereabouts information (which had him in Spain on that date).
- 23.2. the Athlete's e-mail to the ADAMS e-mail address of 28 March 2023 did not constitute an accurate, complete, or effective Whereabouts update for the purposes of the Rules; the Athlete had failed to contact the AIU by e-mail to update his Whereabouts information despite being specifically informed by ADAMS that he was to do so in the automated response.
- 23.3. the Athlete eventually managed to log in to ADAMS on 29 March 2023 and he updated his Whereabouts information on that date, but only for the period up to and including 31 March 2023, and his Whereabouts information for (at least) the period from 1 to 3 April 2023<sup>5</sup>) was therefore incorrect.
- 23.4. contrary to the Athlete's claims, according to the ADAMS system information logs, there were no system outages or issues with ADAMS or Athlete Central in the period from 28 March 2023 to 3 April 2023. Moreover, the ADAMS logs confirmed that the Athlete made no login attempts to ADAMS in the period 30 March 2023 to 3 April 2023, let alone attempts to update his Whereabouts information during that period as he asserted.
- 23.5. contrary to the Athlete's claim, the update to the Athlete's Whereabouts information submitted in ADAMS on 3 April 2023 was not made prior to the Athlete's 60-minute timeslot specified in his Whereabouts information for that day. The update for 3 April 2023 was submitted at 18:25 GMT, i.e., 20:25 Central European Summer Time ("CEST")<sup>6</sup>, which was approximately 20 minutes after the DCO had first spoken with the Athlete's father at the Home Address.
24. Pursuant to the foregoing, the AIU therefore concluded that the Athlete's administrative review request failed to demonstrate that no negligence on his part caused or contributed to his failure to be available for Testing during the 60-minute time slot at the location specified in his Whereabouts information for 3 April 2023 or to update his Whereabouts information as required.
25. On 18 January 2024, the AIU confirmed that it remained satisfied that all the requirements of Articles B.2.1 and B.2.4 ISRM were met and that the Whereabouts Failure (both a Missed Test and a Filing Failure) dated 3 April 2023 remained confirmed against him.

### **III. Third Whereabouts Failure - Missed Test/Filing Failure on 10 October 2023**

26. In summary, on 10 October 2023, a DCO attended the Home Address specified as the location for the Athlete's 60-minute time slot between 19:20 and 20:20 for that day but was unable to locate him for Testing. The DCO was informed by the Athlete's father that the Athlete was currently training about 30 minutes away from the Home Address. The Athlete's father informed the DCO that he had attempted to reach the Athlete by phone but that the Athlete

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<sup>5</sup> The Athlete's Whereabouts Filing indicated that he would be at the Home Address for this period.

<sup>6</sup> Between 26 March 2023 and 29 October 2023, both France and Spain observed CEST, which corresponds to GMT+2:00.

was not responding. The DCO remained at the Home Address until the end of the time slot but the Athlete did not return during that time.

27. On 17 October 2023, the AIU notified the Athlete of an apparent Whereabouts Failure on 10 October 2023 and requested the Athlete's explanation by no later than 31 October 2023.
28. On 27 October 2023, the Athlete submitted his explanation to the AIU. In summary, the Athlete explained that he was surprised to see that the 60-minute time slot indicated in his Whereabouts for 10 October 2023 was between 19:20 and 20:20 because he normally trains at that time.
29. The Athlete asserted that this discrepancy must have been caused by a system error and stated that he was sure that his 60-minute time slot for 10 October 2023 had been set for between 07:00 and 08:00. The Athlete enclosed two screenshots from the Athlete Central App and ADAMS, showing that his 60-minute timeslot for 10 October 2023 was between 07:00 to 08:00.
30. The AIU reviewed the Athlete's explanation and requested further information from WADA relating to the Athlete's activity in ADAMS. Following review of the ADAMS system logs provided by WADA, the AIU responded that:
  - 30.1. on 29 September 2023, at 08:19 GMT, the Athlete had updated his Whereabouts information, including changing his 60-minute timeslot to between 19:20 and 20:20 at the Home Address for the period from 1 October 2023 to 31 December 2023.
  - 30.2. On 10 October 2023, at 20:47 GMT, i.e., at 22:47 CEST<sup>7</sup> (after the DCO had concluded the attempt), the Athlete had changed his 60-minute time slot for that day from 19:20-20:20 to 07:00-08:00.
31. On 12 December 2023, the AIU therefore wrote to the Athlete and confirmed the Whereabouts Failure on 10 October 2023 as being his third Whereabouts Failure in the period since 28 February 2023. The Athlete was afforded the right to request an administrative review of that decision by no later than 26 December 2023 and advised that, if he failed to do so, the Whereabouts Failure would be considered as his third Whereabouts Failure for the purposes of Rule 2.4 ADR.
32. No request for an administrative review was received by 26 December 2023.
33. Therefore, the AIU recorded a third Whereabouts Failure (Missed Test/Filing Failure) against the Athlete effective 10 October 2023.

## DISCIPLINARY PROCEEDINGS

34. On 7 February 2024, the AIU issued a Notice of Allegation to the Athlete for a violation of Rule 2.4 ADR, including the imposition of a Provisional Suspension, and specified that the AIU would seek Consequences for the violation, including a period of Ineligibility of two (2)

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<sup>7</sup> As noted above, between 26 March 2023 and 29 October 2023, Spain observed CEST, which corresponds to GMT+2:00.

years and disqualification of the Athlete's results since 10 October 2023 with all resulting consequences. The Athlete was invited to respond to the Notice of Allegation confirming how he wished to proceed by no later than 15 February 2024.

35. On 13 February 2024, the Athlete admitted that he had committed an Anti-Doping Rule Violation and accepted the specified Consequences by signing and returning an Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form.

## CONSEQUENCES

36. This is the Athlete's first Anti-Doping Rule Violation.
37. On the basis that the Athlete has admitted the Anti-Doping Rule Violation under Rule 2.4 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
  - 37.1. a period of ineligibility of two (2) years commencing on the date of this decision, but with credit for the period of Provisional Suspension served since 7 February 2024 (i.e., until 6 February 2026); and
  - 37.2. disqualification of the Athlete's results since 10 October 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prize money and prizes.
38. 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

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

## RIGHTS OF APPEAL

40. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
41. Further to Rule 13.2.3 ADR, the World Anti-Doping Agency ("**WADA**") and the Spanish Anti-Doping Agency ("**CELAD**") 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.
42. If an appeal is filed against this decision by WADA or CELAD, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 16 February 2024