
Decision of the Athletics Integrity Unit in the Case of Ms Celestine Chepchirchir

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 Celestine Chepchirchir ("the **Athlete**") is a 28-year-old road runner from Kenya.¹
3. By decision dated 19 April 2024, the Athlete was sanctioned with a period of ineligibility of three (3) years for Anti-Doping Rule Violations arising from a Sample collected Out of Competition on 9 February 2024.
4. This matter concerns additional Anti-Doping Rule Violations arising from a Sample collected from the Athlete In-Competition at the Maraton Valencia Trinidad Alfonso in Valencia, Spain, on 3 December 2023.
5. 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)."*

¹ <https://worldathletics.org/athletes/kenya/celestine-chepchirchir-14426303>

The Athlete's Commission of Anti-Doping Rule Violations

6. 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*
 - [...]*
 - 2.2 *Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*”
7. On 3 December 2023, the Athlete provided a urine Sample In-Competition in Valencia, Spain, which was given code 1274492 (the “**Sample**”).
8. On 9 January 2024, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Madrid, Spain (the “**Madrid Laboratory**”) reported that, following initial analysis, the Sample was negative for the presence of a Prohibited Substance.
9. On 9 February 2024, the Athlete provided a urine Sample Out of Competition in Kapsabet, Kenya, which was found to contain Testosterone and Metabolites of Testosterone consistent with exogenous origin and in April 2024, the Athlete was banned for a period of three (3) years for committing Anti-Doping Rule Violations pursuant to Rule 2.1 ADR (Presence) and Rule 2.2 ADR (Use).
10. The AIU undertook a review of the Athlete's testing history and data obtained from Sample analysis and, on 10 June 2024, the AIU informed the Athlete that it would conduct further analysis on the Sample.
11. The Athlete was advised that the A Sample contained insufficient urine for the further analysis and therefore that the AIU would open and split the Athlete's B Sample (at the WADA accredited Laboratory in Rome, Italy (“the **Rome Laboratory**”) in accordance with Article 5.3.6.3 of the International Standard for Laboratories (“**ISL**”).
12. The Athlete was informed of her right to attend, or to be represented at, the opening and splitting of the B Sample, and was asked to confirm if she would attend or be represented by no later than 12 June 2024. The AIU informed the Athlete that if she failed to respond, then the AIU would proceed with the opening and splitting of the B Sample in the Athlete's absence, but in the presence of an independent witness appointed by the Rome Laboratory.
13. The Athlete failed to respond confirming whether she would attend or be represented at the opening and splitting of the B Sample by 12 June 2024 (or at all).
14. On 15 July 2024, following the splitting of the B Sample and additional analysis conducted by the Rome Laboratory, the Madrid Laboratory reported an Adverse Analytical Finding in the Sample for the presence of Metabolites of Testosterone, specifically 5- α -androstane-3 α , 17 diol (“**5 α Adiol**”) and 5 β -androstane-3 α , 17 diol (“**5 β Adiol**”), consistent with exogenous origin (the “**Adverse Analytical Finding**”).

15. Testosterone (when administered exogenously) 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.
16. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“**ISRM**”) and determined that:
 - 16.1. the Athlete did not have a Therapeutic Use Exemption (“**TUE**”) that had been granted (or that would be granted) for the Metabolites of Testosterone consistent with exogenous origin found in the Sample; and
 - 16.2. there was no apparent departure from the International Standard for Testing and Investigations (“**ISTI**”) or from the ISL that could reasonably have caused the Adverse Analytical Finding.
17. Therefore, on 23 July 2024, 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 additional Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR and invited the Athlete to provide her explanation.²
18. The Athlete was also informed of her rights, *inter alia*, to request the B Sample analysis and to request copies of the laboratory documentation supporting the Adverse Analytical Finding by 30 July 2024.
19. The Athlete did not reply within the given deadline.
20. Therefore, on 12 August 2024, the AIU wrote to the Athlete and granted her an extension until no later than 16 August 2024 to provide her explanation for the Adverse Analytical Finding.
21. The Athlete failed to respond by 16 August 2024 (or at all).
22. Therefore, on 19 August 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 she 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) an additional period of Ineligibility of two (2) years (based on the application of Aggravating Circumstances)³ and (ii) disqualification of her results on and since 3 December 2023 with all resulting consequences, including the forfeiture of any medals, titles, points, prize money and prizes.

² No Provisional Suspension was imposed in July 2024 because the Athlete was already subject to a period of Ineligibility of three (3) years that began on 26 March 2024 based on Anti-Doping Rule Violations committed in relation to a Sample collected from the Athlete in February 2024.

³ See Consequences below.

23. The AIU invited the Athlete to respond to the Charge confirming how she wished to proceed by no later than 2 September 2024. The letter confirmed that if the Athlete failed to challenge the AIU's assertion of the additional Anti-Doping Rule Violations or the Consequences, or failed to request a hearing, then she would be deemed to have waived her right to a hearing, admitted the additional Anti-Doping Rule Violations and accepted the Consequences set out in the Charge in accordance with Rule 8.5.2(f) ADR.
24. The Athlete failed to respond by 2 September 2024.
25. Therefore, on 3 September 2024, the AIU wrote to the Athlete noting that she had failed to respond by the deadline specified in the Charge and confirmed that the AIU was entitled to deem that she had waived her right to a hearing, admitted the additional Anti-Doping Rule Violations and accepted the Consequences specified in the Charge in accordance with Rule 8.5.2(f) ADR.
26. On the same date, the AIU received a response from the Athlete's Authorised Athlete Representative stating that they had made direct contact with the the Athlete (through a third party in Kenya) and that the Athlete accepted the charges and the penalties specified by the AIU.

Consequences

27. The Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and Rule 2.2 ADR arising from the December 2023 Sample constitute separate Anti-Doping Rule Violations. However, since these separate Anti-Doping Rule Violations were committed prior to the Athlete receiving notification of her first Anti-Doping Rule Violations (viz. those arising from the Sample collected in February 2024), in accordance with Rule 10.9.3(a) ADR, the two sets of Anti-Doping Rule Violations shall be considered together as one single first violation, and the sanction imposed will be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances.
28. The Athlete's violations in respect of the December 2023 Sample relate to the Presence of Testosterone and/or Metabolites of Testosterone and Use of Testosterone of exogenous origin and therefore carry the same mandatory Consequences (i.e., a period of Ineligibility of four (4) years) pursuant to Rule 10.2.1(a) ADR as those for the February 2024 Sample.
29. The Athlete is already serving a period of Ineligibility of three (3) years for the violations arising from the February 2024 Sample on the basis that (i) as set out above, Rule 10.2.1(a) provides for a mandatory period of Ineligibility of four (4) years, and (ii) the Athlete admitted that she had committed Anti-Doping Rule Violations and accepted the Consequences specified by the AIU in accordance with Rule 10.8.1 ADR, thereby receiving a one year reduction to that mandatory period of Ineligibility. The 3-year period of Ineligibility runs from 26 March 2024 until 25 March 2027.
30. However, Rule 10.9.3(a) ADR also specifies that a sanction imposed will be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances.
31. Aggravating Circumstances are defined in the Rules as being:

*“**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.”* (emphasis added)

32. The AIU has obtained an independent expert scientific opinion in relation to the separate Anti-Doping Rule Violations that arise in this matter (i.e., those arising from both the December 2023 Sample and the February 2024 Sample), in particular, in relation to whether they are the result of a single or repeated Use of exogenous Testosterone.
33. The independent expert scientific opinion is that it is highly likely that the Athlete’s Anti-Doping Rule Violations resulted from separate and distinct administrations, and that given the over 60-day interval between the two samples, it is highly unlikely that an administration in December 2023 would produce the observed delta-delta values in the Sample collected in February 2024.
34. The AIU is therefore satisfied that the Athlete has Used a Prohibited Substance (i.e., exogenous Testosterone) on multiple occasions and that Aggravating Circumstances are present in this matter.
35. Rule 10.4 ADR specifies that the period of Ineligibility may be increased if Aggravating Circumstances are present as follows:

“10.4 If the Integrity Unit or other prosecuting authority establishes in an individual case involving an anti-doping rule violation other than violations under Rule 2.7 (Trafficking or Attempted Trafficking), Rule 2.8 (Administration or Attempted Administration), Rule 2.9 (Complicity or Attempted Complicity) or Rule 2.11 (Acts by an Athlete or other Person to discourage or retaliate against reporting) 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.”

36. Since the Athlete has failed to establish that she did not knowingly commit the Anti-Doping Rule Violations, given the seriousness of the violation and the nature of the Aggravating Circumstances, the AIU considers that the period of Ineligibility to be imposed for the December 2023 Sample is an additional period of Ineligibility of two (2) years.
37. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR arising from the Sample, in accordance with Rule 10.2.1 ADR, Rule 10.9.3 ADR and Rule 10.4 ADR, the AIU confirms by this decision the following Consequences:
- 37.1. an additional period of Ineligibility of two (2) years commencing on 26 March 2027 until 25 March 2029; and
- 37.2. disqualification of the Athlete's results since 3 December 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.

Publication

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

Rights of Appeal

39. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
40. Further to Rule 13.2.3 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 Rule 13.6.1 ADR.
41. 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, 11 September 2024