
Decision of the Athletics Integrity Unit in the Case of Mr Abderrahim Ougra

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 Abderrahim Ougra ("the **Athlete**") is a 24-year-old middle-distance and distance runner from Spain.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 2.3 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

"2.3 Evading, Refusing or Failing to submit to Sample Collection by an Athlete"

¹ <https://worldathletics.org/athletes/spain/abderrahim-ougra-14845157>

- 4.1. On 21 January 2024, Doping Control Personnel were authorised by the Athletics Integrity Unit (“AIU”) (on behalf of World Athletics) to test the Athlete In-Competition at the ‘*LIII Gran Premio Cáceres Diputación de Cáceres*’ cross-country race in Cáceres, Spain.
- 4.2. The facts of that Testing attempt, according to the Anti-Doping Control Report filed by the Chaperone, the Supplementary Report Form filed by the Doping Control Officer (“DCO”) and the Doping Control Form (“DCF”), are in summary, as follows:
- 4.2.1. On 21 January 2024, the Athlete was selected for In-Competition Testing at the ‘*LIII Gran Premio Cáceres Diputación de Cáceres*’ cross-country race, where he finished 4th in the men’s race.
- 4.2.2. The Chaperone notified the Athlete of his selection for Testing immediately after he had finished the race. The Athlete signed the DCF at 14:03 to confirm that he had been notified.
- 4.2.3. The Athlete was escorted by the Chaperone whilst he went to get his backpack and change his clothes following a race held in muddy conditions. The Chaperone estimated that this took approximately 25 minutes.
- 4.2.4. Subsequently, the Athlete asked to do a cool-down using the athletics track, despite the Chaperone telling him that he should report immediately to the Doping Control Station (“DCS”)².
- 4.2.5. After completing one lap of the track, the Athlete returned to his backpack and took something that looked like an envelope with him³. The Athlete also told the Chaperone that he had two more laps to go in his cool-down.
- 4.2.6. The Chaperone told the Athlete that he should report to the DCS and ask the Doping Control Officer (“DCO”) if more time could be permitted for cool-down, but the Athlete ignored the Chaperone’s comments and went back to jog around the track.
- 4.2.7. Shortly afterwards at around 14:30, and whilst still doing his cool-down, the Athlete disappeared through an exit from the track and the Chaperone lost sight of him. The Chaperone stopped another runner, who had been jogging with the Athlete, who informed the Chaperone that the Athlete had exited the facility through a side gate into an industrial area without saying anything.
- 4.2.8. The Chaperone ran after the Athlete and tried to locate him in the industrial area; he asked around in shops if anyone had seen the Athlete, but he was unable to locate the Athlete. After approximately 10 minutes of looking for the Athlete, the

² The AIU notes that performing a cool-down is one of the accepted bases for not immediately reporting to the Doping Control Station after an athlete has been notified for Sample collection (Article 5.4.4 of the ISTI).

³ The Athlete confirmed during interview with AIU representatives that the item he collected from his backpack was his passport.

Chaperone returned to the competition site and informed the DCO and others about the incident.

4.2.9. Several persons subsequently tried to reach the Athlete by phone and WhatsApp message. The Athlete did not respond to most of the calls, but, at 15:03, he called Mr Álvaro Rodriguez, his Representative. Mr Rodriguez advised the Athlete to return to the competition site and to provide a Sample, but he failed to do so despite receiving warnings about the possible serious sanctions and consequences that he might face on the call with Mr Rodriguez and through WhatsApp messages that Mr Rodriguez sent to him immediately following that call.

4.2.10. No Sample was ultimately collected from the Athlete on 21 January 2024 after he was notified.

4.3. On 25 January 2024, the Athlete contacted the AIU and requested an opportunity to provide an explanation for what had happened on 21 January 2024.

4.4. On 1 February 2024, the Athlete attended an interview with AIU representatives. In summary of the interview, the Athlete:

4.4.1. confirmed the timeline summarised above;

4.4.2. accepted that he had been notified of Sample Collection and that he had signed the DCF for notification purposes⁴;

4.4.3. stated that he had never been selected for Doping Control before and had never received any anti-doping education; and

4.4.4. explained that the situation (i.e., his selection for Doping Control) made him feel very anxious, and that his anxiety had caused him to run away.

4.5. Following the interview, the AIU conducted follow-up enquiries with the Chaperone and Mr Rodriguez. By way of summary of those interviews:

4.5.1. the Chaperone confirmed the timeline described above, that he had notified the Athlete of his selection for Doping Control and of the requirement to provide a Sample, and that he had kept the Athlete under continuous observation until the moment that the Athlete disappeared out of his sight during his cool-down;

4.5.2. the Chaperone also confirmed that he had told the Athlete several times that he should report to the DCS to provide a Sample; and

4.5.3. Mr Rodriguez confirmed that he was not at the competition, but that he had been contacted by the Athlete. Mr Rodriguez confirmed that he had told the Athlete to return to the competition site and to provide a Sample. Mr Rodriguez also confirmed that he had informed the Athlete about the potentially serious sanctions

⁴ However, the Athlete stated that he does not specifically remember signing the DCF or when and where it took place.

and consequences that the Athlete might face if he did not return to the competition site and provide a Sample, both during the phone call and through WhatsApp messages that he sent immediately following the call.

- 4.6. The AIU reviewed the circumstances, as summarised above, in accordance with Article 5 and Annex A of the International Standard for Results Management (“ISRM”) and determined that the above information (the “**Evasion incident**”) constituted evidence of a potential Anti-Doping Rule Violation committed by the Athlete.
- 4.7. On 23 May 2024, the AIU therefore issued a Notice of Allegation for a violation of Rule 2.3 ADR in accordance with the Article A.2.2 and Article 5.3.2 of the ISRM, including the imposition of a Provisional Suspension, and specified that the AIU would seek Consequences including a period of Ineligibility of four (4) years and disqualification of the Athlete’s results since 21 January 2024 with all resulting consequences. The Athlete was invited to respond to the Notice of Allegation confirming how he wished to proceed. The Athlete was also informed of his rights, *inter alia*, to admit the Anti-Doping Rule Violation and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR.
- 4.8. On 10 June 2024, the Athlete provided an explanation, which, in summary, set out that he admitted to committing an Anti-Doping Rule Violation, but asserted that the period of Ineligibility should be reduced to a period of Ineligibility below three (3) years due to the circumstances of his case and pursuant to the principle of proportionality.
- 4.9. On 11 July 2024, the AIU responded to the Athlete confirming its position that none of the circumstances that the Athlete had referred to constituted exceptional circumstances to justify a period of Ineligibility between two (2) and four (4) years being imposed in his case in accordance with Rule 10.3.1. The AIU also concluded that, as confirmed by CAS Panels in multiple cases⁵, the World Anti-Doping Code has the principle of proportionality built into it and therefore the principle of proportionality had no application in the Athlete’s case.
- 4.10. The AIU also noted the Athlete’s admission regarding the commission of an Anti-Doping Rule Violation and gave him until 17 July 2024 to confirm his admission and accept the proposed Consequences by signing and returning the Admission of an Anti-Doping Rule Violation and Acceptance of Consequences Form in order to benefit from a one (1) year reduction in the period of Ineligibility to three (3) years pursuant to Rule 10.8.1.
- 4.11. On 16 July 2024, the AIU received an Admission of an Anti-Doping Rule Violation and Acceptance of Consequences Form signed by the Athlete.

⁵ See, e.g., [CAS 2016/A/4534 Mauricio Fiol Villanueva v. FINA](#); [CAS 2017/A/5015 FIS v. Therese Johaug & NIF](#); [CAS 2017/A/5110 Therese Johaug v. NIF](#); [CAS 2018/A/5546 Guerrero v. FIFA](#) and [CAS 2018/A/5571 WADA v. FIFA & Guerrero](#); [CAS 2018/A/5958 Elena Adelina Panaet v. RNADA](#); [CAS 2023/A/9451 RUSADA v. Kamila Valieva](#); [CAS 2023/A/9455 ISU v. Kamila Valieva, RUSADA](#), and [CAS2023/A/9456 WADA v. RUSADA & Kamila Valieva](#).

Consequences

5. This is the Athlete's first Anti-Doping Rule Violation.
6. Rule 10.3 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.3 ADR 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."

7. The period of Ineligibility to be imposed for Evading Sample Collection is therefore a period of Ineligibility of four (4) years, unless the Athlete can establish exceptional circumstances that justify a reduction of the period of Ineligibility.
8. The Athlete has not established exceptional circumstances to justify a reduction of the period of Ineligibility. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.
9. 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."

10. A Notice of Allegation was issued to the Athlete on 23 May 2024. On 16 July 2024, the AIU received an Admission of an Anti-Doping Rule Violation and Acceptance of Consequences Form signed by the Athlete confirming that he admitted the Anti-Doping Rule Violation and accepted the asserted period of Ineligibility of four (4) years.⁶
11. 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.
12. On the basis that the Athlete has admitted the Anti-Doping Rule Violation under Rule 2.3 ADR, in accordance with Rule 10.3.1 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:
 - 12.1. a period of Ineligibility of three (3) years commencing on 23 May 2024 (the date of Provisional Suspension); and
 - 12.2. disqualification of the Athlete's results on and since 21 January 2024, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.
13. 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

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

Rights of Appeal

15. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
16. Further to Rule 13.2.3 ADR, WADA and Comisión Española para la Luche Antidopaje en el Deporte ("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.
17. 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, 2 August 2024

⁶The Notice of Allegation of an Anti-Doping Rule Violation was 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 23 May 2024, no Notice of Charge was ever issued.