
Decision of the Athletics Integrity Unit in the Case of Mr Elias Kiprono Kemei

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 Elias Kiprono Kemei ("the **Athlete**") is a 25-year-old road runner from Kenya¹.
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/kemei-kiprono-15035951>

[...]

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

5. On 10 February 2024, the Athlete provided a urine Sample In-Competition at the Access Bank Lagos City Marathon, held in Lagos, Nigeria, which was given code 183649V (the "**Sample**").
6. On 17 March 2024, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Lausanne, Switzerland (the "**Laboratory**") reported an Adverse Analytical Finding in the Sample for the presence of Trimetazidine (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 Trimetazidine 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. Therefore, on 19 March 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 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 his rights, inter alia, to request the B Sample analysis for the Sample, 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 by no later than 26 March 2024.
10. The Athlete did not reply within the given deadline.
11. On 16 April 2024, the AIU permitted the Athlete a final opportunity to respond to the Notice of Allegation by no later than 18 April 2024.
12. On the same day, 16 April 2024, the Athlete replied to the AIU that he "*agree [d]*".
13. On 17 April 2024, upon the AIU's request to clarify his position, the Athlete explained that he used Trimetazidine but was unaware that it was prohibited under the ADR and apologised.
14. On the same day, 17 April 2024, the AIU noted that the Athlete had admitted the use of Trimetazidine and gave him an opportunity to provide additional details to explain the Adverse Analytical Finding by 19 April 2024.
15. On 18 April 2024, the Athlete replied to the AIU (through what appeared to be a third party, but from the e-mail address disclosed by the Athlete on the Doping Control Form) as follows:

“it [h]as been one month since I didn't open my email sorry I didn't see it earlier for reply according to Elias kiprono he's not a learned person to use a email please consider is failure for using banned substance and give him a shot [sic] time of 1 year ban he will not repeat it again. please please I'm sorry for this”.

16. On the same day, 18 April 2024, the AIU responded to the Athlete by reiterating the position set out in the Notice of Allegation regarding the applicable Consequences and informed him that he had not provided an explanation sufficient to explain the Adverse Analytical Finding or to justify a reduction in the period of Ineligibility. The Athlete was afforded until 19 April 2024 to submit an explanation to do so if he wished. The Athlete failed to respond.
17. Notwithstanding that the Athlete had indicated his agreement on 16 April 2024 and his admission on 17 April 2024 that he used Trimetazidine, on 13 May 2024, the AIU nevertheless issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM notifying him that he was being charged with Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR (“**the Charge**”) and that the Consequences sought by the AIU included (i) a period of Ineligibility of four (4) years and (ii) disqualification of his results on and since 10 February 2024.
18. The AIU invited the Athlete to respond to the Charge confirming how he wished to proceed by no later than 27 May 2024.
19. On 4 June 2024, the Athlete confirmed his admission of the Anti-Doping Rule Violations and acceptance of the asserted period of Ineligibility (as previously communicated on 16 April 2024).

Consequences

20. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 or Rule 2.2 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.”*

21. Trimetazidine is a Prohibited Substance under the WADA 2023 Prohibited List under the category S4 Hormone and Metabolic Modulators. It is a Non-Specified Substance prohibited at all times.
22. The period of Ineligibility to be imposed is therefore a period of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.

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

24. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years 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.”

25. The Notice of Allegation was issued to the Athlete on 19 March 2024. On 16 April 2024, the Athlete wrote to the AIU stating that he agreed (with the contents of that notice) and on 17 April 2024 the Athlete provided a written admission confirming that he had used Trimetazidine (albeit without understanding that it was a Prohibited Substance).

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

27. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, in accordance with Rule 10.2.1 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:

27.1. a period of Ineligibility of three (3) years commencing on 19 March 2024 (the date of Provisional Suspension); and

27.2. disqualification of the Athlete’s results on and since 10 February 2024, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.

Publication

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

Rights of Appeal

29. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
30. 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.
31. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 17 June 2024