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# Decision of the Athletics Integrity Unit in the Case of Mr Charles Kipkkurui Langat

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## 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 Charles Kipkkurui Langat ("the **Athlete**") is a 28-year-old road runner from Kenya<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)."*

## 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*

*[...]*

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<sup>1</sup> <https://worldathletics.org/athletes/kenya/charles-kipkkurui-langat-15041115>

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

5. On 6 August 2024, the Athlete provided a urine Sample, Out-of-Competition in Iten, Kenya, which was given code 1454866 (the “**Sample**”).
6. On 28 August 2024, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Lausanne, Switzerland (the “**Laboratory**”) reported an Adverse Analytical Finding in the Sample based on the presence of Furosemide (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 Furosemide 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 29 August 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, The Athlete was also informed of his 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
9. On 30 August 2024 the Athlete provided his explanation for the Adverse Analytical Finding. The Athlete did not challenge the Adverse Analytical Finding (thereby admitting that Furosemide was present in the Sample) and admitted to the Use of Furosemide in the following circumstances:
  - 9.1. he had been sick, suffering from inflammation, since September 2023 and had sought medical treatment in the Netherlands in April 2024<sup>2</sup>;
  - 9.2. his sickness worsened during his stay at a training camp in Iten, so, on 31 July 2024, he contacted a doctor that he knew, who, based on the Athlete’s symptoms, advised him to try using Furosemide for four (4) days to help reduce the inflammation he was experiencing and to “*help the kidney and the adrenal glands*”;
  - 9.3. relying on this advice, on 1 August 2024, the Athlete went to a chemist in Eldoret where he bought Furosemide<sup>3</sup>;

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<sup>2</sup> The Athlete provided supporting medical documents to corroborate the medical treatment provided.

<sup>3</sup> The Athlete failed to provide any documents or additional information in relation to his purchase of Furosemide or the precise dosage that he consumed.

- 9.4. the Athlete used Furosemide once a day for four (4) days between 1 August 2024 and 4 August 2024.
10. Following a review of the Athlete's explanation for the Adverse Analytical Finding, the AIU remained satisfied that he had committed Anti-Doping Rule Violations. Therefore, on 11 September 2024, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM notifying him that (i) he was being charged with Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR ("**the Charge**"), that (ii) he was subject to a Provisional Suspension with immediate effect and that (iii) the Consequences that the AIU would seek included a period of Ineligibility of two (2) years and disqualification of his results since 6 August 2024<sup>4</sup>.
11. The AIU invited the Athlete to respond to the Charge confirming how he wished to proceed by no later than 25 September 2024.
12. On 11 September 2024, the Athlete wrote to the AIU stating that he accepted the sanction. On 27 September 2024, the AIU received an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete.

## Consequences

13. This is the Athlete's first Anti-Doping Rule Violation.
14. 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."*
15. Furosemide is a Prohibited Substance under the WADA 2024 Prohibited List under the category S5: Diuretics and Masking Agents. It is a Specified Substance prohibited at all times.
16. The period of Ineligibility to be imposed is therefore a period of two (2) years, unless the AIU demonstrates that the Anti-Doping Rule Violations were intentional.

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<sup>4</sup> The AIU also noted that the Athlete had not requested the analysis of his B Sample within the given deadline and was therefore deemed to have waived his right to the B Sample analysis.

17. The AIU has no evidence that the Anti-Doping Rule Violations were intentional and the mandatory period of Ineligibility to be imposed is therefore a period of two (2) years.
18. 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, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
  - 18.1. a period of Ineligibility of two (2) years commencing on 11 September 2024 (the date of Provisional Suspension); and
  - 18.2. disqualification of the Athlete's results since 6 August 2024, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.
19. The Athlete has accepted the above Consequences for his Anti-Doping Rule Violations and has expressly waived his right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## Publication

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

## Rights of Appeal

21. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
22. 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.
23. 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, 8 October 2024