

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS SITORA KHAMIDOVA

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 Sitora Khamidova ("the **Athlete**") is a 34-year-old long-distance runner from Uzbekistan¹.
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*

[...]
 - 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method"*
5. On 11 November 2023, the Athlete provided a urine Sample In-Competition at the Asian Half Marathon Championships in Dubai, UAE, which was given code 1126036 (the "**Sample**").

¹ <https://worldathletics.org/athletes/uzbekistan/sitora-khamidova-14325015>

6. On 13 December 2023, the World Anti-Doping Agency (“WADA”) accredited laboratory in Barcelona, Spain (the “Laboratory”) reported an Adverse Analytical Finding in the Sample based on the presence of dehydrochloromethyl-testosterone (“DHCMT”), heptaminol and octodrine (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 DHCMT, heptaminol or octodrine 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 14 December 2023, the AIU notified the Athlete of the Adverse Analytical Finding by way of a Notice of Allegation of Anti-Doping Rule Violations 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 her 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 and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR by 21 December 2023.
10. On 17 December 2023, the AIU received (via the Athlete’s Member Federation, the Athletic Federation of Uzbekistan) (i) a handwritten document from the Athlete listing several products and claiming that the Athlete had not used octodrine or DHCMT “*during the competition*” and (ii) an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete.
11. On 18 December 2023, the AIU wrote to the Athlete and noted that she had failed to disclose on her Doping Control Form any supplements or medicines as being taken in the 7 days prior to the Sample being collected on 11 November 2023, which was in stark contrast to the list of products included in her response.
12. In addition, the AIU noted that, although the Athlete had disclosed several products in her response, the information submitted by the Athlete still failed to demonstrate that any of those products contained (or was contaminated with) DHCMT, heptaminol or octodrine, and did not therefore explain the Adverse Analytical Finding.
13. The AIU informed the Athlete that, unless she confirmed to the AIU in writing by no later than 21 December 2023 that she wished to file further evidence to support a claim that the products she had disclosed in her response either contained, or were contaminated with, DHCMT, octodrine and/or heptaminol (or submitted further evidence to that effect by the same date), then the AIU would proceed on the basis of the signed Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form submitted on 17 December 2023 (i.e., that the Athlete

admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Notice of Allegation) and would issue a final decision in the matter.

14. The Athlete did not file any evidence to support a claim that the products she had disclosed in her response contained, or were contaminated with, DHCMT, octodrine and/or heptaminol (or confirm that she wished to do so) by the 21 December 2023 deadline.
15. However, on 8 January 2024, the AIU received, via the Athletic Federation of Uzbekistan, written statements (and translations) from the Athlete and from the Athlete's coach. In summary, the Athlete's statement set out that her coach had not informed her that DHCMT, heptaminol or octodrine were prohibited substances and the statement from the coach set out that the Athlete "*did not know and was not aware that she used [DHCMT, octodrine and heptaminol] from my hands*". The statement from the coach also stated that "*I admit my guilt and take full responsibility for my powers and ask you to shorten the terms of my student Hamidova Sitora's disqualification.*"
16. On 22 January 2024, the Athlete attended an interview with a representative of the AIU in which she stated, in summary, that:
 - 16.1. she did not take anything other than the products that were listed in her handwritten response of 17 December 2023;
 - 16.2. her coach had given her sports drinks and water during training, but had never given her any pills or medicines;
 - 16.3. after she was notified about the Adverse Analytical Finding, she called her coach about it and the coach told her that it was his fault and that he was responsible for it; and
 - 16.4. she was so shocked by this news that she did not ask her coach for any further details and could not recall what (if anything) the coach had told her about where the DHCMT, heptaminol and octodrine that she tested positive for had come from.
17. On 1 February 2024, the Athlete's coach attended an interview with a representative of the AIU. The coach confirmed that they had given the Athlete supplements that had been purchased with their own money and that the admission of guilt and responsibility referred to in their statement was because they believed that it was possible that the DHCMT, octodrine and heptaminol came from the supplements, including a sports drink powder that the coach had purchased from a pharmacy in Kyrgyzstan and given to the Athlete during training in preparation for the Asian Half Marathon Championships². However, the coach stated that they were surprised to learn about the Adverse Analytical Finding and denied that they had purchased or given the Athlete DHCMT, octodrine and heptaminol deliberately.³
18. On 16 February 2024, the AIU issued a Notice of Charge ("the **Charge**") to the Athlete in accordance with Rule 8.5.1 and Article 7.1 ISRM. The Athlete was informed, *inter alia*, that

² The coach stated that the pharmacist informed them that there were no prohibited substances in this product.

³ No evidence has been provided to demonstrate that any of the supplements referred to by the Athlete contained DHCMT, octodrine or heptaminol, or that the coach deliberately gave those substances to the Athlete without her knowledge.

the AIU remained satisfied that she had committed Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR and that the Anti-Doping Rule Violations warranted a period of Ineligibility of six (6) years (see Consequences below). The Notice invited the Athlete to respond confirming how she wished to proceed with the Charge by no later than 1 March 2024.

19. On 3 March 2024, the Athlete submitted a signed Admission of Anti-Doping Rule Violations and Acceptance of Consequences form to the AIU dated 3 March 2024, confirming that the Athlete admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Notice of Charge.

CONSEQUENCES

20. This is the Athlete's first Anti-Doping Rule Violation.
21. 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.”*
22. DHCMT 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. Heptaminol and octodrine are also Prohibited Substances under the WADA 2023 Prohibited List under the category S6.B Specified Stimulants. They are Specified Substances prohibited In Competition.
23. The Athlete has committed multiple Anti-Doping Rule Violations based on the presence of both Non-Specified and Specified Substances in the Sample. However, Rule 10.9.3(a) ADR provides that an Anti-Doping Rule Violation will only be considered a second violation if the AIU can establish that the Athlete committed the additional Anti-Doping Rule Violation after the Athlete received notice pursuant to Rule 7, or after the AIU made reasonable efforts to give notice, of the first Anti-Doping Rule Violation. If the AIU cannot establish this, the violations will 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.
24. The Anti-Doping Rule Violations were committed simultaneously. Therefore, pursuant to the foregoing, they shall be considered together as a single first Anti-Doping Rule Violation with the sanction based on the violation that carries the more severe Consequences, i.e., the Presence and Use of the Non-Specified Substance, DHCMT, which carries a period of Ineligibility of four (4) years according to Rule 10.2.1(a) ADR, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.

25. 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.

26. Rule 10.4 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation may be increased by up to two (2) above the standard sanction when it is established that Aggravating Circumstances are present:

“10.4 Aggravating Circumstances that may increase the period of Ineligibility

If the Integrity Unit or other prosecuting authority establishes in an individual case involving an anti-doping rule violation [...] 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.”

27. Aggravating Circumstances are defined in the ADR in the following terms (emphasis added):

“Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person that may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions 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 other 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.”

28. The Adverse Analytical Finding provides evidence that the Athlete has Used multiple Prohibited Substances (specifically, DHCMT, heptaminol and octodrine) which falls squarely within the definition of Aggravating Circumstances.

29. The AIU therefore considers that the period of Ineligibility to be imposed based on the application of Rule 10.4 ADR is a period of Ineligibility of six (6) years.

30. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years or more (including a period of Ineligibility asserted under Rule 10.4 ADR) 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.”

31. The Athlete was notified of the Adverse Analytical Finding and that this may result in Anti-Doping Rule Violations under Rule 2.1 and/or Rule 2.2 and a period of Ineligibility of six (6) years on 14 December 2023.
32. On 17 December 2023, the Athlete returned a signed Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form confirming that she admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility of six (6) years.
33. In addition, the Athlete was issued with a Notice of Charge on 16 February 2024 and the Athlete admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Notice of Charge by signing and returning an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form on 3 March 2024, within a period of 20 days.
34. The Athlete shall therefore 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.
35. 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:
 - 35.1. a period of Ineligibility of five (5) years commencing on 14 December 2023 (the date of Provisional Suspension); and
 - 35.2. disqualification of the Athlete’s results since 11 November 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.
36. The Athlete has accepted the above Consequences for her Anti-Doping Rule Violations and has expressly waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

PUBLICATION

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

RIGHTS OF APPEAL

38. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
39. Further to Rule 13.2.3 ADR, WADA and the Uzbekistan National Anti-Doping Organisation (“**UzNADO**”) 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.

40. If an appeal is filed against this decision by WADA or UzNADO, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 6 March 2024