

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR PETER NDOROBO KWEMOI

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### Introduction

1. In April 2017, World Athletics (formerly the IAAF) established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling the World Athletics' obligations as a Signatory to the World Anti-Doping 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 Peter Ndorobo Kwemoi is a 27-year old Kenyan long-distance runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. This decision is accordingly issued pursuant to Article 8.4.7 ADR which provides that:

*8.4.7 "[i]n the event that [...] the Athlete or Athlete Support Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the Integrity Unit [...], a hearing before the Disciplinary Tribunal shall not be required. In such a case, the Integrity Unit [...] shall promptly issue a decision confirming [...] the commission of the Anti-Doping Rule Violation(s) and the imposition of the Specified Consequences [...]"*

### The Athlete's commission of Anti-Doping Rule Violations

4. On 3 November 2019, the Athlete was subject to in-competition Testing in Istanbul, Turkey. The Athlete provided a urine sample numbered 4365008 (the "**Sample**").
5. On 16 December 2019, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Ankara, Turkey reported an Adverse Analytical Finding for the presence of recombinant EPO ("**EPO**") in the Sample (the "**AAF**").
6. EPO is a Prohibited Substance under the WADA 2019 Prohibited List (S2: Peptide Hormones, Growth Factors, Related Substances and Mimetics). It is a Non-Specified Substance and is prohibited at all times. The Athlete did not have a TUE permitting the use of EPO.
7. On 17 December 2019, the AIU notified the Athlete of the AAF and imposed a provisional suspension pending resolution of his case. The Athlete was requested to provide an explanation for the presence of EPO in the Sample by no later than 5 January 2020 and was afforded the opportunity to request analysis of the B Sample.
8. On 27 December 2019, the Athlete replied to the Notice of Allegation and stated that he acknowledged receipt of the AIU's correspondence and accepted the finding of EPO in his Sample.

9. On 24 January 2020, the AIU therefore issued the Athlete with a Notice of Charge for committing Anti-Doping Rule Violations pursuant to Article 2.1 ADR (Presence of a Prohibited Substance) and Article 2.2 ADR (Use of a Prohibited Substance). The Athlete was offered the opportunity to either admit the Anti-Doping Rule Violations and accept a four (4) year period of ineligibility, or to request a hearing before the Disciplinary Tribunal.
10. On 30 January 2020, the Athlete admitted committing Anti-Doping Rule Violations for the Presence of EPO in the Sample and the Use of EPO and accepted the proposed Consequences by signing and returning an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form.

### Consequences

11. Taken together, the Anti-Doping Rule Violations constitute the Athlete's first Anti-Doping Rule Violation under the ADR.
12. On the basis that the Athlete has admitted to committing Anti-Doping Rule Violations under Article 2.1 ADR and Article 2.2 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
  - 13.1 a period of Ineligibility of four (4) years pursuant to Article 10.2.1(a) commencing on 17 December 2019; and
  - 13.2. disqualification of the Athlete's results since 3 November 2019 with all resulting consequences, including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Articles 9 and 10.8 ADR.
13. 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

14. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.
15. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
16. Further to Article 13.2.4 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 Article 13.7 ADR.
17. 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 Article 13.9.3 ADR.

**Monaco, 14 February 2020**