

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR MIKEL KIPROTICH MUTAI

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 Mikel Kiprotich Mutai is a 32-year old Kenyan long-distance runner who is an International-Level Athlete for the purposes of the ADR (the "Athlete").
3. This decision is issued by the AIU 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 15 December 2019, the Athlete was subject to in-competition Testing at the 'Taipei Marathon' held in Taipei City, Taiwan. The Athlete provided a urine sample numbered 4276559 (the "Sample").
5. On 12 March 2020, the World Anti-Doping Agency ("WADA") accredited laboratory in Tokyo, Japan reported an Adverse Analytical Finding (the "AAF") for the presence of metabolites of nandrolone (or nandrolone precursors) consistent with exogenous origin, specifically 19-norandrosterone and 19-noretiocholanolone in the Sample.
6. Nandrolone (19-nortestosterone) is a Prohibited Substance under the WADA 2019 Prohibited List (S1.1b: Endogenous Anabolic Androgenic Steroids and their Metabolites when administered exogenously). It is a Non-Specified Substance and is prohibited at all times. The Athlete did not have a TUE permitting the use of nandrolone or nandrolone precursors.
7. On 20 March 2020, the AIU notified the Athlete of the AAF and imposed a Provisional Suspension pending resolution of the case. The Athlete was requested to provide an explanation for the presence of metabolites of nandrolone (or nandrolone precursors) consistent with exogenous origin in the Sample by no later than 30 March 2020 and was afforded the opportunity to request analysis of the B Sample.
8. The Athlete did not reply by 30 March 2020.

9. On 1 April 2020, the AIU wrote to the Athlete to extend his deadline to reply to the Notice of Allegation until 8 April 2020.
10. On 3 April 2020 and 4 April 2020, the Athlete provided his explanation for the AAF stating that he only used Diclofenac and a supplement called "Super Vitamin & Mineral" prior to the Taipei Marathon. The Athlete did not request analysis of the B Sample.
11. On 24 April 2020, upon request from the AIU, the Athlete provided additional information regarding the referenced supplement.
12. On 29 April 2020, the AIU wrote to the Athlete rejecting his explanation for the AAF and 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, by no later than 9 May 2020.
13. The Athlete did not reply to the Notice of Charge within the given deadline.
14. On 18 May 2020, the Athlete was given a final opportunity to respond to the Notice of Charge and advised that, if he did not do so by 22 May 2020, he would be deemed to have waived his right to a hearing before the Disciplinary Tribunal, to have admitted the Anti-Doping Rule Violations and to have accepted the Consequences for those Anti-Doping Rule Violations specified in the Notice of Charge.
15. On 20 May 2020, the Athlete admitted committing Anti-Doping Rule Violations and accepted the proposed Consequences by signing and returning an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form.

Consequences

16. Taken together, the Anti-Doping Rule Violations pursuant to Article 2.1 ADR and Article 2.2 ADR constitute the Athlete's first Anti-Doping Rule Violation under the ADR.
17. 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 commencing on 20 March 2020 pursuant to Article 10.2.1(a) ADR; and
 - 13.2. disqualification of the Athlete's results since 15 December 2019 with all resulting consequences, including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Article 9 ADR and Article 10.8 ADR.
18. 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

19. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.
20. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.

Rights of Appeal

21. 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.
22. 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, 26 May 2020