

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR KENETH KIPROP RENJU

### 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 Keneth Kiprop Renju ("the **Athlete**") is a 26-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*  
  
*[...]*
  - 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method"*
5. This matter concerns three Adverse Analytical Findings in samples collected from the Athlete between March 2022 and May 2022, the first under the Testing Authority of the Agence Française de Lutte contre le Dopage ("**AFLD**") and the second and third under the Testing Authority of World Athletics.

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<sup>1</sup> <https://worldathletics.org/athletes/kenya/kenneth-kiprop-renju-14963448>

6. The factual background is set out below.
7. On 20 March 2022, the Athlete provided a urine Sample In-Competition at the '10km de Lille' in Lille, France, which was given code 7082637 (the "**First Sample**") pursuant to Testing conducted under the Testing Authority of the AFLD.
8. On 2 April 2022, the Athlete provided a urine Sample In-Competition at the 'Prague Half Marathon' in Prague, Czech Republic, (an International Competition listed in the World Athletics List of International Competitions 2022) which was given code 7053757 (the "**Second Sample**"), pursuant to Testing conducted under the Testing Authority of World Athletics.
9. On 4 April 2022, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Paris, France (the "**Paris Laboratory**") confirmed to the AFLD that analysis of the First Sample had revealed the presence of a metabolite of Methasterone ("the **First Adverse Analytical Finding**")<sup>2</sup>.
10. On 7 April 2022, the AFLD wrote to the AIU requesting confirmation of the Athlete's status in the context of its review of the First Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management ("**ISRM**"). The AIU confirmed to the AFLD the same day that the Athlete (i) was not considered an International Level Athlete under the ADR for the purposes of the First Adverse Analytical Finding, (ii) that the Athlete did not have a TUE issued by the AIU/World Athletics that would justify the First Adverse Analytical Finding and (iii) that, according to its records, the Athlete had never previously been sanctioned for an Anti-Doping Rule Violation.
11. By letter dated 13 April 2022 sent to the Athlete by e-mail and by registered post, the AFLD issued the Athlete with notice of the First Adverse Analytical Finding and confirmed that a Provisional Suspension had been imposed upon him (effective upon receipt of the letter by the Athlete)<sup>3</sup>.
12. On 8 May 2022, the Athlete provided another urine Sample In-Competition at the 'EDP Meia Maratona de Lisboa' held in Lisbon, Portugal (an International Competition listed in the World Athletics List of International Competitions 2022 and therefore Testing conducted under the Testing Authority of World Athletics) which was given code 7019005 (the "**Third Sample**").
13. On 13 May 2022, representatives of the AFLD made direct contact with the Athlete by telephone (via WhatsApp message) in relation to the notice sent to him on 13 April 2022. In reply by WhatsApp message on the same date, the Athlete sent to the AFLD medical documents dated 10 March 2022 from the Uasin Gishu County Hospital to explain the First Adverse Analytical Finding.
14. The medical documents submitted contained no information that assisted the Athlete to explain how the metabolite of Methasterone had been detected in the First Sample.

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<sup>2</sup> Namely 2a,17a-dimethyl-5a-androstane-3a,17b-diol at an estimated concentration of 3.4 ng/mL.

<sup>3</sup> The documents sent by registered post could not be delivered to the Athlete but were made available for his collection. The AIU is not aware that the Athlete has collected these documents to date.

15. On 18 May 2022, the WADA accredited laboratory in Dresden, Germany (the “Dresden Laboratory”) confirmed to the AIU that analysis of the Second Sample had revealed the presence of metabolites of Methasterone<sup>4</sup> (“the Second Adverse Analytical Finding”).
16. On 31 May 2022, the WADA accredited laboratory in Barcelona, Spain (the “Barcelona Laboratory”) confirmed to the AIU that analysis of the Third Sample had revealed the presence of Methasterone<sup>5</sup> and its metabolite 2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ -androstane-3 $\alpha$ ,17 $\beta$ -diol<sup>6</sup> (the “Third Adverse Analytical Finding”).
17. The AIU reviewed the Second and Third Adverse Analytical Findings in accordance with Article 5 of the ISRM and determined that:
  - 17.1. the Athlete did not have a Therapeutic Use Exemption (“TUE”) that had been granted (or that would be granted) for the Methasterone (and/or Metabolites) found in the Second Sample and Third Sample; and
  - 17.2. 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 Second and Third Adverse Analytical Findings.
18. The AIU requested an independent scientific opinion as to whether the concentration of Methasterone and metabolites detected in the Athlete’s Samples could be consistent with a single administration of Methasterone. On 7 July 2022, the scientific expert informed the AIU that, although it was not possible to exclude that the First and Second Adverse Analytical Findings were the result of a single administration of Methasterone, the likelihood that the Third Adverse Analytical Finding was due to that same administration was very low.
19. On 20 July 2022, the AFLD informed the Athlete that the medical documents he had provided were insufficient to explain how the Prohibited Substance entered his body; none of the medications referred to in the documents contained Methasterone. The AFLD therefore afforded the Athlete until no later than 5 August 2022 to submit any additional explanation and supporting document that he wished to rely on to explain the First Adverse Analytical Finding. The AFLD also noted that the Athlete had participated in two competitions following the imposition of his Provisional Suspension<sup>7</sup> and therefore also asked the Athlete to provide an explanation for the apparent breaches of the terms of his Provisional Suspension by the same date.
20. The Athlete did not provide any additional explanation/documents to the AFLD for the First Adverse Analytical Finding or in relation to the apparent breaches of his Provisional Suspension

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<sup>4</sup> The following metabolites were detected in the Second Sample: 2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ -androstane-3 $\alpha$ ,17 $\beta$ -diol (at an approximate concentration of 5 ng/ml) and 18-nor-17 $\beta$  hydroxymethyl-17 $\alpha$ -methyl-2 $\alpha$ -methyl-5 $\alpha$ -androst-13-en-3-one (at an approximate concentration of 0.2 ng/ml).

<sup>5</sup> At an approximate concentration of 0.8 ng/mL.

<sup>6</sup> At an approximate concentration of 1.5ng/mL.

<sup>7</sup> On 27 April 2022, the Athlete competed in the Kenyan Championships in Nairobi, Kenya in the 10,000m and finished in 1st place. On 8 May 2022, the Athlete competed in the ‘EDP Meia Maratona de Lisboa’.

within the given deadline<sup>8</sup>. In relation to his participation in two competitions after imposition of the Provisional Suspension on 13 April 2022, the Athlete has since explained that he was unaware of the notice from the AFLD until they contacted him by via WhatsApp on 13 May 2022<sup>9</sup>.

21. On 7 September 2022, the AIU wrote to the AFLD requesting that, for reasons of procedural efficiency so that all three Adverse Analytical Findings could be heard together, the remainder of the Results Management for the First Adverse Analytical Finding be transferred to the AIU.
22. On 30 September 2022, the AFLD agreed to the AIU's request and transferred the remainder of the Results Management of the First Adverse Analytical Finding to the AIU.
23. On 7 October 2022, the AIU notified the Athlete (via email and WhatsApp) of the Second and Third Adverse Analytical Findings in accordance with Article 5.1.2.1 of the ISRM<sup>10</sup> and, in particular, that the Adverse Analytical Findings (including the First Adverse Analytical Finding) may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR and that those Anti-Doping Rule Violations warranted a six (6) year period of Ineligibility based on the application of Aggravating Circumstances<sup>11</sup>. The AIU also imposed an immediate Provisional Suspension on the Athlete in accordance with Rule 7.4.1 ADR.
24. The Athlete was informed of his rights, *inter alia*, to request the B Sample analysis for the Second Sample and/or the Third Sample, to request copies of the laboratory documentation supporting the Adverse Analytical Findings and to admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the six (6) year period of Ineligibility pursuant to Rule 10.8.1 ADR.
25. On 26 October 2022, the AIU received via WhatsApp an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete.

## CONSEQUENCES

26. This is the Athlete's first Anti-Doping Rule Violation.

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<sup>8</sup> The Athlete did not request the B Sample analysis of the First Sample within the deadline given by the AFLD and was therefore deemed to have waived his right to the B Sample analysis and accepted the First Adverse Analytical Finding.

<sup>9</sup> Having consulted with the AFLD, the AIU is satisfied that there is no evidence to the contrary in this regard. In the circumstances, the AIU accepts that the Athlete was not notified of the First Adverse Analytical Finding (or aware of the Provisional Suspension imposed upon him by the AFLD) until 13 May 2022.

<sup>10</sup> The AIU also informed the Athlete that the AFLD had transferred Results Management of the First Adverse Analytical Finding to the AIU, so that all three Adverse Analytical Findings could be treated together.

<sup>11</sup> The definition of Aggravating Circumstances in the ADR includes specifically the following conduct "*the Athlete Used or Possessed a Prohibited Substance or prohibited Method on multiple occasions*". Based on the opinion of the independent scientific expert that it is unlikely that the Third Adverse Analytical Finding is consistent with the same administration of methasterone that resulted in the First and Second Adverse Analytical Findings (i.e., that it is likely that there was multiple administration of Methasterone), the AIU considered Aggravating Circumstances to be present in this case and that the otherwise applicable period of Ineligibility of four (4) years should therefore be increased by an additional period of Ineligibility of two (2) years.

27. 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.”*

28. Methasterone is a Prohibited Substance under the WADA 2022 Prohibited List under the category S1.1 Anabolic Androgenic Steroids (AAS). It is a Non-Specified Substance prohibited at all times.

29. The three Adverse Analytical Findings are consistent with the use of Methasterone on multiple occasions and the Athlete has not demonstrated that the Anti-Doping Rule Violations were not intentional.

30. The period of Ineligibility to be imposed is therefore a period of six (6) years, based on the application of Aggravating Circumstances.

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

32. The Athlete was notified of the First Adverse Analytical Finding by the AFLD on 13 April 2022 and of the Second and Third Adverse Analytical Findings by the AIU on 7 October 2022<sup>12</sup>.

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<sup>12</sup> These Notices of Allegation of Anti-Doping Rule Violations were issued to the Athlete in accordance with Article 5.1.2 of the ISRM, prior to a Notice of Charge issued in accordance with Article 7 of the ISRM. The Athlete was informed on 7 October 2022 that the three Adverse Analytical Finding may result, together, in Anti-Doping Rule Violations under Rule 2.1 and/or Rule 2.2 and a period of Ineligibility of six (6) years. Considering the Athlete’s admission and acceptance of Consequences on 26 October 2022, no Notice of Charge was ever issued.

33. On 26 October 2022, the Athlete returned a signed Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form confirming that he admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility.
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 13 May 2022<sup>13</sup>; and
  - 35.2. disqualification of the Athlete's results since 20 March 2022, 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 his Anti-Doping Rule Violations and has expressly waived his 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 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.
40. 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, 11 November 2022

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<sup>13</sup> The credit for the period of Provisional Suspension served by the Athlete is from the date the AIU accepts that he was first notified of the First Analytical Finding by the AFLD i.e., 13 May 2022.