

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR NIJEL AMOS

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 Nijel Amos ("the **Athlete**") is a 29-year-old sprinter and middle-distance runner from Botswana¹.
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 4 June 2022, the Athlete provided a urine Sample, Out-of-Competition in Rabat, Morocco, which was given code 1053815 (the "**Sample**").

¹ <https://worldathletics.org/athletes/botswana/nijel-amos-14426466>

6. On 12 July 2022, the World Anti-Doping Agency (“WADA”) accredited laboratory in Lausanne, Switzerland (the “Laboratory”) reported an Adverse Analytical Finding in the Sample for the presence of Metabolites² of GW1516³ (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 Metabolites of GW1516 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. On the same day, 12 July 2022⁴, 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, and of the imposition of an immediate Provisional Suspension.
9. The Athlete was informed of his rights, *inter alia*, to request the B Sample analysis, to request copies of the Laboratory Documentation Package supporting the Adverse Analytical Finding (“LDP”) 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. The AIU also requested that the Athlete provide an explanation for the Adverse Analytical Finding.
10. On 15 July 2022, the Athlete informed the AIU, via his appointed legal counsel, that he wished to exercise his right to request the B-Sample analysis and a copy of the LDP. He also requested that his deadline to provide an explanation for the Adverse Analytical Finding be stayed pending receipt of the LDP and the completion of the B Sample analysis.
11. On the same day, the AIU agreed to the suspension of the Athlete’s deadline to provide an explanation for the Adverse Analytical Finding.
12. On 26 July 2022, the AIU provided the Athlete with the LDP.
13. Between 10 August 2022 and 30 August 2022, the Athlete, via his legal counsel, and the AIU engaged in correspondence concerning further information related to the Adverse Analytical Finding and clarification as to the contents of the LDP.
14. On 1 September 2022, the Athlete’s appointed representative attended the opening and analysis of the B Sample at the Laboratory. On the same day, the Athlete was informed that the B Sample analysis had confirmed the Adverse Analytical Finding reported in the A Sample.

² Specifically, GW1516 sulfone and GW1516 sulfoxyde.

³ Also known as GW-501,516, GW 501516, GSK-516, Cardarine, or Endurobol.

⁴ The Notice of Allegation was delivered to the Athlete in person in Eugene, USA, and also sent via email.

15. On 18 October 2022, with the agreement of the AIU, the Athlete wrote to the Laboratory to request that a supplement he alleged that he had consumed prior to the Adverse Analytical Finding⁵ (the “**Supplement**”) be analysed for the presence of GW1516⁶.
16. On 17 November 2022, the Athlete confirmed that two bottles of the Supplement, one opened (that he used prior to the Adverse Analytical Finding) and one sealed, had been delivered to the Laboratory on that day.
17. On 20 January 2023, the AIU provided the Athlete with a pre-assessment report produced by the Laboratory in advance of its analysis of the Supplement and asked him to confirm whether he wished to proceed with that analysis.
18. On the same day, the Athlete confirmed, via his legal counsel, that the Laboratory could proceed with the analysis of the opened and sealed bottles of the Supplement.
19. On 17 February 2023, the AIU provided the Athlete with a final report issued by the Laboratory following its analysis of the Supplement, which confirmed that no GW1516 had been detected in either the opened or the sealed bottle.
20. Since the B Sample analysis confirmed the Adverse Analytical Finding and no GW1516 was detected in the Supplement following analysis by the Laboratory, the AIU therefore requested that the Athlete provide his detailed written explanation for the Adverse Analytical Finding by no later than 27 February 2023.
21. The Athlete failed to provide his explanation within the given deadline.
22. Therefore, on 21 March 2023, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 and Article 7.1 ISRM, and informed him, *inter alia*, that the AIU remained satisfied that he had committed Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR. The Athlete was informed that those Anti-Doping Rule Violations warranted a period of Ineligibility of four (4) years pursuant to Rule 10.2.1(a) ADR and the AIU invited him to respond to the Charge confirming how he wished to proceed by no later than 31 March 2023⁷.
23. On 10 April 2023, the Athlete returned an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed to confirm that he admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Notice of Charge.

⁵ The Athlete did not disclose this supplement as being taken in the seven (7) days prior to 4 June 2022 on the Doping Control Form.

⁶ The Athlete’s deadline to submit an explanation for the Adverse Analytical Finding was further stayed pending the results of the analysis of the Supplement by the Laboratory.

⁷ The AIU informed the Athlete that he had until 31 March 2023 (and in any event until no later than 10 April 2023) to sign and return an Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form (enclosed with the Notice of Charge) to benefit from an automatic one (1)-year reduction in the four 4-year period of Ineligibility pursuant to Rule 10.8.1 ADR and that, if he failed to do so by that date, he would be deemed to have admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge, and the AIU would then issue a final decision in his case.

CONSEQUENCES

24. This is the Athlete's first Anti-Doping Rule Violation.
25. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 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.”*

26. GW1516 is a Prohibited Substance under the WADA 2022 Prohibited List under the category S4 Hormone and Metabolic Modulators. It is a Non-Specified Substance prohibited at all times.
27. The period of Ineligibility to be imposed is therefore a period of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.
28. The Athlete has failed to demonstrate that the Anti-Doping Rule Violations were not intentional. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.
29. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years 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.”

30. The Charge was issued to the Athlete on 21 March 2023, and, on 10 April 2023, the AIU received an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete in which the Athlete admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility of four (4) years.
31. 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.

32. 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:

- 32.1. a period of Ineligibility of three (3) years commencing on 12 July 2022 (the date of Provisional Suspension); and
- 32.2. disqualification of the Athlete's results on and since 4 June 2022, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.

33. 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

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

RIGHTS OF APPEAL

35. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.

36. Further to Rule 13.2.3 ADR, WADA and the Botswana National Olympic Committee ("**BNOC**") 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.

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

Monaco, 20 April 2023