

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR JAMES GIKUNGA KARANJA

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. 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

3. 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"*
4. Mr James Gikunga Karanja ("the **Athlete**") is a 32-year-old long distance runner from Kenya¹.
5. On 10 September 2023, the Athlete provided a urine Sample In-Competition at the 'Scenic Half Marathon' in Krabi, Thailand, which was given code 549850 (the "**Sample**").

¹ <https://worldathletics.org/athletes/kenya/james-gikunga-14857285>

6. On 5 October 2023, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Bangkok, Thailand (the “**Laboratory**”) reported an Adverse Analytical Finding in the Sample based on the presence of 19-norandrosterone and 19-noretiocholanolone (which are Metabolites of 19-nortestosterone (Nandrolone) and 19-norandrostenedione) (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 19-norandrosterone or 19-noretiocholanolone 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 6 October 2023, 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 Suspension².
9. The Athlete was also informed of his 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 16 October 2023.
10. The Athlete did not reply within the given deadline.
11. On 17 October 2023, the AIU therefore wrote to the Athlete by e-mail and extended the deadline for a reply to the Notice of Allegation until 19 October 2023³.
12. The Athlete did not reply within the extended deadline.
13. On 13 November 2023, the AIU issued a Notice of Charge to the Athlete in accordance with Rule 8.5.1 and Article 7.1 ISRM on the basis that the Athlete had failed to respond to the Notice of Allegation. The Athlete was also informed that he was deemed to have irrevocably waived his right to the B Sample analysis based on his failure to respond in accordance with Article 5.1.2.1 (c) of the ISRM.

² The Athlete was notified by e-mail to the e-mail address disclosed by the Athlete on his Doping Control Form completed on 10 September 2023. An automated delivery receipt was received confirming that the e-mail had been delivered to that e-mail address. The e-mail was also copied to the Athlete’s Member Federation, Athletics Kenya.

³ A delivery receipt was obtained for this e-mail confirming that it was delivered to the e-mail address disclosed by the Athlete on the Doping Control Form completed on 10 September 2023. The e-mail was also copied to the Athlete’s Member Federation, Athletics Kenya.

14. The Notice of Charge informed the Athlete, *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, that the Anti-Doping Rule Violations warranted a period of Ineligibility of four (4) years pursuant to Rule 10.2.1 ADR, and invited the Athlete to respond confirming how he wished to proceed with the Charge by no later than 20 November 2023⁴.
15. The Athlete failed to respond to the Notice of Charge by 20 November 2023.
16. On 21 November 2023, the AIU wrote to the Athlete by e-mail and granted an extension to the deadline for his response to the Notice of Charge until 27 November 2023. The AIU confirmed that if the Athlete failed to respond by that extended deadline, then the AIU would be entitled to deem that he had waived his right to a hearing and admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Notice of Charge⁵.
17. On 21 November 2023, the AIU also wrote directly to the Athlete's Member Federation, Athletics Kenya, requesting assistance in contacting the Athlete and obtaining a response to the Notice of Charge.
18. On 27 November 2023, the AIU received information that the Athlete had competed in the Tropical Rainforest Run, in Tawau Hills Park, Sabah, Malaysia on 26 November 2023. The AIU therefore wrote to Athletics Kenya requesting an update on their attempts to contact the Athlete.
19. The Athlete failed to respond to the Notice of Charge by 27 November 2023.
20. On 4 December 2023, a representative of Athletics Kenya wrote to the AIU noting that their attempts to contact the Athlete had also been unsuccessful.
21. On the same date, the AIU therefore wrote to the Athlete by e-mail noting that he had failed to respond to any correspondence. The AIU informed the Athlete that it had become aware of his participation in the Tropical Rainforest Run, in Tawau Hills Park, Sabah, Malaysia on 26 November 2023 in an apparent violation of the prohibition of participation during Provisional Suspension, and noted that if any period of Ineligibility was ultimately imposed upon the Athlete, then he may receive no credit for the period of Provisional Suspension against the period of Ineligibility in accordance with Rule 10.14.3 ADR.
22. The Athlete was informed that he had until no later than 15 December 2023 to respond to the Notice of Charge to confirm how he wished to proceed with the matter and that, if he failed to do so, he would be deemed to have waived his right to a hearing, admitted the Anti-Doping

⁴ The Notice of Charge was sent by e-mail to the e-mail address disclosed on the Athlete's Doping Control Form and an automated delivery receipt was obtained confirming that it had been delivered to that e-mail address. The Notice of Charge was also copied to the Athlete's Member Federation, Athletics Kenya.

⁵ The e-mail was sent to the e-mail address disclosed on the Athlete's Doping Control Form and an automated delivery receipt was obtained confirming that it had been delivered to that e-mail address. The e-mail was also copied to the Athlete's Member Federation, Athletics Kenya.

Rule Violations and accepted the Consequences specified in the Notice of Charge and that the AIU would issue a final decision in the matter⁶.

23. The Athlete failed to respond to the Notice of Charge by 15 December 2023 (or at all).

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 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. 19-norandrosterone and 19-noretiocholanolone are Metabolites of 19-nortestosterone (Nandrolone) (and 19-norandrostenedione) which are Prohibited Substance under the WADA 2023 Prohibited List under the category S1.1 Anabolic Androgenic Steroids (AAS). They are Non-Specified Substances 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 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.

29. 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

⁶ The e-mail was sent to the e-mail address disclosed on the Athlete's Doping Control Form and an automated delivery receipt was obtained confirming that it had been delivered to that e-mail address. The e-mail was also copied to the Athlete's Member Federation, Athletics Kenya.

further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”

30. 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 four (4) years on 6 October 2023. The Athlete failed to respond to that notification. The Athlete was therefore issued with a Notice of Charge on 13 November 2023. However, the Athlete failed to admit the Anti-Doping Rule Violations and accept the Consequences specified in the Notice of Charge within a period of 20 days (i.e., by 4 December 2023).
31. The Athlete shall not therefore receive any reduction in the period of Ineligibility in accordance with Rule 10.8.1 ADR.
32. On the basis that the Athlete is deemed to have waived his right to a hearing and admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR specified in the Notice of Charge (in accordance with Rule 10.2.1 ADR), the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
 - 32.1. a period of Ineligibility of four (4) years commencing on 25 January 2024 until 24 January 2028⁷; and
 - 32.2. disqualification of the Athlete’s results on and since 10 September 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.
33. The Athlete is deemed to have accepted the above Consequences and to have 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, the Athlete, 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.

⁷ The AIU imposed a Provisional Suspension upon the Athlete with the Notice of Allegation issued on 6 October 2023. The Athlete then participated in the Tropical Rainforest Run, in Tawau Hills Park, Sabah, Malaysia, on 26 November 2023, which is organised by Sri Pelancongan, Sabah - an event management company based in Sabah, Malaysia, and a listed vendor on the website of the Sabah Tourism Board. The AIU therefore considers the Tropical Rainforest Run to be a Competition that was authorised or organised by a national-level Competition organisation as set out in Rule 10.14.1(a) ADR. The Athlete’s participation on 26 November 2023 therefore constitutes a violation of the prohibition of participation during Provisional Suspension and the Athlete shall not therefore receive any credit for the period of Provisional Suspension against the period of Ineligibility and the results of the Athlete’s participation shall be Disqualified with all resulting consequences including forfeiture of all medals, titles, points, prize money, and prizes in accordance with Rule 10.14.3 ADR.

37. 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, 25 January 2024