
Decision of the Athletics Integrity Unit in the Case of Ms Emmaculate Anyango Achol

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 Emmaculate Anyango Achol ("the **Athlete**") is a 24-year-old distance runner from Kenya.¹
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

[...]

¹ <https://worldathletics.org/athletes/kenya/emmaculate-anyango-achol-14808806>

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method

5. On 3 February 2024, the Athlete provided a urine Sample In-Competition at the ‘*Sirikwa Classic Cross Country Tour*’ in Eldoret, Kenya, which was given code 1325263 (the “**First Urine Sample**”).
6. On 13 March 2024, the Athlete provided a urine Sample Out-of-Competition in Iten, Kenya, which was given code 1333607 (the “**Second Urine Sample**”).
7. On 2 June 2024, the Athlete provided a urine Sample Out-of-Competition in Kericho, Kenya, which was given code 8022675 (the “**Third Urine Sample**”).
8. On 16 June 2024, the Athlete provided a urine Sample given code 8022799 (the “**Fourth Urine Sample**”) and a blood Sample given code 8083005 (the “**Blood Sample**”) provided Out-of-Competition in Iten, Kenya.
9. Adverse Analytical Findings were reported, by the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Lausanne, Switzerland (the “**Laboratory**”), for the above Samples as follows:
 - 9.1.1. Analysis of the First Urine Sample revealed the presence of Metabolites of Testosterone, specifically, 5 α -androstane-3 α ,17 diol (“**5 α Adiol**”) and 5 β -androstane-3 α ,17 diol (“**5 β Adiol**”), consistent with exogenous origin (the “**First Adverse Analytical Finding**”).²
 - 9.1.2. Analysis of the Second Urine Sample revealed the presence of 5 α Adiol and 5 β Adiol consistent with exogenous origin (the “**Second Adverse Analytical Finding**”).³
 - 9.1.3. Analysis of the Third Urine Sample revealed the presence of 5 α Adiol and 5 β Adiol consistent with exogenous origin (the “**Third Adverse Analytical Finding**”).⁴
 - 9.1.4. Analysis of the Fourth Urine Sample and the Blood Sample revealed the presence of erythropoietin (“**EPO**”) (the “**Fourth Adverse Analytical Finding**”).⁵
10. The AIU reviewed the Adverse Analytical Findings in accordance with Article 5 of the International Standard for Results Management (“**ISRM**”) and determined that:
 - 10.1. the Athlete did not have a Therapeutic Use Exemption (“**TUE**”) that had been granted (or that would be granted) for the 5 α Adiol and 5 β Adiol consistent with exogenous origin or EPO found in the respective Samples; and

² Reported on 5 September 2024, following additional analysis requested by the AIU.

³ Ibid.

⁴ Ibid.

⁵ Reported on 10 September 2024.

- 10.2. 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 Findings.
11. On 26 September 2024, the AIU notified the Athlete of the Adverse Analytical Findings in accordance with Article 5.1.2.1 of the ISRM, including that the Adverse Analytical Findings 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. The Notice of Allegation also included a written Demand for the Athlete to attend an interview with the AIU (by video conference) to provide her explanation.
 12. On 27 September 2024, the Athlete attended an interview with AIU representatives by video conference and provided her explanation in relation to the Adverse Analytical Findings and alleged Anti-Doping Rule Violations.
 13. In summary, the Athlete stated in interview that she:
 - 13.1. admitted that EPO and Metabolites of Testosterone consistent with exogenous origin were found in the Samples that were collected from her;
 - 13.2. did not know how the EPO and Metabolites of Testosterone consistent with exogenous origin came to be in her system;
 - 13.3. had a medical condition for which she had been taken to and treated at various hospitals (including Iten Mission Hospital, St Luke’s Hospital, Eldoret Hospital and Chembulet Hospital) on several occasions after she had fainted and did not know what she had been injected with during her treatment at these hospitals because she did not remember being there and only discovered that she had been treated there after she had returned home;
 - 13.4. had receipts for her hospital treatment; and
 - 13.5. insisted that she had not deliberately taken or injected any prohibited substances.
 14. Following the interview, the Athlete submitted several receipts from medical facilities and photos of X-ray scans to the AIU. The AIU reviewed those documents and remained satisfied that none of them explained the presence of EPO or Metabolites of Testosterone consistent with exogenous origin in the Athlete’s Samples.
 15. The AIU therefore remained satisfied that the Athlete had committed Anti-Doping Rule Violations as set out in the Rules.
 16. On 18 October 2024, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM confirming that she was being charged with Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR (“the **Charge**”) and that the

Consequences included (i) a period of Ineligibility of six (6) years⁶ and (ii) disqualification of her results on and since 3 February 2024 (the date of the First Urine Sample).

17. The AIU invited the Athlete to respond to the Charge confirming how she wished to proceed by no later than 1 November 2024. The letter confirmed that, should the Athlete fail to challenge the AIU's assertion of the Anti-Doping Rule Violations or the Consequences, or fail to request a hearing, then she would be deemed to have waived her right to a hearing, admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge in accordance with Rule 8.5.2(f) ADR.
18. On 30 October 2024, the AIU wrote to the Athlete and reminded her of the deadline to respond to the Charge by 1 November 2024.
19. The Athlete failed to respond to the Charge by 1 November 2024.
20. On 5 November 2024, the AIU therefore wrote to the Athlete confirming that, due to her failure to respond to the Charge by 1 November 2024, she was deemed to have (i) waived her right to a hearing, (ii) admitted the Anti-Doping Rule Violations and (iii) accepted the Consequences specified in the Charge.
21. The AIU reminded the Athlete that she had until no later than 7 November 2024 by which to sign and return an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form ("the **Admission Form**") (enclosed with the Charge) to benefit from an automatic one (1) year reduction in the period of Ineligibility, pursuant to Rule 10.8.1 ADR.
22. The AIU also informed the Athlete that if she failed to respond, the AIU would issue a final decision in the matter confirming a period of Ineligibility of six (6) years against her.
23. On 7 November 2024, the AIU wrote to the Athlete to remind her that the deadline to sign and return the Admission Form to the AIU to benefit from an automatic one (1) year reduction in the period of Ineligibility, pursuant to Rule 10.8.1 ADR was that day.
24. On 7 November 2024, the Athlete sent several e-mails to the AIU stating, *inter alia*, that she had nothing to say in the matter and that it was for the AIU '*to see what to do to me*'.
25. The Athlete failed to sign and return the Admission Form by the 7 November 2024 deadline.

Consequences

26. This is the Athlete's first Anti-Doping Rule Violation.
27. In accordance with Rule 10.9.3(a) ADR, the Anti-Doping Rule Violations that arise from the Adverse Analytical Findings shall be considered together as one single first violation, and the

⁶ Based on the existence of Aggravating Circumstances in accordance with Rule 10.4, as set out further below.

sanction imposed will be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances.

28. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 ADR 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.”*

29. Testosterone (when administered exogenously) is a Prohibited Substance (as are its Metabolites) under the WADA 2024 Prohibited List under the category S1.1 Anabolic Androgenic Steroids (AAS). It is a Non-Specified Substance prohibited at all times.
30. EPO is a Prohibited Substance under the WADA 2024 Prohibited List under the category S2. Peptide Hormones, Growth Factors, Related Substances and Mimetics. It is a Non-Specified Substance prohibited at all times.
31. 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.
32. 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.
33. However, Rule 10.4 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation may be greater than the standard sanction when it is established that Aggravating Circumstances are present:

“10.4 Aggravating Circumstances that may increase the period of Ineligibility

If the Integrity Unit or other prosecuting authority establishes in an individual case involving an anti-doping rule violation [...] that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable will be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless

the Athlete or other Person can establish that they did not knowingly commit the anti-doping rule violation.”

34. Aggravating Circumstances are defined in ADR as follows:

“Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.”

35. The analysis of the First Urine Sample, the Second Urine Sample and the Third Urine Sample revealed the presence of Metabolites of Testosterone consistent with exogenous origin. Furthermore, analysis of the Fourth Urine Sample and the Blood Sample revealed the presence of EPO. This constitutes clear evidence of the Athlete’s Use of multiple Prohibited Substances, which is expressly identified in the definition of Aggravating Circumstances.
36. In addition, the presence of Metabolites of Testosterone consistent with exogenous origin in Samples that were collected from the Athlete over a 4-month period, between 3 February 2024 and 2 June 2024, also constitutes evidence of the Athlete’s Use of a Prohibited Substance (Testosterone or Testosterone precursors) on multiple occasions, which is also expressly identified in the definition of Aggravating Circumstances.
37. The AIU therefore concludes that this justifies an increase of the period of Ineligibility, unless the Athlete can establish that she did not knowingly commit the Anti-Doping Rule Violations.
38. The Athlete has failed to establish that she did not knowingly commit the Anti-Doping Rule Violations. Therefore, the period of Ineligibility to be imposed is a period of six (6) years.
39. The Athlete failed to admit the Anti-Doping Rule Violations and accept the Consequences specified by the AIU in the Notice of Charge within twenty (20) days in accordance with Rule 10.8.1 ADR. The Athlete cannot therefore benefit from the one (1)-year reduction in the period of Ineligibility in accordance with this provision.

40. On the basis that the Athlete is deemed to have 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 10.4 ADR, the AIU confirms by this decision the following Consequences for the Athlete's Anti-Doping Rule Violations:

- 40.1. a period of Ineligibility of six (6) years commencing on 26 September 2024 (the date of Provisional Suspension); and
- 40.2. disqualification of the Athlete's results on and since 3 February 2024, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.

Publication

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

Rights of Appeal

42. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
43. Further to Rule 13.2.3 ADR, WADA and 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.
44. If an appeal is filed against this decision by WADA or ADAK, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 22 November 2024