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## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS EUNICE JEPKIRUI KIRWA

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### Introduction

1. In April 2017, the IAAF established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling the IAAF's obligations as a Signatory to the World Anti-Doping Code. The IAAF has delegated implementation of the IAAF 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. Ms. Eunice Jepkirui KIRWA is a 35-year old Kenyan long-distance runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. This decision is accordingly issued 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 1 April 2019, the Athlete underwent an out-of-competition doping control in Kapsabet, Kenya. The Athlete provided a urine sample numbered 3135472 (the "**Sample**").
5. On 7 May 2019, the WADA accredited laboratory in Seibersdorf reported an Adverse Analytical Finding (the "**AAF**") for the presence of recombinant EPO ("**EPO**") in the Sample.
6. EPO is a Prohibited Substance under the WADA 2019 Prohibited List (S2: Peptide Hormones, Growth Factors, Related Substances and Mimetics). It is a non-Specified Substance and is prohibited at all times. The Athlete did not have a TUE permitting the use of EPO.
7. On 7 May 2019, the AIU notified the Athlete of the AAF and imposed a provisional suspension pending resolution of her case. The Athlete was requested to provide an explanation for the presence of EPO in the Sample and was afforded the opportunity to request analysis of the B Sample.
8. On 13 May 2019, the Athlete provided her explanation for the AAF in which she stated that she did not dope intentionally. She could only assume that the EPO entered her body through contamination during a caudal epidural injection she received on 29 March 2019. The Athlete did not request analysis of the B Sample.
9. On 3 June 2019, the AIU charged the Athlete with committing an Anti-Doping Rule Violation 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 Violation and accept a four (4) year sanction, or to request a hearing before the Disciplinary Tribunal.

10. On 10 June 2019, the Athlete admitted committing an Anti-Doping Rule Violation for the Presence of EPO in the Sample and the Use of EPO and accepted the proposed consequences by signing the Admission of Anti-Doping Rule Violation and Acceptance of Sanction Form.

### **Consequences**

11. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
12. On the basis that the Athlete has admitted to committing an Anti-Doping Rule Violation 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 pursuant to Article 10.2.1(a) commencing on 7 May 2019; and
  - 13.2 disqualification of the Athlete's results since 1 April 2019 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Articles 9 and 10.8 ADR.
13. The Athlete has accepted the above consequences for her Anti-Doping Rule Violation and has expressly waived her right to have those consequences determined by the Disciplinary Tribunal at a hearing.

### **Publication**

14. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.
15. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
16. Further to Article 13.2.4 ADR, the World Anti-Doping Agency (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.
17. 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 Article 13.9.3 ADR.

**Monaco, 14 June 2019**