

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS ANGELA NDUNGWA MUNGUTI

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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. Angela Ndungwa MUNGUTI is a 17-year old Kenyan 800m runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. This decision is issued pursuant to Article 8.4.7 ADR which provides that "*[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 (including, if applicable, a justification for why the maximum potential sanction was not imposed)*".

### The Athlete's commission of Anti-Doping Rule Violations

4. On 7 October 2018, the Athlete underwent an out-of-competition doping control as part of the Doping Control Programme at the 'III Summer Youth Olympic Games' held in Buenos Aires, Argentina (the "**Games**"). The Athlete provided a urine sample numbered 4345944 (the "**Sample**").
5. On 26 October 2018, the WADA accredited laboratory in Rio de Janeiro reported an Adverse Analytical Finding (the "**AAF**") for the presence of 19-Norandrosterone and 19-Noretiocholanolone ("**Norandrosterone**") in the Sample.
6. Norandrosterone is a Prohibited Substance under the WADA 2018 Prohibited List (S1: Anabolic Agents). It is a non-Specified Substance and is prohibited at all times. The Athlete did not have a Therapeutic Use Exemption ("**TUE**") permitting the use of Norandrosterone.
7. On 21 November 2018, the International Testing Agency ("**ITA**"), on behalf of the International Olympic Committee ("**IOC**"), initiated disciplinary proceedings against the Athlete, offering her inter alia, the opportunity to provide an explanation and request the analysis of her B Sample.
8. On 28 November 2018, the Athlete signed a form on which she declared that she had waived her right to the B sample analysis and accepted the adverse analytical finding.
9. On 17 December 2018, the Athlete signed a form by which she admitted the Anti-Doping Rule Violation, waived her right to a hearing and accepted the disqualification of her results obtained at the Games. She also consented to the Court of Arbitration for Sport ("**CAS**") issuing a decision confirming the commission of the Anti-Doping Rule Violation and imposing the above-mentioned consequences.

10. On 15 July 2019, upon referral of the case to CAS by the ITA, a sole arbitrator concluded that the Athlete was guilty of a doping offence under the IOC Anti-Doping Rules and that she would accordingly be disqualified from the Games. The CAS decision dated 15 July 2019 was not appealed and therefore became final and binding.
11. On 14 October 2019, the ITA referred the case to the IAAF for the necessary further actions to be taken under the ADR, specifically, in relation to the Consequences to be imposed on the Athlete beyond the Games in accordance with Article 7.2.8(c) ADR.
12. On 18 October 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 imposed a provisional suspension pending resolution of her case. The Athlete was offered the opportunity either to admit the Charge and accept a four (4) year sanction or to request a hearing before the Disciplinary Tribunal by 31 October 2019.
13. The Athlete did not reply to the AIU Notice of Charge within the given deadline.
14. On 6 November 2019, the Athlete was given a final opportunity to respond to the Notice of Charge and was advised that, if she did not do so by 11 November 2019, she would be deemed to have waived her right to a hearing before the Disciplinary Tribunal, to have admitted the Charge and to have accepted the Consequences for those Anti-Doping Rule Violations specified in the Notice of Charge.
15. On 11 November 2019, the Athlete admitted the Charge and accepted the proposed consequences by signing the Acceptance of Sanction Form.

### **Consequences**

16. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
17. On the basis that the Athlete has accepted the Charge under Article 2.1 ADR, the AIU confirms by this decision the following consequences for a first Anti-Doping Rule Violation:
  - 13.1 pursuant to Articles 10.2.1(a) and 10.10.2(b), a period of Ineligibility of four (4) years commencing on 7 October 2018; and
  - 13.2. disqualification of the Athlete's results since 7 October 2018 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.
18. 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**

19. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.
20. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.

### **Rights of Appeal**

21. 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.
22. 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, 25 November 2019**