

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR PATRICK SIELE

Introduction

1. In April 2017, World Athletics¹ 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. 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. Patrick Siele is a 23-year old Kenyan long-distance² 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:

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 (including, if applicable, a justification for why the maximum potential sanction was not imposed)".

The Athlete's commission of an Anti-Doping Rule Violation

4. On 18 December 2019, two Doping Control Officers ("DCOs")³ were authorised by the AIU on behalf of World Athletics to collect an out-of-competition blood sample from the Athlete at a training camp in Kapsabet, Kenya.
5. The Athlete was notified by DCO 1 that he had been selected for doping control and was required to provide a sample. Following notification, the Athlete was asked to join a group of fellow athletes, who had similarly been selected for doping control, in order to complete the formal written notification procedures. Whilst waiting to complete the written notification process in the presence of DCO 2, the Athlete ran away from the camp, such that the notification process could not be completed in his case.

¹ Formerly the International Association of Athletics Federations ("IAAF").

² The Athlete was assigned Silver Label status for 2020 by World Athletics and he had recently competed at the World Athletics' Gold Label Road Race in Shanghai, China on 19 November 2019.

³ For the purposes of this decision and for convenience, the DCOs will be referred to respectively as DCO 1 and DCO 2.

6. When DCO 2 saw the Athlete attempting to leave, he followed the Athlete out of the building and it was clear to the DCO that he was running away from testing. An independent witness also confirmed that he had seen the Athlete hurdling over a fence to escape from the compound.
7. DCO 1 returned to the room where the Athlete had earlier been notified for doping control and a female athlete there confirmed the Athlete to be Mr Siele.
8. On 9 March 2020 the AIU wrote to the Athlete requesting inter alia his explanation for evading sample collection on 18 December 2019 at a training camp in Kapsabet, Kenya, pursuant to Rule 2.3 ADR.
9. On 16 March 2020, the AIU received a letter with the Athlete's explanation in which he admitted that he had evaded the sample collection, in particular, by his act of "running away from the anti-doping control on 18th December 2019".
10. The AIU is satisfied on the facts that the Athlete intended to evade the AIU's sample collection on 18 December 2019. The Athlete has admitted that he was aware that the AIU was seeking to test him on that day and that he took steps intended to avoid being tested by running away from the camp.
11. On 21 July 2020, the AIU issued a Notice of Charge against the Athlete.
12. On 4 August 2020, the Athlete confirmed his admission of the Anti-Doping Rule Violation.

Consequences

13. This is the Athlete's first Anti-Doping Rule Violation.
14. Rule 2.3 ADR provides that the following conduct shall constitute an anti-doping rule violation:
 - 2.3 *Evading, Refusing or Failing to Submit to Sample Collection*
Evading Sample collection, or without compelling justification, refusing or failing to submit to Sample collection after notification as authorized in these Anti-Doping Rules or other applicable anti-doping rules.
15. Pursuant to Rule 10.3.1 of the ADR, the period of Ineligibility imposed for a first Anti-Doping Rule Violation for evasion under Rule 2.3 ADR is **four years**.
16. Pursuant to Article 10.6.3 of the ADR, an Athlete potentially subject to a four-year sanction under Rule 10.3.1 (for evading Sample Collection) may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete's degree of Fault, by promptly admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and the AIU.
17. The AIU accepts that the Athlete promptly admitted the violation after the AIU's notification letter on 16 March 2020 and the AIU and the World Anti-Doping Agency ('**WADA**') have agreed to a 6 month reduction in the 4-year sanction in accordance with Rule 10.6.3 ADR, taking into account the seriousness of his violation and his relative degree of fault (being only 23 years old, the fact that this was his first experience of out-of-competition testing and his relative lack of anti-doping education which may have contributed to his error of judgment on the day).

18. Furthermore, taking into account circumstances in the case not attributable to the Athlete, the AIU considers that the start date of the period of ineligibility in the Athlete's case may be backdated to commence on 16 March 2020 (the date that the Athlete provided his explanation and first admitted the violation), in accordance with Rule 10.10.2(c) ADR.
19. On 2 September 2020, the Athlete confirmed that he admitted the Anti-Doping Rule Violation pursuant to Rule 2.3 ADR and accepted the Consequences proposed by the AIU (**including a period of ineligibility of three (3) years and six (6) months commencing on 16 March 2020**) by returning a signed Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form.

Decision

20. On the basis that the Athlete has admitted to committing the Anti-Doping Rule Violation pursuant to Rule 2.3 ADR, the AIU confirms by this decision the following consequences for a first Anti-Doping Rule Violation:
 - 20.1 A period of Ineligibility **of three (3) years and six (6) months** commencing on 16 March 2020 and expiring on 15 September 2023; and
 - 20.2 Disqualification of all competitive results obtained by the Athlete since **18 December 2019**, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.
21. The Athlete has accepted the above consequences for his Anti-Doping Rule Violation and has expressly waived his right to have those consequences determined by the Disciplinary Tribunal at a hearing.

Publication

22. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website⁴.

Rights of Appeal

23. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
24. Further to Article 13.2.4 ADR, WADA and the Anti-Doping Agency of Kenya 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 13.7.2 ADR.
25. If an appeal is filed against this decision by WADA or the Anti-Doping Agency of Kenya, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Article 13.9.3 ADR.

Monaco, 18 September 2020

⁴ <https://www.athleticsintegrity.org/disciplinary-process/first-instance-decisions>