

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES OF
WORLD ATHLETICS**

Before:

Ian Hunt (Chair)

BETWEEN:

World Athletics

Anti-Doping Organisation

and

Yousef Mohammed Al-Asiri

Respondent

DECISION OF THE DISCIPLINARY TRIBUNAL

I. INTRODUCTION

1. World Athletics ("WA") is the International Federation governing the sport of Athletics worldwide. It has its registered seat in Monaco. WA has delegated the implementation of its Anti-Doping Rules, the 2025 World Athletics Anti-Doping Rules ("ADR") to the Athletics Integrity Unit ("AIU") in accordance with Rule 1.2.2 of the ADR.
2. The AIU was represented in these proceedings by Mr Tony Jackson, Deputy Head of Case Management of the AIU.
3. Mr Yousef Mohammed Al-Asiri (the "Athlete") is a 36-year-old long-distance runner from Saudi Arabia. Mr Al-Asiri was represented by Ms Carola Binney, of counsel, acting on a *pro bono* basis.

4. Hereafter, the AIU and the Athlete are referred to collectively as the "**Parties**".

II. FACTUAL AND PROCEDURAL BACKGROUND

5. By way of a summary of the relevant factual background, on 26 September 2023 and 28 September 2023, the Athlete provided two (2) Out-of-Competition "**Samples**" in connection with his participation at the 2023 Asian Games – Hangzhou, which took place from 23 September to 8 October 2023 and which were conducted by the Olympic Council of Asia ("**OCA**"). The OCA delegated its Results Management obligations to the International Testing Agency ("**ITA**") in accordance with the OCA 2023 Anti-Doping Rules ("**OCA ADR**").
6. Both urine Samples were later found to contain darbepoetin ("**dEPO**") and recombinant erythropoietin ("**EPO**"), which are Non-Specified Substances and prohibited at all times under category S2: *Peptide Hormones, Growth Factors, Related Substances, and Mimetics* of the World Anti-Doping Agency ("**WADA**") 2023 Prohibited List.
7. On 2 October 2023, the Athlete was notified by the ITA of the presence of dEPO in the 26 September 2023 Sample and a Provisional Suspension was imposed upon him by the ITA, effective immediately.
8. On 16 October 2023, the ITA informed the Athlete that the 26 September 2023 Sample was also positive for EPO and that the Sample collected on 28 September 2023 was positive for both dEPO and EPO.
9. On 3 November 2023 the AIU issued the Athlete with a Notice of Provisional Suspension based on the Sample resulting from the test conducted on 26 September 2023.
10. On 19 December 2023, the OCA, through the ITA on its behalf, submitted for determination to the Court of Arbitration for Sport ("**CAS**") whether an anti-doping rule violation ("**ADRV**") had occurred in respect of the presence of dEPO and EPO, pursuant to Testing conducted in accordance with the OCA ADR.

11. On 17 September 2024, the CAS issued an award confirming the Athlete had committed an ADRV pursuant to Article 2.1 of the OCA ADR and requested that WA consider further Consequences to be imposed for the ADRV under the applicable ADR. No appeal was filed against that award within the applicable timeframe.
12. On 7 January 2025, the AIU issued a Notice of Charge ("NoC"), which sets out the background to this matter which together with its enclosures served as the AIU's brief and the evidence the AIU relied upon.
13. The NoC specified the Consequences to be imposed for the Athlete's second ADRV, noting that the Athlete had previously been sanctioned with a two (2) year period of Ineligibility for the Presence/Use of Clenbuterol in a Sample collected on 16 May 2014.
14. The NoC specified the Consequences to be imposed for the Athlete's second ADRV, including a period of Ineligibility of 12 years and Disqualification of the Athlete's results on and after 26 September 2023.
15. On 18 June 2025, the AIU requested the Athlete to advise how he wished to proceed in terms of the options set out in the NoC, also noting an apparent breach by the Athlete of the prohibition on participation during the period of Provisional Suspension imposed upon him by the ITA on 2 October 2023 by reason of him having competed in the Saudi Arabian Championships on 16 May 2025.
16. On 21 June 2025, the Athlete requested a hearing before the Disciplinary and Appeals Tribunal to determine the Consequences to be imposed in this case. He also denied that he had breached the terms of his Provisional Suspension as alleged by the AIU.
17. On 29 August 2025, the Athlete submitted his skeleton argument (through Ms Binney) in which he accepted that he had committed a second ADRV and provided details of the circumstances of that second ADRV but disputed that Aggravating Circumstances were present in his case.
18. He asserted that the appropriate period of Ineligibility for his second ADRV would be between six (6) and eight (8) years, and that the appropriate applicable period should be a period of Ineligibility at the lowest end of that range, i.e., six (6) years.

19. In addition, the Athlete, having disputed that he had breached his Provisional Suspension, submitted that he should be given credit for the period of Provisional Suspension served by him since 2 October 2023 in respect of any period of Ineligibility that might be imposed.
20. Finally, the Athlete submitted that information he provided to the AIU about the circumstances that resulted in the second ADRV and [REDACTED] the Prohibited Substances he used [REDACTED], was such as to warrant a suspension of 75% of the period of Ineligibility imposed in his case, in terms of the Substantial Assistance provisions in the ADR.
21. In contrast, the Consequences for the second ADRV sought by the AIU were a period of Ineligibility of 12 years, effective from the date of this final decision on the matter, with credit for the period of Provisional Suspension served by the Athlete since 2 October 2023, provided that had been effectively served, and Disqualification of the Athlete's results with all resulting Consequences, including forfeiture of any medals, titles, points, prize money and prizes since 26 September 2023, and public disclosure of the full details of the matter, in accordance with the ADR.
22. In addition, the AIU indicated that it might also seek Financial Consequences including full recovery of costs associated with the determination of the appropriate Consequences, including the proceedings before this Panel, pursuant to Rule 19.12.1 ADR.

III. PROCEDURE BEFORE THE DISCIPLINARY TRIBUNAL

23. On 3 July 2025, I was appointed by the Chairman of the WA Disciplinary and Appeals Tribunal ("**Disciplinary Tribunal**") to chair the Panel to determine the further Consequences to be imposed on the Athlete in respect of the ADRV. There was no objection to my appointment. The Parties accept that this Panel has jurisdiction to adjudicate upon the Consequences in this case under Rule 8.1 ADR.
24. A preliminary meeting of the Parties was held on 25 July 2025 at which the Parties agreed that I should hear this matter sitting alone. Directions for a hearing were made regarding the submission of the Athlete's answer brief, the AIU's reply brief including any rebuttal witness statements, the filing of a bundle of documents, an indicative hearing schedule,

and the filing of a joint statement identifying matters agreed between the Parties, including issues to be determined and matters in dispute. A hearing was scheduled to take place by video conference on 3 October 2025.

25. Pursuant to those directions, Ms Binney submitted the Athlete's skeleton argument on 29 August 2025 and Mr Jackson submitted the AIU reply brief on 16 September 2025.
26. As a result of the exchange of briefs, one of the initial issues, namely whether the Athlete was entitled to credit for the period of Provisional Suspension served since 2 October 2023 was resolved. The Athlete provided evidence supporting his claim that he had not participated in the 3000m event at the Saudi Arabian Championships on 16 May 2025. The AIU accepted his evidence and, as a result, withdrew its request that the Provisional Suspension imposed upon the Athlete by the ITA on 2 October 2023 not be credited toward the period of Ineligibility it sought to impose.
27. Further, and in accordance with the directions dated 28 July 2025, the Parties submitted a joint statement setting out matters agreed, and the issues to be determined.
28. The hearing proceeded by video conference on 3 October 2025. Oral evidence was provided by Professor Martial Saugy, in respect of dEPO and EPO, the excretion of those substances, and the Athlete's explanation for their presence in the Samples.
29. The Athlete gave evidence, with the assistance of an interpreter.
30. As indicated below, a number of issues arose during the hearing which required the exchange of further submissions and directions regarding the disclosure of further information relative to the issue of Substantial Assistance, and the way in which I should approach the determination of the period of Ineligibility to be imposed.
31. Following the hearing, the Parties agreed that the issues of Ineligibility and Substantial Assistance should be bifurcated. In particular, the Parties agreed that I should determine the period of Ineligibility to be imposed upon the Athlete based on the Parties' written and oral submissions at the hearing and issue a decision accordingly.
32. The Parties agreed that I need not consider the issues of Substantial Assistance at this stage, but that my determination of that issue would be suspended on the basis that

further investigations, into matters associated with the Athlete's conduct [REDACTED]

[REDACTED], are ongoing.

IV. THE SUBMISSIONS OF THE PARTIES

33. The Parties agreed on the following matters: (i) that the 26 and 28 September 2023 Samples established that the Athlete had committed an ADRV contrary to Rule 2.1 ADR, due to the presence and Use of dEPO and EPO; (ii) that this constituted the Athlete's second ADRV and was intentional for the purposes of the ADR; (iii) that the scope of these proceedings was limited to determining the applicable Consequences to be imposed on the Athlete; (iv) that the Panel had jurisdiction to hear and determine the applicable Consequences; and (v) that the period of Ineligibility was to be determined based on the application of (1) Rule 10.2.1 and (2) Rule 10.9.1 ADR, with the Athlete receiving credit for the period of Provisional Suspension served since 2 October 2023 against any period of Ineligibility ultimately imposed.
34. As noted, the question of whether the Athlete should be given credit for the period of Provisional Suspension, served since 2 October 2023, was resolved before the hearing.
35. The question of whether any part of the Athlete's period of Ineligibility should be suspended due to the Substantial Assistance provided was bifurcated and this decision is not therefore required to deal with that aspect of the matter.

i. The AIU

36. The AIU submitted that the period of Ineligibility to be imposed upon the Athlete should be 12 years, in terms of Rule 10.9.1 ADR, commencing on the date of this award with credit for the period of Provisional Suspension served from 2 October 2023 until the date of this award, together with the Disqualification of results, and a contribution to the AIU's legal and other costs in terms of Rule 10.12.1 ADR.

37. The AIU submitted that the Athlete's conduct engaged Rule 10.4 ADR and that Aggravating Circumstances, as defined in Appendix 1 to the ADR, were made out, based on:

- The Athlete having used and Possessed multiple Prohibited Substances;
- The Athlete having used and Possessed a Prohibited Substance on multiple occasions;
- The Athlete having engaged in deceptive conduct to avoid the detection or adjudication of an ADRV;
- The Athlete having targeted his Use of Prohibited Substances towards specific competitions, namely the 2023 Asian Games, a significant and prestigious event.

38. The AIU submitted that the period of Ineligibility to be imposed upon the Athlete is within the range of eight (8) years (two (2) years plus six (6) years) and twelve (12) years (six (6) years multiplied by two (2) years).

ii. The Athlete

39. The Athlete's position, in summary, was that, while a period of Ineligibility was merited, the period of 12 years sought by the AIU was excessive. While accepting that a baseline suspension of four (4) years for the violation of Rule 2.1 ADR and in terms of Rule 10.2.1 ADR was applicable, there were no Aggravating Circumstances to warrant an increase in that baseline sanction of up to two (2) years, but insofar as the Panel considered that Aggravating Circumstances were made out and that an increased period of Ineligibility was warranted, such increase should be "*very limited and likely a matter of weeks, rather than months*".

40. The Athlete also accepted that in respect of his second ADRV, with Rule 10.9.1 ADR engaged, the appropriate period of Ineligibility imposed for the first ADRV (of two (2) years) together with the period otherwise applicable for the second violation (submitted to be four (4) years and assuming no increase for Aggravating Circumstances) warranted a total suspension of six (6) years (four (4) years plus two (2) years).

41. In relation to the Aggravating Circumstances relied upon by the AIU as summarised in paragraph 36 above:

- The Athlete submitted that the fact that he had used multiple Prohibited Substances, namely dEPO and EPO, did not warrant a finding of Aggravating Circumstances, noting that dEPO and EPO are both substances which operate in substantially the same way to increase red blood cell production, and this was not therefore a case in which two substantially different substances had been used to gain an unfair advantage in two different ways¹;
- Second, the Athlete contended that his Use of Prohibited Substances on multiple occasions did not warrant a finding of Aggravating Circumstances;
- The Athlete did not, at least not on Ms Binney's skeleton brief dated 29 August 2025, directly address the question of whether the Athlete had engaged in deceptive conduct to avoid detection or adjudication of an ADRV, but this was addressed during the hearing. Ms Binney submitted there had been no deceptive conduct through the Use of both dEPO and EPO, based on the evidence of Professor Saugy, to the effect that while 10 years or so ago that combination of substances was used to confound Testing methods, such tests have now developed to the point that the Use of dEPO and EPO together no longer enables athletes to avoid detection.

42. The Athlete did not accept that his Use of Prohibited Substances shortly before the 2023 Asian Games was an Aggravating Circumstance warranting any increase in the period of Ineligibility to be imposed, on the basis that, among other things, the Use by the Athlete of such substances in the context of the 2023 Asian Games was a factor already incorporated within the ADR and taken into account in relation to the prescribed standard sanction (of four (4) years).

43. The Athlete also argued, in support of the submission that the appropriate sanction should be at the lowest end of the possible range, to the fact that:

¹ Ms Binney did, however, correct an initial submission that both substances had been contained within the same injection(s). The Athlete's evidence clarified that he had received and used four (4) boxes each containing four (4) syringes, three (3) boxes of green syringes, one (1) of red syringes, all of which had been used by him over a period commencing in late July 2023.

- a) The Athlete's first ADRV had taken place nine (9) years before the second ADRV;
- b) The circumstances in which the first ADRV and the ban of two (2) years was imposed had been unsatisfactory and on the basis that while the Athlete "*accepts that the Panel cannot now re-open the 2014 process, you can take these matters into account when considering where within the appropriate range the present sanction should fall.*"
- c) The Athlete had been transparent with the AIU and the Panel about his conduct and had assisted the AIU with its investigations, which it was in the interests of clean sport to incentivise, including through the exercise of the Panel's discretion in imposing sanction;
- d) In her concluding submissions, Ms Binney invited the Panel to find that the applicable sanction should be a period of six (6) years of Ineligibility, that it should suspend 75% of that period (equating to four and a half (4.5) years) to take account of Substantial Assistance and find that two (2) years of the Athlete's period of Ineligibility had already been served, since the Provisional Suspension was imposed on 2 October 2023. Ms Binney submitted that if that submission was accepted, the corollary would be that the Athlete would be free to return to competition now, having served the non-suspended one and a half (1.5)-year period of Ineligibility plus an additional six (6) months of the period of Ineligibility, although he would remain subject to a suspended period of Ineligibility for a period of four (4) years, until 2 October 2029, which could be reinstated were the Athlete to cease providing Substantial Assistance to the AIU.

44. As already noted, however, the Parties agreed that my determination should, at this point, solely address the question of the period of Ineligibility to be imposed, without reference to any suspension of that period of Ineligibility due to Substantial Assistance, and without there being any issue as to the Athlete having effectively served his Provisional Suspension without breach since it was imposed on 2 October 2023.

V. THE RELEVANT RULES

45. Rule 10.2.1 ADR provides:

"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."*

46. Rule 10.4 provides:

"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 other than violations under Rule 2.7 (Trafficking or Attempted Trafficking), Rule 2.8 (Administration or Attempted Administration), Rule 2.9 (Complicity or Attempted Complicity) or Rule 2.11 (Acts by an Athlete or other Person to discourage or retaliate against reporting) 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." [Comment to Rule 10.4 omitted.]

47. "Aggravating Circumstances" is defined in Appendix 1 to the ADR as follows:

"Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person that may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions 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 other 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."

48. Rule 10.9.1 provides:

"Second or third anti-doping rule violation:

- (a) *For an Athlete or other Person's second anti-doping rule violation, the period of Ineligibility will be the greater of:*
 - (i) *a six month period of Ineligibility; or*
 - (ii) *a period of Ineligibility in the range between:*
 - (aa) *the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation; and*
 - (bb) *twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.*

The period of Ineligibility within this range will be determined based on the entirety of the circumstances and the Athlete or other Person's degree of Fault with respect to the second violation."

VI. DISCUSSION

i. Aggravating Circumstances

- 49. I firstly address the rival contentions of the Parties with respect to the application of the facts to the definition of Aggravating Circumstances, the matters relied upon by the AIU in submitting that Aggravating Circumstances exist warranting an increase in the standard sanction, and the Athlete's response to those matters.
- 50. As noted above, after some initial confusion, it initially having been submitted that the Athlete had Used dEPO and EPO which were contained in the same injections, it was clarified that the Athlete had Used both substances, but not within the same injections.

51. Rather, there had been 16 syringes of the Prohibited Substances, used over a period commencing in late July 2023 and, on the Athlete's evidence, variously every two (2) days, or every three (3) or four (4) days, over a period of 1 to -2 months, ceasing in September 2023.
52. Nevertheless, the Use by the Athlete of both Prohibited Substances, on multiple occasions, means that the Athlete's conduct fell directly within the definition of Aggravating Circumstances. That is, the Athlete "*... Used or Possessed multiple Prohibited Substances [...] on multiple occasions*".
53. As to the period over which and the number of occasions in which the Athlete had used Prohibited Substances, whilst his skeleton brief averred that he had done so over one month (in contrast to the case of *Bekele Degfa v TAT & IAAF*², cited by Ms Binney) - the evidence indicated that the Athlete's Use of the multiple Prohibited Substances extended for a longer period, well into September 2023, a point that by the end of the hearing was not seriously in dispute.
54. On the evidence therefore, the criteria set out in the definition of Aggravating Circumstances is satisfied in both of the first two (2) respects asserted by the AIU (Use and Possession of multiple Prohibited Substances; Use and Possession of a Prohibited Substance on multiple occasions), and that conduct may be taken into account by me, as justifying the imposition of a period of Ineligibility greater than the standard sanction.
55. However, I accept Ms Binney's submission that finding that the Athlete falls within the definition in those two respects does not automatically lead to an increase of any particular level in the period of Ineligibility to be imposed. I also consider the evidence shows that while a course of action was taken which did clearly involve Use of Prohibited Substances on multiple occasions, it was a singular course of action and for a shorter period of time than other cases cited to me.
56. As to the third of the asserted Aggravating Circumstances relied upon by the AIU, namely engaging in deceptive conduct to avoid the detection or adjudication of an ADRV, it became apparent during the hearing and from the evidence of Professor Saugy that, whilst

² *Alemitu Bekele Degfa v. TAF & IAAF*, CAS 2013/A/3080.

it may at one time have been the case that doping athletes would Use dEPO and EPO together to confound the interpretation of analytical results and thereby to avoid the detection of an ADRV, this is no longer the case as doping detection methods are sufficiently sophisticated to detect doping without being confounded.

57. I do not, for that reason, consider that this asserted Aggravating Circumstance is made out so as to justify an increase in the standard sanction.
58. There was a further aspect of this point, not addressed by the AIU in its reply brief, but arising from the evidence, that the Athlete had ceased using the Prohibited Substances before the 2023 Asian Games to avoid detection. However, this was not a proposition that was put directly to the Athlete, nor was it supported by the evidence of Professor Saugy.
59. In any event the Testing results showed the Use of the Prohibited Substances in close proximity to the 2023 Asian Games, undermining the argument that the Athlete engaged in deceptive conduct by reason of ceasing to Use the Prohibited Substances at a time intended to avoid the detection or adjudication of an ADRV.
60. Furthermore, having listened to the Athlete give his evidence, I was far from persuaded, even allowing for the difficulties in understanding the Athlete's evidence in translation, which were not inconsiderable, that the AIU had demonstrated that the Athlete had intended to or had engaged in deceptive conduct so as to avoid the detection or adjudication of an ADRV. Indeed, my impression of the Athlete was that he is somewhat unsophisticated and naïve. In any event, I did not discern from the evidence any sign of a coherent plan or attempt to in any way avoid the detection of the Prohibited Substances he used.
61. This conclusion was reinforced by the Athlete's admission that he did not know what substances he was injecting, [REDACTED]
[REDACTED]
[REDACTED].
62. The final element of the AIU's case was that the Athlete's Use of Prohibited Substances in connection with his participation in the 2023 Asian Games was a significantly Aggravating Circumstance.

63. Mr Jackson cited *World Athletics v Blessing Okagbare*³, in which the Disciplinary Tribunal concluded that the relevant doping had been targeted at the Olympic Games and thereby constituted an Aggravating Circumstance. In that case, an increase in the sanction of nine (9) months was imposed due to the multiple breaches of the relevant ADR, over a period of a year.

64. Mr Jackson also cited *IAAF v RUSA & Svetlana Shkolina*⁴ in which the Sole Arbitrator concluded that intent to enhance performance for important and prestigious international competitions constituted Aggravating Circumstances and submitted that the 2023 Asian Games were akin to the Olympic Games in status and importance.

65. Ms Binney submitted that the Athlete's Use of Prohibited Substances shortly prior to a major competition was not an aggravating factor, because it is "baked into" the standard sanction of a four (4) year ban, which is sufficiently high.

66. Ms Binney cited the decision in *International Rugby Board v. Roman Kulakivskiy*⁵, in which the International Rugby Board Panel held that the athletes' Use of steroids during a tournament was to be deprecated but said, "[...] we do not consider these factors should result in an uplift of the standard sanction. They are factors which are incorporated within the factual matrix for which there is a prescribed standard sanction".

67. Ms Binney noted this decision is cited in Lewis & Taylor approvingly and submitted that this approach should be followed by me, or if any increase for Aggravating Circumstances was deemed appropriate, that it should be very limited and likely a matter of weeks rather than months.

68. While the examples of circumstances and conduct described in the definition of Aggravating Circumstances are not exclusive, the nature of the examples given does not suggest an approach that ties the outcome to the importance or significance of a particular

³ *World Athletics v Blessing Okagbare*, SR/287/2021 (Disciplinary Tribunal, 14 February 2022).

⁴ *IAAF v RUSA & Svetlana Shkolina*, CAS 2018/0/5667. However, Mr Jackson acknowledged that the CAS Appeal Panel, while noting that the timing of the ADRVs was intended to give the athlete an advantage at least for the 2012 Olympic Games and 2013 World Championships, did not specifically conclude that this was an aggravating feature of the case. On my reading of that decision, the only Aggravating Circumstances of the case were that the athlete had used two (2) Prohibited Substances on two (2) occasions – which the CAS Appeal Panel described as one (1) Aggravated Circumstance arising on two (2) separate occasions – see paragraphs 243-244. An increase in sanction of nine (9) months – described as modest was imposed.

⁵ Board Judicial Committee decision dated 21 June 2013.

Event. I prefer the approach of the CAS Appeal Panel in *IAAF v RUSA & Svetlana Shklokina* – which does not, on analysis, support the AIU submission – and *International Rugby Board v. Roman Kulakiviskiy*, as referenced in Lewis & Taylor.⁶

69. My conclusion on this aspect of the case is that the AIU has established the first and second of the Aggravating Circumstances it asserts. First, the Athlete Used multiple Prohibited Substances, namely dEPO and EPO. Second, the Athlete Used multiple Prohibited Substances on multiple occasions.
70. There is a considerable degree of overlap between those two (2) apparently discrete Aggravating Circumstances, because dEPO and EPO are substantially similar substances, the former itself a modified form of EPO, and both substances act in the same way, with the objective of increasing red blood cell production. They are not two (2) entirely different substances, such as a combination of an anabolic steroid and a blood doping agent, and therefore the Athlete's Use of both substances does not amount to an attempt to obtain an unfair advantage in two (2) entirely separate and different ways.
71. In this case, the Athlete's second ADRV was a serious violation. The Athlete, extensively and repeatedly, over a period of several months, Used the Prohibited Substances on multiple occasions. He did so without any attempt to establish whether the substances could properly be Used or not, and as the AIU has submitted, his behaviour is a classic example of significant Fault. The Athlete's behaviour was all the more surprising given that this is his second ADRV.
72. However, given the circumstances [REDACTED] and the absence of the deceptive conduct alleged by the AIU (the fact that such high levels of the Prohibited Substances were readily detected in close proximity to the 2023 Asian Games is evidence of that), I do not accept that the ADRV was at the very highest level of Fault, or one of the utmost gravity.
73. I do not find the third and fourth Aggravating Circumstance elements asserted by the AIU made out. The Athlete did not engage in deceptive conduct in order to avoid the detection

⁶ I note that was the approach taken in a case that was not cited to me as the decision issued after the hearing of this case - *World Athletics v Sheila Chelangat* (SR/239/2025), at paragraph 67(c) - but no authority is cited.

or adjudication of an ADRV, nor was the timing of the Athlete's doping, undertaken in the context of the 2023 Asian Games, an Aggravating Circumstance.

74. The AIU sought, based on the four (4) Aggravating Circumstances it considered established, that the period of Ineligibility should be increased by two (2) years.
75. In light of the different conclusions I have reached, and the authorities referred to (including the comparative decisions of *World Athletics v Blessing Okagbare* and *IAAF v RUSA & Svetlana Shkolina*, I consider that the Athlete's period of Ineligibility should be increased by a period of 15 months.

ii. The Second ADRV – Rule 10.9.1 ADR

76. It is common ground that because the Athlete has previously been sanctioned (with a two (2) year period of Ineligibility imposed in 2014 for the Presence of Clenbuterol), Rule 10.9.1 ADR applies.
77. In support of the submission that taking into account all the circumstances of the case, any increased sanction should be at the lowest end of the range, I was invited to have regard to the fact that the Athlete's first ADRV was in 2014, nine (9) years before the second ADRV. Had the second ADRV been a year later, Rule 10.9 ADR, as it is presently drafted, would not have been engaged, and the second ADRV would have been treated as a first ADRV for the purposes of sanction
78. Ms Binney accepted that I could not re-open the 2014 process or go behind it, but submitted that the circumstances surrounding the first ADRV, as explained in the Athlete's witness statement, were matters that I could take into account in the exercise of my discretion in considering where, within the appropriate range, the present sanction should fall.
79. Ms Binney further submitted, in her skeleton brief and in oral closing submissions, that the Athlete's conduct, in terms of his transparency with the AIU and his co-operation with its investigation, and in his evidence provided in these proceedings, were all factors that could be taken into account by me in determining any additional period of Ineligibility⁷.

⁷ As well as being relevant to the issue of Substantial Assistance.

80. Mr Jackson rejected the arguments put forward by Ms Binney, submitting that her suggestion that any period of Ineligibility should be at the lower end of the range because the first ADRV, nine (9) years prior, was misguided and would incentivise a second ADRV close to and around the ten (10)-year limitation period, without any logical or sensible reason, and that athletes who commit second ADRVs are to be treated equally, regardless of the timing of their "*recidivism*".
81. Mr Jackson also submitted that I should disregard the Athlete's arguments regarding the circumstances of his first ADRV. The Athlete had the right to appeal against the first instance decision, but he did not and therefore, could not seek to benefit from any shortcomings in, or dissatisfaction with, the procedures regarding his first ADRV - none of which had ever been raised previously and which, the AIU did not, in any event, accept.
82. As to conduct, transparency, and co-operation, Mr Jackson said that the AIU disputed that the Athlete had been honest and transparent with it about his conduct, but that, in any event, any such conduct would be relevant to Substantial Assistance, a matter to be determined entirely separately to the determination of the applicable period within the range of sanctions mandated by Rule 10.9.1 ADR.
83. Mr Jackson reiterated that "*[g]iven the severity of the athlete's second ADRV and the nature of the aggravating circumstances present, the appropriate sanction is a period of ineligibility of 12 years*".
84. Save with respect to the matter of the Athlete's transparency, conduct, his assistance to the AIU in its investigations, and the relevance of those matters to the assessment I must make under Rule 10.9.1 ADR – as being an aspect of "*the entirety of the circumstances*" and which I address in further detail below – I accept Mr Jackson's submissions and reject the Athlete's submissions to the contrary.
85. In particular, I conclude that Rule 10.9.1 ADR is concerned with the entirety of the circumstances and the Athlete's degree of Fault with respect to the second violation and the words "*[...] the entirety of the circumstances and the Athlete's [...] degree of Fault with respect to the second violation*" do not permit or allow me to review or consider the circumstances of the earlier ADRV in making that determination. The "*circumstances*" are, in other words, the circumstances with respect to the second violation.

86. Nor do I accept that it is open to the Athlete to challenge, contest, or assert the circumstances in which the first ADRV was established, as relevant to my assessment of any additional sanction. The Athlete accepts that the 2014 proceedings cannot be re-opened. That means that I cannot take account of the background to that matter when considering where, within the appropriate range, the sanction for the second ADRV should fall.

87. Fundamentally, the outcome of 2014 proceedings cannot be called into question in these proceedings. The decision is *res judicata* and it would be inappropriate for me to accede to the invitation to traverse the circumstances of those matters in determining sanction for this second ADRV.

88. In any event, even if, contrary to that view, Rule 10.9.1 ADR permitted me to do so, I would not accept the Athlete's submissions in this regard. First, I do not accept that the length of time since the first ADRV provides any basis for me to assess sanction at the lower end of the range, whether it be nine (9) years prior to the second ADRV or any shorter period. Within the ADR, there are many precise timeframes and time limits. Sometimes athletes are within them, sometimes they are not. For example, for Whereabouts matters, an athlete commits an ADRV if there are three Whereabouts failures within a 12-month period but does not do so if there are three such failures within 18 months. The fact of the 2014 ADRV simply means that the Athlete is subject to Rule 10.9.1 ADR.

89. The Athlete's submissions about his conduct and the assistance he has provided to the AIU, and the AIU's response to those matters in connection with the second ADRV do, however, require consideration. During the hearing, an issue arose as to the extent of assistance provided by the Athlete in connection with the AIU's ongoing investigation [REDACTED]
[REDACTED]
[REDACTED].

90. As a result of that issue, following the hearing, the Parties agreed to the bifurcation of the issue of Ineligibility from the issue of Substantial Assistance. I then issued a minute to the Parties in these terms:

"I am prepared to proceed on the basis that the parties have agreed that the issues of Ineligibility and Substantial Assistance are to be bifurcated on terms as proposed."

[...]".

However, whilst the Parties have agreed that I need not consider the issue of Substantial Assistance at this stage, and that the determination of that issue by me is to be suspended on the terms outlined in Mr Jackson's email dated 26 October 2025, I should advise the Parties that – consistent with the agreed statement of issues and the basis on which the case was argued before me – I intend to take into account the extent of cooperation by the Athlete with the AIU in considering the period of Ineligibility to be imposed. This is consistent, in my view, with Rule 10.9.1 ADR second violation".

The "entirety of the circumstances" may therefore include the cooperation extended by the Athlete to the AIU, to the extent the evidence of that cooperation is now before me, including the additional material filed after the hearing.

91. In response to that minute, the Parties filed submissions on 11 November 2025.
92. Mr Jackson submitted:

"[...] the extent of the Athlete's cooperation is not a relevant consideration under Rule 10.9.1. The Athlete's cooperation is a matter which is to be considered in the context of Substantial Assistance (which has now been bifurcated in these proceedings). Cooperation is a precondition for Substantial Assistance to be applicable according to the definition, which provides (emphasis added):

"Substantial Assistance: For the purpose of Rule 10.7.1, a Person providing Substantial Assistance must: [...] (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested by the Anti-Doping Organisation or hearing panel. [...]"

In addition, the AIU submits that the Rules also contemplate the Athlete's cooperation is to be measured in accordance with Rule 10.7.1 and based on the significance of the Substantial Assistance (i.e., the information) provided to the effort to eliminating doping in sport to establish the length of the otherwise applicable period of Ineligibility that is to be suspended (rather than to determine the period of Ineligibility to be imposed):

"10.7.1 (a) [...] The extent to which the otherwise applicable period of Ineligibility may be suspended will be based on the seriousness of the anti-doping rule violation committed by

the Athlete or other Person and the significance of the Substantial Assistance to the effort to eliminate doping in sport [...]"

Considering the extent of cooperation to determine the period of ineligibility to be imposed and the amount of the period to be suspended would results [sic] in repeat consideration and duplication, which the AIU submits makes little sense. As set out above, the AIU considers that cooperation is an element that constitutes Substantial Assistance per the definition and that this is therefore to be assessed as set out in Rule 10.7.1 by determining the significance of the information that has been provided to the fight against doping in sport rather than in the context of the entirety of the circumstances under Rule 10.9.1.

For the avoidance of doubt, the AIU accepts that the Athlete has "cooperated" to the extent that he has never challenged or disputed that he has committed a second anti-doping rule violation and that this element may be considered in the entirety of the circumstances of his second violation to determine the period of Ineligibility to be imposed under Rule 10.9.1. However, the AIU submits that any reduction should be limited and should be significantly less than the automatic 1-year reduction provided in Rule 10.8.1 to those who admit that they have committed an anti-doping rule violation and accept consequences proposed by the AIU no later than 20 days following a Notice of Charge. The AIU submits that to do so otherwise would risk substantially undermining and devaluing the early admission and acceptance of sanction provided for in Rule 10.8.1.

To the extent that the Chair is not with the AIU and he considers the extent of the Athlete's cooperation in determining the period of Ineligibility to be imposed, then the AIU respectfully requests that the decision clearly sets out those elements of the Athlete's cooperation which have been ascribed to the the [sic] entirety of the circumstances to reduce the period of Ineligibility under Rule 10.9.1 and also which elements go to the Athlete's level of Fault. This will be important if the matter of Substantial Assistance comes back to the Chair or if it is ultimately considered by the AIU to understand what benefit the Athlete has already been given for his cooperation at this point."

93. Ms Binney filed submissions in response, also on 11 November 2025, as follows:

"The "entirety of the circumstances [...] with respect to the second violation" allows the Tribunal to consider all the relevant circumstances when determining the period of ineligibility to be imposed; that is the natural meaning of the "entirety of the circumstances".

The extent of the Athlete's cooperation with the AIU's investigation is part of the circumstances and can be taken into account by the Tribunal.

There is nothing in the wording of either cl 10.9.1 or cl 10.7.1 of the Rules which limits consideration of the Athlete's degree of cooperation to the Substantial Assistance provisions. Nor is it the case that taking cooperation into account under cl 10.9.1 would lead to duplication:

- *The Substantial Assistance provisions and the primary period of ineligibility serve different purposes:*
 - *The purpose of the Substantial Assistance rules is to incentivise the Athlete to provide continued assistance to the AIU in its investigations into other regulated persons. The Substantial Assistance enquiry therefore focusses on the utility of the information provided to the AIU, not on the conduct of the Athlete in providing that information.*
 - *The purpose of cl 10.9.1 is to impose a sanction that properly reflects the gravity of the Athlete's conduct, taking all the surrounding circumstances into account. When considering the appropriate period of suspension under cl. 10.9.1, the Tribunal should take into account all the factors it considers relevant to that assessment. Where the Athlete has sought to cooperate with the AIU, particularly without any deal in respect of Substantial Assistance being on the table, the Tribunal may well take the view that the Athlete's cooperation reduces the overall blameworthiness of the Athlete's conduct in a manner than ought to be reflected in the length of the ban.*
- *It is easy to envisage conduct that would not satisfy the Substantial Assistance requirements but which nonetheless indicates a high degree of cooperation from the Athlete. If the AIU's analysis is right, such conduct would not be taken into account at any stage of the Tribunal's assessment. That would not be fair and would not incentivise Athletes to provide what help they can to the AIU, regardless of whether they are in possession of sufficiently useful information to render Substantial Assistance.*

[...]".

94. I prefer Ms Binney's approach. The entirety of the circumstances with respect to the second violation includes the circumstances in which the ADRV occurred, and in my view,

they also include the circumstances involving the Athlete's cooperation, his acceptance of the ADRV's, and his assistance to the AIU in connection with this investigation [REDACTED]

[REDACTED].

95. In reaching this conclusion, I note that the AIU accepts that the Athlete has cooperated to the extent that he has never challenged or disputed that he committed a second ADRV, and that this element may be considered in the entirety of the circumstances of his second ADRV to determine the period of Ineligibility to be imposed under Rule 10.9.1 ADR.
96. If that conduct may be taken into account it follows that I should be able to take into account ongoing assistance provided to the AIU, irrespective of whether the nature of that assistance may also in due course warrant the application of the Substantial Assistance provisions, and even if it does not.
97. At this point in my assessment, I have concluded that the starting point is that the Athlete is subject to a four (4)year period of Ineligibility, the standard sanction. I have further concluded that Aggravating Circumstances exist which justify increasing the standard sanction by a further 15 months, pursuant to Rule 10.4 ADR.
98. The period of Ineligibility is therefore to be the greater of the periods of Ineligibility in the range between the periods referred to in Rule 10.9.1 (a) (ii) (aa) and (bb) ADR. The range is therefore between seven (7) years and three (3) months ((two (2) years plus five (5) years and three (3) months)) and 10 years and six (6) months ((five (5) years and three (3) months x two (2))).
99. I must determine the period of Ineligibility within this range based on the entirety of the circumstances and the Athlete's degree of Fault with respect to the second violation. On the view I take of the matter, if my assessment stopped there, I would have imposed a total period of Ineligibility of 10 years and 6 months - at the top end of that range.
100. I have already assessed (in assessing the upper and lower limits of the available sanction) the Athlete's degree of Fault with respect to the second ADRV. I have also already assessed the extent to which Aggravated Circumstances are present, and which have led to my assessment of the increased period of Ineligibility to 5 years and 3 months.

101. At this point, the only factor that I have not brought to account in considering the entirety of the circumstances is the conduct of the Athlete himself, in particular in relation to the extent of his cooperation with the AIU.
102. I consider the evidence shows that the Athlete has been transparent with the AIU in respect of his conduct and that he has, as Ms Binney submits, assisted the AIU with its investigations. He has attended an interview (or interviews) with the AIU including to explain fully the circumstances of his offending, and on the evidence before me, he has fully responded to all requests made by the AIU and the Saudi Arabian Anti-Doping Committee.
103. Ms Binney submitted that it is in the interests of clean sport for the kind of conduct the Athlete has exhibited to be incentivised and encouraged, including through the exercise of my discretion as to where within the permitted range a sanction should fall.
104. With respect to the subject of cooperation and as noted previously, the NoC specified the Consequences the AIU sought to be imposed, being a period of Ineligibility of 12 years.
105. The Athlete promptly accepted that he had committed a second ADRV but requested a hearing before the Disciplinary Tribunal to determine the Consequences to be imposed as well as denying that he had breached the terms of his Provisional Suspension, as the AIU had alleged.
106. In her post-hearing submissions, after the Parties agreed to bifurcate the issues of Ineligibility and Substantial Assistance⁸, Ms Binney submitted that where the Athlete has sought to cooperate with the AIU (particularly without any deal in respect of Substantial Assistance being on the table), the Panel may well take the view that the Athlete's cooperation reduces the overall blameworthiness of the Athlete's conduct in a manner that ought to be reflected in the length of the ban.
107. I accept that submission. In this case, the AIU sought the maximum possible sanction against the Athlete – it was not prepared to offer any reduction notwithstanding the Athlete had admitted the second ADRV, and notwithstanding that on the evidence available to me, there is significant material which demonstrates the Athlete's cooperative

⁸ As set out above.

engagement with the AIU in terms of its investigation [REDACTED]

[REDACTED].

108. On the face of the documents provided to me, that assistance has been available to the AIU for a considerable period, dating back to November 2023. The Athlete's witness statement records that he met with the AIU in January 2025 and disclosed that [REDACTED] [REDACTED], as well as providing particulars of the provision of [REDACTED].

109. As I observed to the Parties at the hearing, there are limits to the approach I can take in the absence of full details and evidence of cooperation but, taking into account the evidence I heard at the hearing and the post-hearing evidence supplied, and taking a conservative approach to that, I consider that in setting the overall period of Ineligibility to be imposed upon the Athlete, a reduction of the period of Ineligibility of six months is appropriate.

110. I reach that view making the best of the evidence provided to me and also taking account of Mr Jackson's submission that any reduction should be limited and should be significantly less than the automatic one (1) year reduction provided for by Rule 10.8.1 ADR to those who have admitted that they have committed an ADRV and accept the Consequences proposed by the AIU, no later than 20 days following the issue of a notice of charge.

111. In this case, the Athlete admitted at an early stage that he had committed a second ADRV. He was not prepared to accept the Consequences proposed by the AIU, which were the maximum available. He sought a hearing for the purposes of determining the appropriate length of sanction, and I have decided that something less than the maximum period of Ineligibility, as sought by the AIU, is the appropriate outcome in this case.

112. To that extent, the Athlete has been vindicated in bringing the matter before the Disciplinary Tribunal and placing the circumstances of the matter before it.

113. In principle, I also do not accept the proposition that any reduction should *necessarily* be less than that available under Rule 10.8.1 ADR. What the AIU submission does is emphasise the importance, not only of early admission and acceptance of a proposed

sanction by an Athlete, but the need for the AIU to carefully consider the prospect that it will actually persuade a Panel that the maximum period of Ineligibility (or whatever period of Ineligibility it submits should be imposed) it proposes will be endorsed in due course on full hearing by the Disciplinary Tribunal. I also accept that it may be open to parties to enter into a case resolution agreement, including while the matter is before this Tribunal, but that did not occur here.

114. As requested by Mr Jackson, I indicate that the extent of the reduction to the period of Ineligibility I would otherwise have imposed, reflecting the entirety of the circumstances and the Athlete's degree of Fault with respect to the second ADRV, is six (6) months.

115. The elements, which I have referred to in concluding that the Athlete's level of Fault made that level appropriate, have been set out above, I trust in a way that will assist the Parties in dealing with the Substantial Assistance aspects of the matter.

VII. DISQUALIFICATION AND COSTS

116. Pursuant to Rules 9 and 10.10 ADR, the Panel Disqualifies any results of the Athlete from 26 September 2023 until 2 October 2023, the date of the Athlete's Provisional Suspension. This includes the forfeiture of any medals, titles, awards, points, and prize and appearance money.

117. As to costs, these are in the discretion of the Panel. A number of authorities were cited to me by Mr Jackson, but in those cases where awards were made against the athlete, the reasons that warranted such (generally modest) awards reflected the conduct of the defence, delays, and costs unnecessarily incurred by the AIU and the Panel and so on. Those factors were not present here, where the Parties cooperated to ensure the matter was dealt with expeditiously.

118. Although submissions were made by Mr Jackson in support of an application for a contribution to the AIU's costs, the evidence does not indicate that the Athlete is in a position to meet any award of costs, whether nominal or substantive.

119. He was represented by Ms Binney on a *pro bono* basis. He also enjoyed a measure of success given the outcome of the proceedings, successfully resisting the AIU's submission that a 12-year period of Ineligibility should be imposed. I also note that the CAS Anti-Doping Division did not award costs against the Athlete in respect of the proceedings in 2024.

120. In the circumstances, the Parties are to bear their own costs in the matter.

VIII. DECISION

121. The Disciplinary Tribunal has jurisdiction to determine the matter.

122. A period of Ineligibility of ten (10) years is imposed upon the Athlete, commencing on the date of this decision.

123. The period of Provisional Suspension imposed on the Athlete from 2 October 2023 until the date of this decision is credited against the total period of Ineligibility.

124. The Athlete's results on and since 26 September 2023 until 2 October 2023, (the date of Provisional Suspension) shall be Disqualified with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, and prize and appearance money.

125. The Parties are to bear their own costs.

126. All other prayers for relief are dismissed.

127. The issue of Substantial Assistance is, at the request of the Parties, not determined.

IX. RIGHT OF APPEAL

128. This decision may be appealed exclusively to the Court of Arbitration for Sport (“**CAS**”), located at the Palais de Beaulieu, Avenue des Bergières 10, CH-1004 Lausanne, Switzerland (procedures@tas-cas.org), in accordance with Rule 13 ADR.
129. In accordance with Rule 13.6.1(a) ADR, the Parties shall have 30 days from the receipt of this decision to lodge an appeal with the CAS.

A handwritten signature in black ink, appearing to read "Ian Hunt".

Ian Hunt, (Chair)

On behalf of the World Athletics Disciplinary Tribunal
London, UK
22 December 2025

1 Paternoster Lane, St Paul's London EC4M 7BQ resolve@sportresolutions.com 020 7036 1966

Company no: 03351039 Limited by guarantee in England and Wales
Sport Resolutions is the trading name of Sports Dispute Resolution Panel Limited

www.sportresolutions.com

