



**TAS / CAS**

TRIBUNAL ARBITRAL DU SPORT  
COURT OF ARBITRATION FOR SPORT  
TRIBUNAL ARBITRAL DEL DEPORTE

**CAS 2025/A/11140 Mohamed Katir v. World Athletics**

**CAS 2025/A/11183 World Athletics v. Mohamed Katir**

## **ARBITRAL AWARD**

**delivered by the**

## **COURT OF ARBITRATION FOR SPORT**

**sitting in the following composition:**

President: Mr. Ulrich Haas, Professor in Zurich, Switzerland and Attorney-at-Law in Hamburg, Germany

Co-Arbitrators: Mr. Efraim Barak, Attorney-at-law in Tel Aviv, Israel  
Prof. Luigi Fumagalli, Attorney-at-law in Milan, Italy

**in the arbitration between**

**Mohamed Katir, Spain**

Represented by Mr. Borja Oses, Attorney-at-law with Landaberea & Abogados, Zamudio, Spain  
**- Appellant in CAS 2025/A/11140 and Cross-Respondent in CAS 2025/A/1183 -**

**and**

**World Athletics, Monaco**

Represented by Mr. Adam Taylor and Mr. Nicolas Zbinden, Attorneys-at-law with Kellerhals Carrard, Lausanne, Switzerland

**- Respondent in CAS 2025/A/11140 and Cross-Appellant in CAS 2025/A/11183 -**

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**I. THE PARTIES**

1. Mr. Mohamed Katir (the “Appellant” or “Athlete”) is a Spanish middle- and long-distance runner, affiliated to the Spanish National Athletics Federation and World Athletics.
2. World Athletics (the “Respondent” or “WA”) is the world governing body of the sport of athletics, with its registered seat in Monaco.
3. The Appellant and the Respondent are hereinafter jointly referred to as the “Parties”.

**II. FACTUAL BACKGROUND**

4. Below is a summary of the main relevant facts and allegations based on the Parties’ written submissions, pleadings, evidence adduced in the course of the present proceedings. Additional facts, allegations and evidence may be set out, where relevant, in other parts of this award. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in the award only to the submissions and evidence they consider necessary to explain their reasoning.
5. At the outset, it is prudent to clarify that the present case pertains to an alleged Anti-Doping Rule Violation (ADRV) of “*Tampering or Attempted Tampering with any Part of Doping Control by an Athlete or Other Person*” (hereinafter referred to as “Tampering”) under Rule 2.5 of the World Athletics Anti-Doping Rules (the “ADR”). However, the ADRV in question was made in relation to another ADRV of “*Whereabouts Failures by an Athlete*” (hereinafter referred to as “Whereabouts Failure”) under Rule 2.4 of the ADR. The relevant circumstances around both alleged ADRVs are as follows.

**A. Result Management for Whereabouts Failures Charge**

6. The Athlete provided whereabouts information for the date of 28 February 2023, which includes a one-hour timeslot from 07:00 to 08:00 at his registered address in Murcia, Spain (the “Murcia Address”) in the Anti-Doping Administration & Management System (“ADAMS”).
7. On 28 February 2023, at approximately 20:10, a doping control officer (DCO) instructed by the Athletics Integrity Unit (the “AIU”) arrived at the Murcia Address for an out-of-competition doping (“OoC”) test outside the one-hour timeslot. The DCO was informed by the Athlete’s father and the Athlete that the Athlete was at the residence of his fiancée in Portugal at that time. The DCO left at 21:15.
8. On 2 March 2023, the AIU formally notified the Athlete that an evaluation procedure was initiated against him for an apparent Whereabouts Failure, “*specifically for [his] failure to update [his] whereabouts information as soon as possible after [his] circumstances changed*”, and invited the Athlete to provide an explanation for review (the “2 March Notice”).
9. On 9 March 2023, the Athlete responded to the AIU, stipulating – in relevant parts – as follows:

“[...]

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*As referred to in my Whereabouts information, I was in my house during the slot time that I had written down on this and where clearly you can see that on February 28<sup>th</sup>, my slot time was 07.00 to 08.00. And during this period I can assure you that I was there and nobody came to my house. So for this reason I was totally convinced that I was doing the correct thing. And if somebody comes to my house at 20.10 to do a Control OUT OF THE TIME SLOT, and as far as I understand (please correct me if I am wrong), I am not obliged to stay localized 24 hours a day every day.*

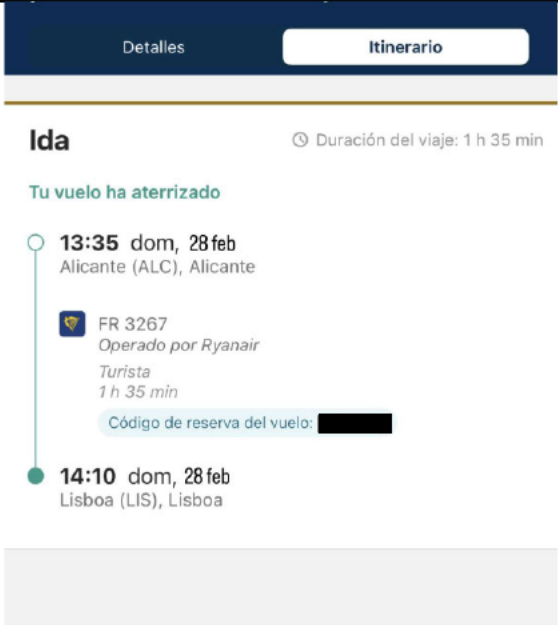
*Once I have given you the facts, let me explain you the situation. On February 28<sup>th</sup>, and after 08.30, I went for an easy training and I received a telephone call from my fiancée, telling me that she was sick and asking me to go to see her. Immediately I made a reservation and took a plane to Lisbon (attached boarding card). As soon as I decided this I also updated my Whereabouts for the following day and I informed Whereabouts about her address in Portugal (attached document). So I think I did everything correctly. Besides, my Whereabouts were updated for the first quarter.*

*In conclusion, I feel sure that I acted according to Whereabouts protocol. For this reason, I hope you acknowledge these allegations as truthful and honest, and that you therefore do not consider this a missed test. Of course I recognise as important and necessary the fight against doping, which I firmly believe in.*

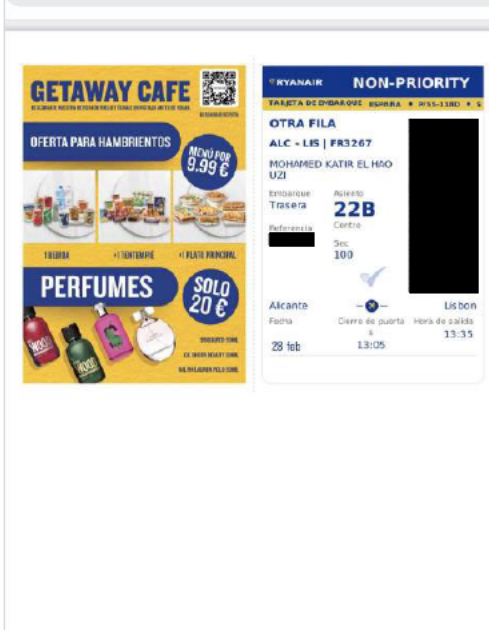
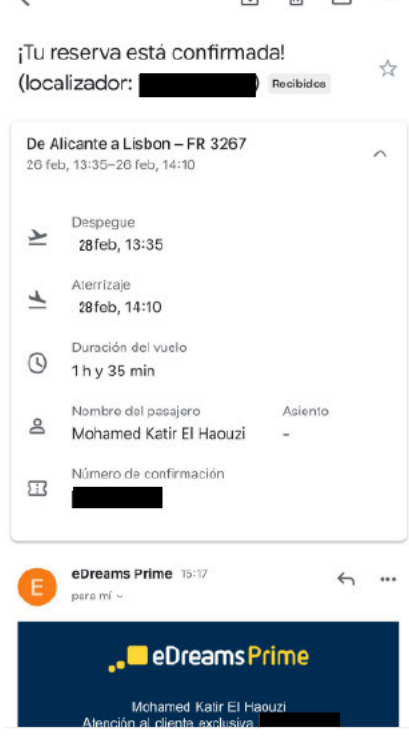
[...]"

*(hereinafter referred to as the "Athlete's Explanation" or the "Athlete's 9 March Letter")*

10. Enclosed with the Athlete's Explanation are – *inter alia* – three pages worth of documents of travel documents, with screenshots reproduced below:

Description	Document Reproduction
<u>The "Travel Itinerary"</u>	 The screenshot shows a flight itinerary for Ryanair flight FR 3267. At the top, there are two tabs: 'Detalles' and 'Itinerario', with 'Itinerario' being the active tab. Below the tabs, the flight is identified as 'Ida' (Outbound) with a duration of 1 h 35 min. A status message 'Tu vuelo ha aterrizado' (Your flight has landed) is displayed. The itinerary shows a departure from Alicante (ALC) at 13:35 on Sunday, February 28th. The flight is operated by Ryanair, is a tourist flight, and has a duration of 1 h 35 min. The reservation code is partially visible as 'Código de reserva del vuelo: [REDACTED]'. The arrival is at Lisboa (LIS) at 14:10 on the same day. The bottom of the screenshot is partially obscured by a grey box.

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Description	Document Reproduction
<p><u>The “Boarding Pass”</u></p>	 <p>The first document is a promotional flyer for 'GETAWAY CAFE' featuring food and drink offers. The second document is a Ryanair boarding pass for flight FR3267 from Alicante (ALC) to Lisbon (LIS) on February 28th, 2023. The passenger is MOHAMED KATIR EL HAO UZI, seated in 22B. The boarding pass also shows the flight status as 'On time' and the departure time as 13:05.</p>
<p><u>The “Booking Confirmation”</u></p>	 <p>The screenshot shows a confirmation message: '¡Tu reserva está confirmada! (localizador: [redacted])'. Below this, it details the flight: 'De Alicante a Lisbon – FR 3267' on '26 feb, 13:35–26 feb, 14:10'. The flight schedule includes: 'Despegue 28feb, 13:35', 'Aterrizaje 28feb, 14:10', and 'Duración del vuelo 1 h y 35 min'. The passenger's name is 'Mohamed Katir El Haouzi' and the confirmation number is '[redacted]'. The eDreams Prime logo is visible at the bottom.</p>
<p>(hereinafter referred to as the “Altered Documents”)</p>	

11. On 22 March 2023 and 28 March 2023, the AIU asked the Athlete to provide the booking confirmation for his flight to Lisbon, in particular, the date he booked the said flight which allegedly

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flew on 28 February 2023.

12. On 29 March 2023, the Athlete did not provide additional information and only produced the Booking Confirmation (as above) again (the “Athlete’s 29 March Letter”), which provided two dates “26 Feb” and “28 Feb”, for which the AIU employee Ms. Clara El Ayat (hereafter referred to as “Ms. El Ayat”) had determined that the Athlete booked his flight on 26 February 2023.
13. On 31 March 2023, the AIU confirmed the Apparent Whereabouts Failure and stipulated – in relevant parts – the following:

*“Further to our letter of 2 March 2023, the Athletics Integrity Unit (“**AIU**”) has confirmed a Whereabouts Failure against you in accordance with the 2021 World Athletics Anti-Doping Rules (the “**Rules**”).*

*[...]*

*On 9 March 2023, the AIU received your explanation in response to the apparent Whereabouts Failure on 28 February 2023. In summary, you stated that on 28 February 2023 after 8.30 a.m. you went for a training session and your fiancée who lives abroad, called you to say that she was ill and that you had to join her urgently, you immediately booked a flight to Lisbon, Portugal and updated your Whereabouts information as soon as your situation changed.*

*Having also attached your flight ticket in your explanation, the AIU also requested the confirmation of your booking flight, which you provided, enabling us to discover that you had in fact booked your flight on 26 February 2023 i.e., two (2) days before your departure and not on the day of the attempt, 28 February 2023 as you stated. Therefore, you did not update your Whereabouts as soon as your circumstances changed.*

*[...]”*

14. On 3 April 2023, the Athlete committed a second Whereabouts Failure in a twelve-month period starting on 28 February 2023.
15. On 10 October 2023, the Athlete committed his third Whereabouts Failure in a twelve-month period starting on 28 February 2023.
16. On 7 February 2024, the AIU issued a Notice of Allegation to the Athlete for a violation of Whereabouts Failure under Rule 2.4 of the ADR, based on his commission of three Whereabouts Failures in the twelve-month period starting on 28 February 2023, which sought Consequences including a period of Ineligibility of two (2) years and a disqualification of the Athlete’s results since 10 October 2023.
17. On 13 February 2024, the Athlete admitted to the ADRV of Whereabouts Failure, and accepted the Consequences specified by the AIU in the Notice of Allegation dated 7 February 2024.
18. On 16 February 2024, the AIU published the decision and details of the Athlete’s admission of the ADRV under Rule 2.4 of the ADR.
19. On 19 February 2024, the Athlete raised certain points to the AIU about the decision published on 16 February 2024, and requested the removal of the reference to “appearance money” and clarification on the sanction involving the forfeiture of appearance money.

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20. On 19 March 2024, the AIU responded to the letter from the Athlete on 19 February 2024 on the appearance money and clarified that the agreed revision to the decision dated 16 February 2024 pertaining to appearance money cannot be excluded practically, given that forfeiture of appearance money is determined between athletes and meeting organisers or third parties.
21. On the same day, the AIU published the amended decision pertaining to the Athlete's ADRV under Rule 2.4 of the ADR, and excluded the term "appearance money".
22. Sometime during the assessment of the Athlete's ADRV on Whereabouts Failure, another employee of the AIU, Mr. Tuomo Salonen (hereinafter referred to as "Mr. Salonen"), noted that there was a potential manipulation of the flight date in the documents on the file, and investigated further.

**B. Result Management for Tampering Charge**

23. On 18 March 2024, the AIU issued a Notice of Allegation to the Athlete for a potential violation of Rule 2.5 on Tampering, including a written demand to attend an interview with the AIU to provide his explanation for the documents that he had submitted.
24. On 3 April 2024, the Athlete attended an interview of the AIU and was accompanied by his legal counsel. At the said interview, the Athlete made the following admissions:
  - (i) He had travelled to Lisbon on 26 February 2023, and not on 28 February 2023 as suggested by the Travel Itinerary, the Boarding Pass, and the Booking Confirmation (also referred to herein as the "Altered Documents") that he previously submitted to the AIU;
  - (ii) He had falsified the Altered Documents to make them look like he travelled to Lisbon on 28 February 2023; and
  - (iii) He had falsified the Altered Documents himself, by using Instagram to change the information on the documents, and no one assisted him.
25. On 9 April 2024, the AIU wrote to the Athlete giving him the opportunity to confirm those admissions and accept the Consequences specified i.e., a period of Ineligibility of six (6) years and disqualification of results since 9 March 2023; failing which, the AIU will proceed to issue him a Notice of Charge.
26. On 15 April 2024, the Athlete replied to the AIU and stated that he was not willing to accept the proposed Consequences.
27. On the same day, the AIU requested for a meeting with the Athlete on the same day.
28. On 17 April 2024, the Athlete expressed willingness to attend the said meeting, but preferred an in-person meeting rather than a videoconference.
29. On 18 April 2024, the AIU confirmed its agreement to hold the meeting and requested the contact details of the Athlete's representative to facilitate the said meeting.

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30. On 22 April 2024, the AIU and the Athlete (via his legal representative) had a video conference, wherein the Athlete's decision not to accept the proposed ADRV and consequences were reaffirmed.
31. On 30 April 2024, the AIU received an email from the Athlete confirming that he will not accept the Consequences proposed by the AIU.
32. On 12 June 2024, the AIU issued the Athlete with a Notice of Charge for the commission of an ADRV pursuant to Rule 2.5 of the ADR, in particular, for the Athlete's submission of falsified/manipulated documents to the AIU on 9 March 2024 and 29 March 2024. The Consequences set out therein were as follows:

*"4.1. In accordance with Rule 10.9.3(a), the (admitted) violation of Rule 2.4, for which you are currently serving a period of ineligibility until 6 February 2026, and the alleged violation of Rule 2.5 that is the subject of this correspondence, would be considered together as a single (first) Anti-Doping Rule Violation resulting in a sanction based on the violation of the two that carries the more severe sanction (i.e., the violation of Rule 2.5), including the application of Aggravating Circumstances.*

*4.2. The Consequences being sought by the AIU (which shall have binding effect on all Signatories to the World Anti-Doping Code, in all sports and countries as per Code Article 15) are:*

*4.2.1. an effective period of ineligibility of five (5) years effective from the date of the final decision in this matter, with credit for the period of Provisional Suspension since 7 February 2024 (provided that this has been effectively served) to run concurrently with the period of Ineligibility of two years already imposed for the Rule 2.4 violation); and*

*4.2.2. Disqualification of your results with all resulting consequences including forfeiture of any medals, titles, points, prize money and prizes since 9 March 2023; and*

*4.2.3. Public Disclosure: the AIU shall immediately Publicly Disclose the full details of this matter in accordance with Rule 14.3.2.*

*4.3. In addition to the foregoing, the AIU may also seek financial consequences against you, including, without limitation, the full recovery of all costs associated with determining the Anti-Doping Rule Violations asserted against you, including all costs associated with any hearing before the Tribunal (see Section 5.B, below)."*

33. On 24 June 2024, the Athlete responded to the Notice of Charge and denied that he had committed an ADRV, and requested a hearing in this matter.

**C. Proceedings before the World Athletics Disciplinary Tribunal (SR/111/2024)**

34. On 15 July 2024, the World Athletics Disciplinary Tribunal (the "Tribunal") was formed with a sole arbitrator, Mr. Charles Hollander KC.
35. On 8 November 2024, an oral hearing was conducted by the Tribunal and the Parties by video-conference, with the Athlete as the only witness.

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36. On 11 December 2024, the Tribunal rendered a decision as follows:

- “a) The Disciplinary Tribunal has jurisdiction to decide over the present matter.*
- b) The Athlete has committed an ADRV pursuant to Rule 2.5 2024 ADR.*
- c) The Athlete is sanctioned with a period of Ineligibility of four (4) years starting on the date of the Disciplinary Tribunal’s Award set out below.*
- d) This period shall operate concurrently with the period of Ineligibility currently being served by the Athlete in relation to the Rule 2.4 ADR violation, and the period of ineligibility being served since 7 February 2024 until the date of the Disciplinary Tribunal’s Award shall be credited against the total period of Ineligibility to be served.*
- e) There will be no Disqualification of any medals, titles, points, prize money, and prizes obtained by the Athlete prior to 7 February 2024.”*

*(the “Tribunal Decision”)*

**III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT**

- 37. On 9 January 2025, the Athlete filed a Statement of Appeal against the Tribunal Decision with the Court of Arbitration for Sport (CAS) in accordance with Article R47 et seq. of the Code of Sports-related Arbitration (the “Code”). The Statement of Appeal included a request for an extension of time limit to file the Appeal Brief, and a nomination of Mr. Efraim Barak as arbitrator. The procedure was docketed as CAS 2025/A/11140.
- 38. On 16 January 2025, the CAS Court Office acknowledged receipt of the Athlete’s Statement of Appeal, and invited the Athlete to file his Appeal Brief within the relevant time-limit.
- 39. On 27 January 2025, World Athletics informed the CAS Court Office that the law firm Kellerhals Carrard will be representing it, and nominated Prof. Luigi Fumagalli as arbitrator.
- 40. On the same day, the Athlete filed his Appeal Brief in accordance with Article R51 of the Code.
- 41. On 29 January 2025, the CAS Court Office acknowledged receipt of the Athlete’s Appeal Brief and set a deadline for World Athletics to file its Answer. The CAS Court Office also confirmed that the present case is of a disciplinary nature and falls under the provisions of Article R65 of the Code.
- 42. On 11 February 2025, the CAS Court Office informed the Parties that Prof. Dr Ulrich Haas has been appointed as President of the Panel by the Division President.
- 43. On 25 February 2025, the CAS Court Office informed the Parties that the Deputy President of the CAS Appeals Arbitration Division has decided to submit the present case to a panel and that in accordance with Article R54 of the Code, the Panel appointed to decide the present matter was constituted as follows:

President: Mr. Ulrich Haas, Professor in Zurich, Switzerland and Attorney-at-



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Law in Hamburg, Germany

Co-Arbitrators: Mr. Efraim Barak, Attorney-at-law in Tel Aviv, Israel  
Prof. Luigi Fumagalli, Attorney-at-law in Milan, Italy

44. On 7 March 2025, World Athletics, within the previously extended time limit, filed its Answer in accordance with Article R55 of the Code.
45. On the same day, World Athletics filed its Statement of Appeal and Appeal Brief on the cross-appeal against the same Tribunal's Decision, which was docketed as CAS 2025/A/11183.
46. On 11 March 2025, the CAS Court Office acknowledged receipt of World Athletics' Answer in the matter CAS 2025/A/11140, as well as its Statement of Appeal and Appeal Brief for CAS 2025/A/11183. The CAS Court Office confirmed that CAS 2025/A/11183 is also subjected to Article R65 of the Code, and will be submitted to the same Panel as CAS 2025/A/11140. The CAS Court Office also set a deadline for the Athlete to file his Answer in the matter CAS 2025/A/11183.
47. On 8 April 2025, the Athlete, within the previously extended time limit, filed his Answer in CAS 2025/A/11183, in accordance with Article R55 of the Code.
48. On 9 April 2025, the CAS Court Office acknowledged receipt of the Athlete's Answer and invited the Parties to inform it whether they prefer a hearing on the matter, and whether they request for a case management conference ("CMC") with the Panel to be held.
49. On 16 April 2025, World Athletics informed the CAS Court Office that it does not believe that a hearing or a CMC is necessary and that it is content for the present case to be decided on the basis of the written submissions.
50. On the same day, the Athlete informed the CAS Court Office that it also does not believe that a hearing or a CMC is necessary and that the Panel may issue its award solely on the basis of the Parties' submissions.
51. On 20 May 2025, the CAS Court Office clarified and confirmed that the proceedings of CAS 2025/A/11140 and CAS 2025/A/11183 are submitted to the same Panel and consolidated in accordance with Article R52(5) of the Code. Additionally, the CAS Court Office issued an Order of Procedure ("OoP") and invited the Parties to return signed copies thereof.
52. On 26 May 2025, the Appellant and on 21 May 2025 the Respondent returned a signed copy of the OoP to the CAS Court Office.

**IV. SUBMISSION OF THE PARTIES**

53. This section of the award does not contain an exhaustive list of the Parties' contentions, its aim being to provide a summary of the substance of the Parties' main arguments. In considering and deciding upon the Parties' claims in this award, the Panel has accounted for and carefully considered all of the submissions made and evidence adduced by the Parties, including allegations and arguments not mentioned in this section of the award or in the discussion of the claims below.

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**A. The Athlete's Position**

54. The Athlete submitted his appeal under CAS 2025/A/11140 and responded to the appeal of World Athletics under CAS 2025/A/11183.

*i. Requests for Relief*

55. In the appeal case of CAS 2025/A/11140, the Athlete seeks the following relief before this Court:

*“On these grounds, Mohamed Katir requests the Court of Arbitration for Sport decide as follows:*

- 1. The decision of the World Athletics Disciplinary Tribunal dated 11 December 2024 is set aside.*
- 2. It is declared that the Athlete has not committed any Anti-Doping Rule Violation, and no period of ineligibility is imposed.*
- 3. Alternatively, the minimum period of ineligibility is imposed, considering the lack of impact on the anti-doping process, the absence of intent to subvert the procedure, and the proportionality of the sanction.*
- 4. A contribution towards the Appellant's legal fees and other expenses incurred in this arbitration is granted.”*

56. In his Answer in the matter of CAS 2025/A/11183, the Athlete filed the following requests for relief:

*“On those grounds, Mohamed Katir requests that the Court of Arbitration for Sport decide as follows:*

- 1. The appeal lodged by World Athletics against the decision rendered by the Disciplinary Tribunal on 11 December 2024 is rejected.*
- 2. The entire costs of the proceedings, if any, and a contribution towards the legal fees and other expenses of Mohamed Katir are paid by the Appellant.”*

*ii. Jurisdiction for CAS 2025/A/11140*

57. The Athlete contends that the jurisdiction of the CAS arises out of Article R47 of the Code, read together with Rules 13.2 and 13.2.1 of the ADR; in particular, that the Athlete was an “International-Level Athlete” at material time.
58. The Athlete further contends that his Statement of Appeal and Appeal Brief are admissible as they were submitted by the Appellant within the prescribed time limits.

*iii. Applicable Law*

59. The Athlete maintains that Article R58 of the Code, read together with Rules 13.7.4 and 13.7.5 of the ADR, provides that the World Athletics' regulatory framework ought to apply to the

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present case, with Monegasque law to apply subsidiarily.

iv. Submissions on the Merits for CAS 2025/A/11140

60. The Athlete submits that the definition and application of a Tampering charge under Rule 2.5 of the ADR requires significant subversion of the doping control process, which is not present in the instant case.
- (i) The detailed definition of “Tampering” as provided in Appendix 1 (Definitions) of the ADR describes “Tampering” as “*intentional conduct that subverts the doping control process*”, which includes acts such as “*offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body to affect Results Management or the imposition of Consequences*”.
  - (ii) Rule 5.7.10 of the ADR further provides that “[i]f an Athlete or other Person obstructs or delays an investigation (e.g., by providing false, misleading or incomplete information or documentation and/or by tampering or destroying any documentation or other information that may be relevant to the investigation), proceedings may be brought under Article 2.5”.
  - (iii) The above provides that Tampering requires intentional interference with or obstruction of the doping control process, such as delaying or obstructing the investigation or results management in a tangible and meaningful way.
  - (iv) This interpretation has been consistently upheld in legal jurisprudence, wherein Tampering violations have only been upheld in cases which involve deliberate efforts to mislead, obstruct or undermine the doping control process.
    - In CAS 2015/O/4128, the athlete submitted a falsified medical report which was determined by the panel therein as a Tampering violation as it was a deliberate act intended to mislead the result management process and justify a positive test result.
    - In SR/Adhocsport/140/2018 (IAAF v. Jemima Sumgong), the athlete submitted false medical reports to justify the EPO in her system, which was determined by the tribunal as a Tampering violation.
    - In CAS 2021/A/7983 & CAS 2021/A/8059 (the “McNeal Decision”), the athlete altered the date of a medical procedure to attempt to justify her failure to respond to a doping control, which was determined by the panel as a Tampering violation.
    - In SR/009/2020 (World Athletics v. Wilson Kipsang), the athlete submitted falsified documents to explain a Missed Test, which was determined by the tribunal as an act of Tampering.

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- In CAS 2017/A/4937, the panel considered whether a simple lie would constitute a Tampering violation and concluded that while dishonesty was relevant, it does not automatically constitute as Tampering as the violation would require an intentional and substantial effort to obstruct the doping control process.
  - (v) The legal jurisprudence collectively establishes that Tampering under Rule 2.5 of the ADR involves a conduct that goes beyond providing false information and requires an intentional act that materially subverts or obstructs the doping control process, such as delaying an investigation, affecting results management, or undermining the integrity of the disciplinary proceedings.
61. The Athlete also contends that there was an erroneous interpretation and reasoning of the Filing Failure ADRV, pursuant to the applicable regulations.
- (i) The Tribunal Decision is alleged by the Athlete to contain a fundamental error in reasoning, in particular on the establishment of the Whereabouts Failure (Filing Failure) and its connection to the Athlete's letter dated 9 March 2023.
  - (ii) The Tribunal Decision concludes that the Whereabouts Failure could not be considered fully established until the receipt of the Athlete's letter on 9 March 2023, as the Whereabouts Failure requires negligence, and the said letter provided the explanation to avoid the Filing Failure from being recorded; this is alleged to be incorrect by the Athlete.
  - (iii) Under the applicable regulations, a Whereabouts Failure is determined based on two criteria: (1) the Athlete's absence during the designated timeslot in ADAMS (making it a *Missed Test*), or (2) the failure of the Athlete to update their ADAMS Whereabouts as soon as possible after becoming aware of a change in circumstances (*Filing Failure*).
  - (iv) However, the first instance of Whereabouts Failure – which is central to the Tampering allegation – constitutes a Filing Failure and not a Missed Test, as the DCO arrived at the Athlete's registered location *outside* the designated 60-minute time slot for conducting the test.
  - (v) The obligations of athletes on their updates for Whereabouts are defined in the ISTI, viz, Articles 4.8.6.2 and 4.8.8.6, with the latter requiring:

*"An Athlete who is in a Registered Testing Pool shall:*

    - a) Make quarterly Whereabouts Filings that provide accurate and complete information about the Athlete's whereabouts during the forthcoming quarter, including identifying where they will be living, training, and competing during that quarter, and to update those Whereabouts Filings where necessary, so that they can be located for Testing during that quarter at the times and locations specified in the relevant Whereabouts Filing, as specified in Article 4.8.8. A failure to do so may be declared a Filing Failure."*
  - (vi) Pursuant to the above, athletes have two primary obligations: (1) initial filing of their detailed and accurate information about their Whereabouts for the entire quarter; and (2) ongoing updates, wherein athletes must promptly update their Whereabouts whenever their circumstances change to ensure that the information remains accurate and facilitates potential testing.

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- (vii) Article 4.8.8.6 of the ISTI further emphasises the importance of timely updates, in particular *“prior to the 60-minute time slot specified in their filing for the relevant day”*.
- (viii) The above highlights the importance of the duty of athletes to reflect changes in circumstances by ensuring that any change in location is promptly updated and the duty to ensure the timeliness of the updates by submitting them *“as soon as possible”*. In particular, the requirement for athletes to update their Whereabouts prior to the 60-minute slot is a fundamental obligation to ensure the integrity of the doping control process.
- (ix) To establish a Filing Failure under Rule 2.4 of the ADR, an athlete must either fail to provide accurate and complete Whereabouts information, or fail to update such information in a timely manner when circumstances change. The ISRM, in particular, Article B.1.3 of Annex B, provides clarity on when a Filing Failure is deemed to have occurred and ties the violation to specific factual circumstances and timing:

*“For purposes of determining whether a Whereabouts Failure has occurred within the 12-month period referred to in Code Article 2.4:*

*a) A Filing Failure will be deemed to have occurred (i) where the Athlete fails to provide complete information in due time in advance of an upcoming quarter, on the first day of that quarter, and (ii) where any information provided by the Athlete (whether in advance of the quarter or by way of update) transpires to be inaccurate, on the (first) date on which such information can be shown to be inaccurate.”*

- (x) From the above provision, there are two distinct scenarios for which an athlete can be deemed as having committed a Filing Failure:
  - For failure to provide complete quarterly information: Filing Failure is deemed to have occurred on the first day of the relevant quarter.
  - For failure to provide accurate updates: Filing Failure is deemed to have occurred on the first day when any information provided by the Athlete (advance of quarter or as an update) is identified as inaccurate or incomplete.
- (xi) The Filing Failure attributed to the Athlete in the present case was fully and conclusively established on the date of the doping control attempt, viz, 28 February 2023, when the DCO arrived at the Athlete’s registered location and found him absent. The DCO immediately became aware that the information recorded in ADAMS was inaccurate for 28 February 2023, and it was evident that the Athlete had not fulfilled his obligations to update his Whereabouts Filing.
- (xii) Article B.2.1 of Annex B, ISRM, sets forth criteria which has to be fulfilled before an athlete can be declared to have committed a Filing Failure, in part, to ensure a structured and fair process for the determination of such violations and include safeguards to ensure violations are grounded in clear, objective evidence and procedural integrity, as follows:

*“B.2.1 An Athlete may only be declared to have committed a Filing Failure where the Results Management Authority establishes each of the following:*

*a) That the Athlete was duly notified: (i) that they had been designated for inclusion in a Registered Testing Pool; (ii) of the consequent requirement to make*

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*Whereabouts Filing; and (iii) of the Consequences of any Failure to Comply with that requirement;*

*b) That the Athlete failed to comply with that requirement by the applicable deadline;*

*[Comment to Article B.2.1(b): An Athlete fails to comply with the requirement to make Whereabouts Filing (i) where they do not make any such filing, or where they fail to update the filing as required by Article 4.8.8.6 of the International Standard for Testing and Investigations; or (ii) where they make the filing or update but do not include all of the required information in that filing or update (e.g. they do not include the place where they will be staying overnight for each day in the following quarter, or for each day covered by the update, or omit to declare a regular activity that they will be pursuing during the quarter, or during the period covered by the update); or (iii) where they include information in the original filing or the update that is inaccurate (e.g., an address that does not exist) or insufficient to enable the Anti-Doping Organization to locate them for Testing (e.g., “running in the Black Forest”).]*

*c) In the case of a second or third Filing Failure, that they were given notice, in accordance with Article B.3.2(d), of the previous Filing Failure, and (if that Filing Failure revealed deficiencies in the Whereabouts Filing that would lead to further Filing Failures if not rectified) was advised in the notice that in order to avoid a further Filing Failure they must file the required Whereabouts Filing (or update) by the deadline specified in the notice (which must be within 48 hours after receipt of the notice) and yet failed to rectify that Filing Failure by the deadline specified in the notice; and*

*[Comment to Article B.2.1(c): All that is required is to give the Athlete notice of the first Filing Failure and an opportunity to avoid a subsequent one, before a subsequent Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Filing Failure before pursuing a second Filing Failure against the Athlete.]*

*d) That the Athlete’s failure to file was at least negligent. For these purposes, the Athlete will be presumed to have committed the failure negligently upon proof that they were notified of the requirements yet did not comply with them. That presumption may only be rebutted by the Athlete establishing that no negligent behavior on their part caused or contributed to the failure.”*

- (xiii) Under Article B.2.1(d) of Annex B of the ISRM, there is a requirement of *negligence* as a requisite element to establish a Filing Failure. This requisite creates a *presumption iuris tantum* of negligence which only operates once it can be demonstrated that the athlete was duly notified of their Whereabouts obligations and failed to comply. However, athletes are permitted to rebut this presumption by providing evidence that no negligent behaviour on their part caused or contributed to the Filing Failure.
- (xiv) The Tribunal Decision failed to properly address or apply the *presumption iuris tantum* of negligence, which will allow the Athlete to present evidence to rebut the presumption

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of negligence. The Athlete neither presented arguments nor provided evidence to rebut this presumption of negligence.

- (xv) As such, the date of the Filing Failure must have been determined to have occurred on 28 February 2023, as the Athlete's failure to update his Whereabouts by the relevant deadline was negligent under the application rules. The Tribunal Decision's omission of this key procedural mechanism and its failure to acknowledge that the Athlete did not contest the Filing Failure, undermines the legal soundness of its conclusions.

62. The Athlete maintains that his 9 March Letter does not constitute evidence of Tampering.

- (i) The Tribunal Decision is fundamentally based on the Athlete's 9 March Letter, to substantiate the commission of the Tampering violation, but the analysis of this Letter reveals that at no point does the Athlete attempt to challenge the Filing Failure recorded on 28 February 2023, but only to provide an explanation regarding the first Missed Test. There is no dispute by the Athlete on the Filing Failure.
- (ii) In the 9 March Letter, the Athlete was responding to a notification issued by the AIU on 2 March 2023 which informed him of an attempted doping control outside the designated 60-minute slot on 28 February 2023. The Athlete emphasised that he was at his registered location during the specific slot on 28 February 2023, viz, between 07:00 and 08:00.
- (iii) The Athlete's sole objective of the 9 March Letter was to clarify and explain the circumstances surrounding the attempted doping control on 28 February 2023 and endeavoured to prevent the incident from being recorded as a Missed Test. The Athlete does not dispute or challenge the Filing Failure.
- (iv) Notwithstanding the Athlete's assertion that he travelled to Lisbon on 28 February 2023 after 08:30, the Athlete concedes that he did not update his overnight location in ADAMS prior to his travel, thereby implicitly acknowledging that the information on ADAMS was not updated "as soon as possible" as required under Article 4.8.8.6 of the ISTI.
- (v) Under Article B.1.3 of Annex B of the ISRM, a Filing Failure is deemed to have occurred "*on the first date on which such information can be shown to be inaccurate*", which would be 28 February 2023, when the doping control officer determined that the Athlete was not at the location he had indicated on ADAMS. The 9 March Letter does not contest this fact but confirms the change in circumstances, the Athlete's travel to Portugal, and his failure to update his whereabouts information on ADAMS.
- (vi) In the 9 March Letter, the Athlete requested that the incident on 28 February 2023 not be recorded as a Missed Test, demonstrating that his sole intention was to address the Missed Test, not contest the Filing Failure.
- (vii) Notably, the 9 March Letter does not present any arguments or evidence to rebut the presumption of negligence. The contents of the 9 March Letter implicitly confirms the Filing Failure by acknowledging that the Athlete travelled to Lisbon on 28 February 2023 without updating his Whereabouts information on ADAMS, which supports the conclusion that the Filing Failure was committed as of 28 February 2023.

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- (viii) As such, the Tribunal Decision was wrong in relying on the 9 March Letter to establish a Tampering violation. The contents of the 9 March Letter neither contests the Filing Failure or indicate any attempt to subvert or obstruct the doping control process, but reinforces the conclusion that the Filing Failure was appropriately recorded based on the Athlete's non-compliance with his Whereabouts obligations.
  - (ix) Recalling CAS 2017/A/4937 wherein it was determined by the panel that “[t]elling a lie does not equate to committing ‘fraud’ or providing ‘fraudulent information’”, the 9 March Letter constitutes a “simple lie”, with no intention to subvert or interfere with the doping control process, and therefore insufficient to constitute Tampering.
63. The Athlete submits that the Altered Documents did not subvert or obstruct the doping control process as the Filing Failure was established independently from the Altered Documents, thereby not supporting the Tampering ADRV.
- (i) The Altered Documents submitted by the Athlete had no bearing on the determination of the Filing Failure, as the Filing Failure was established based on the Athlete's failure to comply with his obligations under Article 4.8.8.6 ISTI, viz, his failure to update his Whereabouts in ADAM “as soon as possible” after becoming aware of his travel plans to Portugal.
  - (ii) The contents of the Altered Document did and could not alter the fundamental basis of the Filing Failure, which was committed by the Athlete being absent at the registered location on 28 February 2023 and his failure to update ADAMS to reflect his actual location or overnight stay. Whether the Athlete travelled to Portugal on 26 or 28 February is immaterial to the determination of the Filing Failure. As such, there was no subversion or obstruction of the doping control process required under Rule 2.5 ADR for a finding of Tampering.
  - (iii) The Filing Failure was established independently and without interference from the Altered Documents, which violation was not contested by the Athlete in the 9 March Letter and subsequent communications.
  - (iv) Rule 5.7.10 of the ADR emphasises that for the finding of Tampering, there must be tangible consequences, such as the obstruction or delay of an investigation. In the present case, there is no evidence that the Altered Documents delayed or obstructed the result management process relating to the Filing Failure, and thereby cannot form the basis of a Tampering violation under Rule 2.5 of the ADR.
64. The Athlete maintains that his conduct cannot constitute Tampering as there was no subversion or obstruction of the doping control process.
- (i) The conduct of the Athlete does not qualify as Tampering under Rule 2.5 of the ADR, which requires intentional conduct that subverts or obstructs the doping control process.
  - (ii) The Filing Failure was established by the Athlete's absence at the registered location on 28 February 2023 and his failure to update ADAMS to reflect his actual location or overnight stay according to Article 4.8.8.6 of the ISTI. The Filing Failure was committed and



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determined independently from any subsequent submissions and explanations provided by the Athlete.

- (iii) There is no evidence that the Athlete's actions obstructed or delayed the doping control process as required under Rule 2.5 of the ADR. Rule 5.7.10 of the ADR further emphasises that Tampering requires a tangible impact on the investigation or results management process. The Altered Documents did not obstruct or delay any aspect of the process, wherein the AIU was aware of the Filing Failure and confirmed it on 31 March 2023, solely based on the Athlete's absence at the registered location on 28 February 2023 and his failure to update ADAMS to reflect his actual location or overnight stay. The Altered Documents submitted by the Athlete played no role in determining the Filing Failure and did not influence the outcome of the results management process.
- (iv) The Tribunal Decision was wrong to rely on the Altered Documents to supporting the finding of Tampering. In any event, the timeline and procedural context of the anti-doping process demonstrate that the Athlete's action did and could not obstruct or subvert the doping control process:
  - There are three key stages of Whereabouts Failure cases, (1) the moment the Filing Failure occurs (2) the moment that the AIU informs the Athlete of the Whereabouts Failure; and (3) the moment the AIU confirms the Filing Failure.
  - The timeline relating to the Athlete's Filing Failure on 28 February 2023 reveals that there is no such obstruction or subversion:

Whereabouts Failure	Date of Failure	Date of AIU Notification	Date of AIU Determination	Time Between Failure and Notification	Time Between Failure and Determination
1st	28-02-2023	02-03-2023	31-03-2023	2 days	31 days
2nd	03-04-2023	06-04-2023	28-04-2023	3 days	25 days
3rd	10-10-2023	17-10-2023	12-12-2023	7 days	63 days

- The timeframes for the first Whereabouts Failure (*viz*, the Filing Failure) are shorter or comparable to the timeframes for the second and third Whereabouts Failures, which indicates that the Athlete's actions – including the submission of the Altered Documents – did not obstruct or delay the AIU's determination of the Filing Failure recorded on 28 February 2023.
- Moreover, the short timeframe between the Athlete's submission of the Altered Documents (9 March 2023 and 29 March 2023) and the AIU's determination of the Filing Failure (31 March 2023) further disproves any allegation of obstruction or subversion. In fact, the AIU confirmed the Filing Failure just two days after the Athlete's second submissions on 29 March 2023.
- The short and nominal time elapsed between the Athlete's submissions and the

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AIU determination of the Filing Failure demonstrates that the Altered Documents had no impact on the anti-doping process, and that the Filing Failure was established independently of the submission of the Altered Documents.

- Additionally, the Athlete ultimately accepted the Filing Failure for 28 February 2023 notwithstanding the Altered Documents that he submitted, which further underscores that the Altered Documents did not influence the AIU's determination of the Filing Failure or the result management process.
- The timeline and procedural facts show that the Athlete's actions, including submitting the Altered Documents, do not meet the threshold for Tampering under Rule 2.5 of the ADR.

65. Further and/or in the alternative, the Athlete submits that the circumstances warrant a reduction of the Period of Ineligibility to two years.

(i) Rule 10.3.1 of the ADR provides that:

*“For violations of Rule 2.3 or Rule 2.5, the period of Ineligibility will be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility will be two (2) years; (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility will be in a range from two (2) years to four (4) years depending on the Athlete's or other Person's degree of Fault; or (iii) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility will be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.”*

- (ii) The Athlete's conduct through the process demonstrates a willingness to cooperate, as evidenced by his admission of a violation of Rule 2.4 of the ADR, which justifies the reduction of the Period of Ineligibility to two years.
- (iii) The Athlete had reasonably believed that accepting the two-year Period of Ineligibility for his violation of Rule 2.4 of the ADR would fully address any potential culpability relating to the explanations and documents he provided to the AIU. The decision to accept the charge and sanction for Whereabouts Failure under Rule 2.4 of the ADR reflects the Athlete's acknowledgement of responsibility and his good faith intention to cooperate with the anti-doping process.
- (iv) The Athlete's actions, at no point, sought to obstruct or undermine the anti-doping process. The Athlete's submission of the Altered Documents was solely an attempt to provide an explanation for his absence at the registered location on 28 February 2023, not to influence the outcome of the process. In fact, the Athlete implicitly admitted to the Filing Failure recorded on 28 February 2023 along with the associated violation of Rule 2.4 of the ADR, demonstrating transparency and willingness to comply with the process.

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- (v) The Athlete's actions of submitting the Altered Documents or the 9 March Letter caused no delay or disruption to the anti-doping process, wherein it has been shown that the Filing Failure was determined and processed within standard timeframes for similar cases. The Altered Documents had no effect on the result management process or the integrity of the anti-doping process. The determination of the Filing Failure was independent from the Altered Documents submitted by the Athlete.
  - (vi) There are compelling circumstances that establish the existence of exceptional conditions to justify the reduction of the Period of Ineligibility to two years. The Athlete's conduct was consistently marked by transparency, cooperation, and the absence of any intention of obstruct or subvert the doping control procedure; and did not cause any delay or disruption to the process.
66. The Athlete contends also that the present charge of Tampering under Rule 2.5 of the ADR should be considered as a "single first violation" together with the Whereabouts Failure under Rule 2.4 of the ADR, and the same Period of Ineligibility of two years should apply.
- (i) Rule 10.9.3(a) of the ADR provides that:

*"For the purposes of imposing sanctions under Rule 10.9, except as provided in Rules 10.9.3(b) and 10.9.3(c), an anti-doping rule violation will only be considered a second (or third, as applicable) violation if the Integrity Unit can establish that the Athlete or other Person committed the additional antidoping rule violation after the Athlete or other Person received notice pursuant to Rule 7, or after the Integrity Unit made reasonable efforts to give notice, of the first anti-doping rule violation. If the Integrity Unit cannot establish this, the violations will be considered together as one single first violation, and the sanction imposed will be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances."*
  - (ii) Following the above, the alleged Tampering violation in the present case should not be treated as a separate second violation as it was only communicated to the Athlete after he had already accepted a sanction for the Rule 2.4 ADR violation. The Whereabouts Failure violation and the present Tampering violation should be considered as a single first violation, with the sanction based on the more severe violation.
  - (iii) Given that the sanction for Whereabouts Failure was two years, the same Period of Ineligibility could apply to the present charge of Tampering if the above exceptional circumstances are considered. The more severe sanction to be imposed would therefore be a two-year Period of Ineligibility.
  - (iv) Under CAS jurisprudence, any sanctions imposed must be proportionate to the violation committed (CAS 2016/O/4469) and excessive sanctions are prohibited (CAS 2005/C/976 & 986, para. 143). A sanction of four-year Period of Ineligibility would be disproportionate as it would effectively compel the Athlete to abandon his career in athletics.
  - (v) If the Panel determines that the Athlete committed a Tampering violation under Rule 2.5

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of the ADR, a two-year Period of Ineligibility remains the most appropriate and proportionate sanction, as it would ensure that the disciplinary measure reflects the circumstances and the conduct of the Athlete, which neither compromised the anti-doping process or caused any material delay or obstruction.

v. Answer to Appeal of World Athletics for CAS 2025/A/11183

67. In response to the appeal of World Athletics for an increase in Period of Ineligibility based on aggravating circumstances, the Athlete maintains that the Tribunal Decision rightly concluded against it.

(i) The Tribunal rightly considered that there was no aggravating circumstance in the present case, highlighting that:

- The Athlete's conduct did not result in any actual advantage.
- The Athlete's promptly admitted the facts during his first interview with the AIU.
- The manipulation of the Altered Documents and the 9 March Letter occurred in relation to the Athlete's first Whereabouts Failure, and is therefore not a repeated or more serious violation
- Since Tampering inherently involves an intentional deceptive conduct, the standard Period of Ineligibility (*viz*, four years) would already reflect the same.

(ii) World Athletics miscategorises the Athlete's conduct as repeated or sustained, given that the Athlete's conduct is a single and indivisible course of action aimed solely at justifying his absence from his residence on 28 February 2023. In particular, the submission on 29 March 2023 was in relation to the AIU's repeated request for the Athlete to submit further documents, and form part of the same chain of event. The Athlete's submission on 29 March 2023 cannot be separated into independent or successive acts of misconduct.

(iii) The Athlete did not proceed to seek an administrative review after the AIU determined his first Whereabouts Failure on 31 March 2023.

(iv) Rule 10.3 of the ADR only authorises an increased Period of Ineligibility when aggravating circumstances are established by the AIU and when they can justify such an increase based on the "*seriousness of the violation and the nature of the Aggravating Circumstances*".

(v) Appendix I of the ADR provides illustrative examples of what constitutes Aggravating Circumstances, such as the use or possession of multiple Prohibited Substances or Methods, repeated violations, or efforts to obstruct the adjudication process; which are all not present in the instant case, in particular:

- There was no use or possession of any Prohibited Substances or Methods.

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- The Athlete only committed a single ADRV, and there is no basis to suggest that there are multiple or repeated breaches.
  - There was no pattern of obstruction or ongoing deception.
- (vi) The Athlete was subjected to three out-of-competition doping controls immediately before and after 28 February 2023, and the results do not support the presence of any performance-enhancing intent or effect.
- (vii) World Athletics failed to provide a concrete and reasoned basis to support the application to apply Aggravating Circumstances pursuant to Rule 10.4 of the ADR. If the reasoning provided by World Athletics is accepted, an exceptional measure will become a default rule, it would mean that all Tampering violations would warrant a sanction above the standard four-year ban.
68. With regards to World Athletics' position on the disqualification of results from 9 March 2023 to 7 February 2024, pursuant to Rule 10.10 of the ADR, the Athlete submits that disqualification is not automatic and should not apply in the present case as "fairness requires otherwise", as invoked by the Tribunal in the Tribunal Decision.
- (i) The Tribunal Decision was correct in deciding that fairness did not support the disqualification of results obtained prior to the Athlete's provisional suspension as the Athlete did not gain any competitive advantage from the alleged act of Tampering, which was committed in the context of the first Whereabouts failure on 28 February 2023. The deception then was intended to explain the Athlete's absence and had no bearing on the Athlete's sporting performance.
  - (ii) Under Rule 10.10 of the ADR, it is only lawful and equitable to impose a disqualification of results from the start of the provisional suspension, which is in line with CAS jurisprudence (CAS 2016/O/4481; 2022/A/9033)
  - (iii) Between 9 March 2023 and 7 February 2024, there were 16 doping controls with negative results, which serve as objective evidence that the Athlete did not engage in doping during the period in question and should not have his sporting results during that period disqualified.
  - (iv) Further, the alleged Tampering in the present case did not interfere with or delay the imposition of the provisional suspension, wherein the Athlete did not contest the Whereabouts violation under Rule 2.4 of the ADR.
  - (v) As such, extending the disqualification of the Athlete's results in the absence of any AAF would constitute a manifestly disproportionate and unfair sanction, inconsistent with Rule 10.10 ADR.

**B. World Athletics' Position**

69. World Athletics responded to the appeal of the Athlete under CAS 2025/A/11140 and submitted its appeal under CAS 2025/A/11183.

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i. Requests for Relief

70. In its Answer to the appeal of the Athlete under CAS 2025/A/11140, World Athletics sought the following relief before this Panel:

*“World Athletics requests that the CAS Panel grants the following relief:*

*(i) The appeal of Mr Mohamed Katir is dismissed.*

*(ii) The decision of the World Athletics Disciplinary Tribunal dated 11 December 2024 in case SR/211/2024 is upheld.*

*(iii) Mr Mohamed Katir is to bear the arbitration costs of these proceedings, if any.*

*(iv) World Athletics is granted a significant contribution to its legal costs and expenses incurred in relation to these proceedings.”*

71. In its Statement of Appeal and Appeal Brief under CAS 2025/A/11183, World Athletics sought the following relief before this Court:

*“WA respectfully requests that the Panel grant the following relief:*

*(i) The Appeal of World Athletics is admissible.*

*(ii) Mohamed Katir is found to have committed the anti-doping rule violation of Tampering and/or Attempted Tampering pursuant to Rule 2.5 of the WA 2021 ADR.*

*(iii) The decision of the World Athletics Disciplinary Tribunal dated 11 December 2024 is set aside, solely in relation to the period of Ineligibility and disqualification of results to be imposed upon Mohamed Katir.*

*(iv) Mohamed Katir is sanctioned with a period of Ineligibility of five years pursuant to Rules 10.3.1 and 10.4 and 10.9.3(a) of the WA 2021 ADR, to commence on the date of the Panel’s award. Any period of provisional suspension and/or period of ineligibility effectively served by Mohamed Katir shall be credited against the period of Ineligibility imposed upon him.*

*(v) All competitive results obtained by Mohamed Katir between 9 March 2023 and 7 February 2024 shall be disqualified, with all resulting Consequences including forfeiture of any medals, titles, points, prize money, and prizes, pursuant to Rule 10.10 WA 2021 ADR.*

*(vi) Mohamed Katir is to bear the arbitration costs of the proceedings, if any.*

*(vii) Mohamed Katir is to provide a significant contribution to World Athletics’ legal costs in relation to the proceedings.*

ii. Jurisdiction and Admissibility

72. World Athletics submits that this Panel has jurisdiction to hear the present dispute under Article R47 of the Code read together with Rule 13.2.1 of the ADR.

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73. World Athletics further submits that its Appeal under CAS 2025/A/11183 is admissible under Rule 13.2.4 of the ADR, which provides that the deadline for cross-appeals is “*at the latest with the party’s answer to the appeal*”.

iii. Answer to Appeal of the Athlete for CAS 2025/A/11140

74. World Athletics preliminarily contends that the Athlete’s arguments are spurious and do not reflect the overwhelming trend of case law on Tampering or the way in which the Whereabouts provisions of the ADR operate. Further, the Athlete’s arguments were similar before the Tribunal, which were swiftly dismissed therein with strong indubitable terminology on the Athlete’s intentional conduct pertaining to Rule 2.5 of the ADR. World Athletics relies on its detailed submissions of the Tribunal and restates several for easy reference.
75. World Athletics submits that the Athlete’s deliberate falsification and submissions of the Altered Documents is clearly Tampering or Attempted Tampering, or an intentional conduct to subvert the doping control process, which includes all aspects of Results Management.
- (i) The Athlete tried to avoid a Whereabouts Failure (Missed Test or Filing Failure) by attempting to have the AIU believe a false story and accept false documents supporting the story. This goes beyond and trespasses the “*threshold of legitimate defence*” as per CAS 2015/O/4128, which panel described the conduct which suffices Tampering, viz, “*where the administration of justice is put fundamentally in danger by the behaviour of the athlete*”. This is also established in SR/Adhocsport/140/2018.
  - (ii) The McNeal Decision provides authority that on top of establishing conduct which meets the definition of Tampering, the Anti-Doping Organisation must also establish that (1) the conduct subverted (or had the potential to subvert) the doping control process and (2) the Athlete intended that conduct to subvert the doping control process. The McNeal Decision also clarified that there was no need to establish causation in a Tampering case.
  - (iii) The case of SR/187/2022 also confirmed that knowing provision of fraudulent documentation and false explanations to the AIU is sufficient to constitute Tampering (see para. 34).
  - (iv) The case of SR/009/2020 also did not hesitate to determine that submitting false explanations and evidence to the AIU in the context of Results Management of Whereabouts Failures is similarly sufficient to constitute Tampering, and has described the purpose or intended effect of doing so being to “*quite obvious[ly]*” subvert the proceedings.
  - (v) The Athlete’s intentional conduct of falsification and submission of the Altered Documents on 9 and 29 March 2023 to the AIU was in relation to the processes of doping control as defined in the ADR and Article 5.3.1.2 of the ISRM, especially since it was committed after the notification of Whereabouts Failure on 2 March 2023.
  - (vi) The fact that the AIU did not know that the Altered Documents were manipulated and was forced to consider them as legitimate amounted to a clear subversion of the doping control process by the Athlete. The fact that the AIU took a shorter period of time (viz, days, not months) to consider the Athlete’s Whereabouts Failure is not relevant to whether

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there was a subversion of the process or not. The Athlete, in fact, hid the truth of the authenticity of the Altered Documents for around one year before it was eventually discovered by the AIU.

- (vii) The Athlete's conduct is very similar to other cases which were cited, such as the McNeal Decision, wherein the athlete was deemed to have Tampered with evidence pertaining to Whereabouts Failure. The facts of the present case are also similar to the case in CAS 2021/O/7668, wherein the athlete committed tampering with a false story and evidence.
- (viii) The Athlete's conduct was not just a "simple lie" as found in CAS 2017/A/4937. The Athlete's conduct was a deliberate and targeted false version of events corroborated by false documents which were created by the Athlete using Instagram, which is the very essence of Tampering. The creation of false documents is the "further element" present in this case, which was not found in CAS 2017/A/4937 or CAS 2015/O/4128.

76. World Athletics contends that the Athlete's argument that he did not challenge the Filing Failure is wrong. In the 9 March Letter and in the 2 March Notice of the AIU, there was no clear and explicit reference to a Missed Test. Therefore, the response to the above letters provided by the Athlete was also directed against an alleged Filing Failure:

- (i) The 2 March Notice referred to Article 4.8.8.6 of the ISTI and the requirements to update whereabouts information as soon as possible, referring to a Filing Failure rather than a Missed Test. The 2 March Notice also refers to an alleged failure that the Athlete was in Portugal on 28 February 2023, when ADAMS information indicated that he will be in Spain. Lastly, the 2 March Notice also specifically requested for an explanation for the fact that the whereabouts information was not accurate and not updated.
- (ii) In the 9 March Letter from the Athlete, the Athlete used the term "missed test" not in the technical sense, but in a way that meant Whereabouts Failure, as he was responding to the allegations in the 2 March Notice. In the 9 March Letter, the Athlete also explained (albeit, falsely) that his fiancé called him to tell him she was sick, after which he immediately and urgently booked a plane to Lisbon, explaining the Filing Failure rather than Missed Test.
- (iii) Given the above, by lying and providing false evidence to explain the Filing Failure, the Athlete did subvert the doping control process. It therefore cannot be said that the Athlete "never contested" the Filing Failure, or "neither presented arguments nor provided evidence to rebut this presumption of negligence".
- (iv) The fact that the Athlete did not request an administrative review of the AIU's decision to confirm the Filing Failure does not excuse or override the nature of his conduct, which amounted to Tampering.

77. World Athletics further submits that just because the Filing Failure was established, it does not mean that the Athlete's conduct or words (which were fraudulent) are irrelevant – this explanation ignores the whole process of the Whereabouts regime under the ADR.



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- (i) If the Athlete's logic is to be accepted, it means that all legitimate explanations of emergency are irrelevant to the determination of a Filing Failure. This cannot stand as the Whereabouts regime is not there to punish emergencies, wherein there is a change of circumstances due to emergencies. This was the reason why the AIU gave the Athlete the opportunity to explain (albeit falsely) the reason for his failure to update his whereabouts and whether there was indeed an emergency.
- (ii) The Tribunal Decision was right to focus on the fact that the AIU (as the Result Management Authority) was required to assess the "no negligence" criteria within Annex B of the ISRM, and the Filing Failure was not predetermined on 28 February 2023. It is recalled that the Athlete tried to explain and contest the Filing Failure allegations and did not accept his "failure" to the AIU.
- (iii) The Athlete's repeated focus on Article 4.8.8.6 of the ISTI on filing whereabouts update prior to the 60-minute slot is questionable, as this provision pertains to Missed Test within the 60-minute slot daily.
- (iv) The Athlete's reference to Article B1.3 of the ISRM is irrelevant to the case, as it pertains to the commission of three Whereabouts Failure in a 12-month period, and does not help the Athlete's case to override the criteria for establishing a Filing Failure or explain that his conduct did not subvert or attempt to subvert doping control.

78. In any event, World Athletics maintains that there is no exceptional circumstances to justify a reduction from the standard four-year Period of Ineligibility mandated by Rule 10.3.1 of the ADR.

- (i) It was cautioned in the McNeal Decision that "exceptional circumstances" must be interpreted restrictively, and with the greatest possible care to only include very unusual or abnormal circumstances.
- (ii) The Athlete falsified three documents, viz, the Altered Documents.
- (iii) While the Athlete vaguely accepted that he made a mistake, he did not accept responsibility fully on how he had intended to mislead the AIU.
- (iv) There was no reason or representation made for the Athlete to think that by accepting the charge in Article 2.4 of the ADR that he would avoid the charges for Tampering.
- (v) World Athletics will proceed to also make arguments that there were aggravating circumstances to justify an extra year of Period of Ineligibility for the Athlete in CAS 2025/A/11183.

iv. Submissions on the Merits for CAS 2025/A/11183

79. World Athletics contends that there are aggravating circumstances to justify the increase of Period of Ineligibility on the Player, pursuant to Rule 10.4. of the ADR and defined at Appendix A of the ADR.

- (i) The Athlete falsified three separate documents on two occasions to support his false story.

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He acted alone without assistance.

- (ii) The Athlete committed multiple ADRV, given that this violation would be his second after the Rule 2.4 violation.
- (iii) The admission at the interview by the Athlete was overridden by the athlete's complete lack of transparency or contribution under cross-examination regarding his Tampering conduct. In particular:
  - The Athlete's evidence was notably divorced from reality and unaccepting of his fault, wherein he deemed himself as honest albeit only partially, and that he liked to know if he did something wrong.
  - The Athlete admitted on certain issues but failed to engage with what the mistake actually was, and how it amounted to deliberate fraudulent conduct.
  - The Athlete frequently referred to his version of events as just "*an explanation*" without engaging in why it was untrue or what he was trying to achieve by providing an untrue explanation. He considered the "*explanation*" as a "*human mistake*" and not "*something illegal*" or in "*bad faith*". He conceded to the manipulation of the Altered Documents but stated that he "*didn't mean to deceive*", and did it because "*[he] had to give an explanation, being it flawed, fake, [his] obligation is to give [the AIU] an explanation*".
- (iv) The Tribunal Decision erred in relying on the fact that the Tampering had "failed", as all "failed" Tampering are eventually charged as failed attempts. There is no need for Tampering to "succeed" in order for Tampering to be established, and there can be no mitigation for such intentional misconduct carried out in a "failed" or flawed way. In any event, the Tampering in this case was only discovered a year later, and did not "fail" as the Athlete has alleged.

80. World Athletics also appeals for the disqualification of the Athlete's results, which were dismissed in the Tribunal Decision.

- (i) The Tribunal Decision erred in reasoning that the present Tampering charge related to the Athlete's Whereabouts Failure violation, and therefore should not include disqualification of results. If the same reasoning applies, there would be no disqualification imposed for any violations arising out of Article 2.4 of the ADR, which cannot be right. This reasoning also contradicts Rule 10.10 of the ADR, which puts the burden on the Athlete to show why the disqualification should not occur. Further, the standard length of the Period of Ineligibility for Tampering/ Attempted Tampering violations is more serious than Whereabouts Failures violations, which is even less reason not to disqualify results.
- (ii) It is inaccurate to assert that no results were affected when the Athlete was not available for testing. The Athlete's misconduct prevented testing from being conducted and the true status of whether the Athlete had any Prohibited Substance in his system cannot be ascertained.

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- (iii) CAS case law highlights that a Tampering violation which occurred in relation to Whereabouts Failure violation is not a reason for “*fairness requiring otherwise*”; the McNeal Decision held that there were no substantial reasons not to disqualify the athlete’s results even though she had not used a Prohibited Substance.

**V. JURISDICTION**

81. Article R47 of the Code provides as follows:

*“An appeal against the decision of a federation, association or sports-related body may be filed with the CAS insofar as the statutes or regulations of the said body so provide or as the parties have concluded a specific arbitration agreement and insofar as the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of the said sports-related body.”*

82. In the absence of a specific arbitration agreement, in order for the CAS to have jurisdiction to hear an appeal, the statutes or regulations of the sports-related body from whose decision the appeal is being made must expressly recognise the CAS as an arbitral body of appeal.
83. The jurisdiction of the CAS is derived from Rules 13.2 of the ADR, which provides the following:

*“13.2 Appeals against decisions regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority*

*The following decisions may be appealed exclusively as provided in Rules 13.2 to 13.7: a decision that an anti-doping rule violation was committed; a decision imposing Consequences or not imposing Consequences for an antidoping rule violation; [...].*

*13.2.1 Appeals involving International-Level Athletes or International Competitions*

*In cases involving International-Level Athletes or arising from Persons participating in an International Competition, the decision may be appealed exclusively to CAS.*

*[...]*

*13.2.3 Persons entitled to appeal*

*(a) In cases under Rule 13.2.1, the following parties will have the right to appeal to CAS:*

*[...]*

*(iii) the Integrity Unit on behalf of World Athletics [...].”*

84. It is uncontested that the ADR is applicable to the present case at hand, and that the Athlete is an “*International-Level Athlete*” under Article 13.2.1 of the ADR. It is also not disputed that World Athletics (via the AIU) has the right to appeal against the Tribunal Decision. Furthermore, the Panel notes that the jurisdiction of the CAS is uncontested between the Parties and that both Parties have signed the OoP without reservation. As such, the Panel is satisfied that it has jurisdiction to decide the dispute.

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**VI. ADMISSIBILITY**

85. Article R49 of the Code provides – in its pertinent parts – as follows:

*“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or of a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. After having consulted the parties, the Division President may refuse to entertain an appeal if it is manifestly late.”*

86. The Athlete filed the Statement of Appeal on 9 January 2025, after receiving the Tribunal Decision on 11 December 2024. The Athlete’s appeal (CAS 2025/A/11140) was, therefore, filed within the 21-day time-limit under Article R49 of the Code. The Panel, therefore, finds that the appeal is admissible.

87. Rule 13.2.4 of the ADR provides that cross-appeals can be brought at the latest, with the party’s answer to the appeal. The provision reads as follows:

*“13.2.4 Cross-appeals and other subsequent appeals allowed. Cross-appeals and other subsequent appeals by any respondent named in cases brought to CAS under these Anti- Doping Rules are specifically permitted. Any party with a right to appeal under this Rule 13 must file a cross-appeal or subsequent appeal at the latest with the party’s answer to the appeal.”*

88. World Athletics filed its Statement of Appeal on 7 March 2025, after receiving the Athlete’s Appeal Brief on 27 January 2025. On 13 February 2025, World Athletics requested for an extension of time to file its Answer from 18 February 2025 to 10 March 2025, which was eventually granted by the CAS Court Office. As such, the cross-appeal of World Athletics (CAS 2025/A/11183) was filed within the deadline of Rule 13.2.4 of the ADR, because it was filed together with the answer to the appeal and, therefore, within the deadline provided for in Article R49 of the Code.

89. The Panel, therefore, finds that both the appeals in the present case are admissible.

**V. SCOPE OF REVIEW**

90. Article R57 of the Code provides – in its pertinent parts – as follows:

*“The Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance”*

91. Pursuant to Article R57 of the Code, the Panel has full power to review the facts and the law of the case. Furthermore, the Panel may issue a new decision which replaces the decision challenged or may annul the decision and refer the case back to the previous instance.

**VII. APPLICABLE LAW**

92. Article R58 of the Code provides as follows:

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*“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”*

93. In the present case, it is not disputed that the applicable regulations to be applied are the rules and regulations of World Athletics, specifically, the ADR. Furthermore, the Parties agree that the law of the country in which World Athletics is domiciled at, which is Monegasque law, shall apply subsidiarily. The Panel, thus, determines that it shall decide the dispute – primarily – in accordance with the rules and regulations of World Athletics.

94. With respect to whether or not Monegasque law applies subsidiarily, the ADR seem somewhat contradictory. On the one hand Rule 21.3 of the ADR provides as follows:

*“The Code must be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments”*

95. On the other hand, Rule 13.7.5 provides the following:

*“In all CAS appeals involving World Athletics, the governing law shall be Monegasque law and the appeal shall be conducted in English, unless the parties agree otherwise.”*

96. In the case at hand, the Panel does not need to resolve the issue of the subsidiarily applicable law, since the case can be perfectly dealt with applying the ADR only.

## **VIII. MERITS**

97. The consolidated cases of CAS 2025/A/11143 and CAS 2025/A/11183 pivot on the alleged ADRV of Tampering by the Athlete and the corresponding sanctions which ought to apply to the said violation. While the Athlete seeks the Tribunal Decision to be set aside in *toto*, World Athletics seek requests the Tampering charge to be affirmed with the period of Ineligibility to be increased and the disqualification of results to be imposed.

98. The Panel determines that there are two main discussions on the merits of the case, in light of the submissions of the Parties:

- (i) Did the Athlete commit the act of Tampering/ Attempted Tampering under Rule 2.5 of the ADR given that the Altered Documents did not affect the Filing Failure recorded on 31 March 2023 and the eventual uncontested charge of Whereabouts Failure under Rule 2.4 of the ADR?
- (ii) If so, what consequences shall be imposed on the Athlete, considering the claims on the presence of “aggravating” and “exceptional” circumstances pertaining to the Period of Ineligibility, and the start date of the disqualification of Athlete’s sporting results?

### **A. The Charge of Tampering/ Attempted Tampering**

99. The first issue is determining whether the Athlete committed the act of Tampering or Attempted Tampering under Rule 2.5 of the ADR.

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i. The Applicable Regulations

100. The ADR defines Tampering or Attempted Tampering as follows:

*“Intentional conduct that subverts the Doping Control process but that would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control.”*

101. Furthermore, the comment to the definition reads as follows:

*“For example, this Rule would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct that occurs during the Results Management process. See Rule 10.9.3(c). However, actions taken as part of a Person's legitimate defence to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control that does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organisations.”*

102. To establish that the Athlete has tampered or attempted to tamper with any of the steps or processes that make up the doping control process, the AIU has the burden of establishing to the comfortable satisfaction of the Panel that the Athlete engaged in one or more of the actions specified in the definition of Tampering, as set out above.

ii. The Position of the Parties

103. The Athlete in the case at hand contends that:

- (i) Tampering under the ADR requires significant subversion of the doping control process which is not present in the Athlete's conduct vis-à-vis the Altered Documents and the 9 March Letter;
- (ii) The Altered Documents and the 9 March Letter did not subvert or obstruct the doping control Process as the Filing Failure decided on 31 March 2023 was established independently from the said documents;
- (iii) The Athlete only intended to provide an explanation about the Missed Test on 28 February 2025, and did not contest the Filing Failure in the 9 March Letter.

104. World Athletics submits that the Athlete's deliberate falsification and submissions of the Altered Documents is clearly Tampering or Attempted Tampering, or an intentional conduct to

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subvert the doping control process, which includes all aspects of Results Management.

iii. The view held by the Panel

105. Pursuant to the definition of Tampering/ Attempted Tampering in the ADR, the ADRV under Rule 2.5 refers specifically to the “*intentional conduct that subverts the Doping Control process*”. The requirement is further elaborated to include:
- (i) Conduct which “*affect Result Management or the imposition of Consequences*”; as well as
  - (ii) Conduct which amounts to “*similar intentional interference or attempted interference with any aspect of Doping Control*”.
106. Examples of Tampering or Attempted Tampering include the “*offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body*”.
107. It is prudent to note that the act of manipulating the Altered Documents (which is undisputed by the Athlete) and sending the 9 March Letter falls squarely under the example of “*falsifying documents submitted to an Anti-Doping Organisation*”, which is AIU in this instance. The primary argument proffered by the Athlete is that this act did not “*subvert the Doping Control process*”, wherein the Athlete primarily was explaining his failure to update his Whereabouts which was eventually not accepted by the AIU anyway, and therefore did not affect the outcome of his first Whereabouts Failure recorded.
108. Should this argument be followed by the Panel, wherein the culpability of athletes vis-à-vis a Tampering charge is dependent on the success of their action in falsifying documents, there is no impetus for athletes not to “*try*” to falsify documents and have there be no charge if it fails, thereby creating a loophole and advantage for athletes to falsify or attempt to falsify documents. Further, the Panel is cognisant of the fact that the ADRV under Rule 2.5 of the ADR does not just encapsulate Tampering but also “*Attempted*” Tampering, which would capture situations wherein the athletes were not successful in falsifying documents, like the present case with the Athlete. As such, the Panel does not consider it necessary that the Doping Control process be entirely subverted, as long as the conduct in question, in theory, is capable of subverting the said process (CAS 202/A/7983 & 8059, para. 213 et seq.). This is supported by the second part of Rule 2.5 of the ADR, which stipulates that conduct which amounts to “*intentional interference or attempted interference with any aspect of Doping Control*” constitutes Tampering / Attempted Tampering, and there is no requirement for there to be a *result* of a subversion of the Doping Control process in order to find the said ADRV. Even if one were to accept that a certain threshold is needed to qualify actions as ‘tampering’ in order to weed out completely futile attempts (such as ‘praying,’ attempting to perform magic, or casting spells to interfere with any aspects of Doping Control), this threshold is far exceeded in this case where the Athlete has submitted forged documents.
109. In any event, the Panel notes that even though the AIU decided to record the Filing Failure of

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the Athlete for the incident on 28 February 2023 – thereby making the Athlete’s explanation apparently moot –, the Athlete’s act of providing the Altered Documents and the 9 March Letter did add support to the Athlete’s explanation, which was accepted by the AIU. The act of the Athlete of presenting the Altered Documents and the 9 March Letter, thus, did have the *effect* of the AIU believing the explanation of the Athlete (with AIU’s Ms. El Ayat believing that the Athlete booked his flight on 26 February 2023, when the flight was on 26 February 2023), although the explanation itself was deemed insufficient to warrant a change in the decision of the Filing Failure. It was only until the Result Management procedure for the Whereabouts Failure charge that it came to the attention of the AIU that the provided documents were manipulated. As such, it is also possible to contend that the Doping Control process was – in some way – subverted.

110. The term “*intentional*” is expressly included as a requirement to find the violation of Tampering / Attempted Tampering under Rule 2.5 of the ADR, as part of “*intentional conduct*” and “*intentional interference*”. Whether the definition of the term “*intentional*” enshrined in Rule 10.2.3 of the ADR applies to a case of tampering, may be debateable. However, this issue does not need to be decided here, since the Athlete manipulated the documents knowingly and willingly and also submitted them knowingly and willingly to World Athletics in the context of a result management process. It is trite that the intention to commit the said acts is sufficient for the ADRV of Tampering, even if the offender was unaware that his or her act would subvert the Doping Control process (CAS 2021/A/7983 & 8059, paras. 218 to 222). It is undisputed that in presenting the Altered Documents and the 9 March Letter to the AIU, the Athlete had *intended* to convince the AIU that he left Spain on 28 February 2023 (instead of 26 February 2023) urgently, and he was therefore unable to update his Whereabouts in time. In any event the Athlete did intend – with the use of the Altered Documents – to support and bolster his explanation of his absence on 28 February 2023, albeit fraudulently. Objectively and subjectively, the Athlete had conceded that he intended explain away the Filing Failure on 28 February 2023, and intended to use the Altered Documents to do so, and there are no facts which can support otherwise.
111. The Panel is therefore comfortably satisfied that the Athlete intentionally altered the date on the Altered Documents and provided the said Documents (and the 9 March Letter) to the AIU with the intent to subvert the Doping Control process. It is unnecessary to determine whether or not the Doping Control process was indeed subverted, given the wording of Rule 2.5 of the ADR. World Athletics has successfully discharged its burden of proof based on the evidence tendered that the Athlete had committed the Tampering ADRV under Rule 2.5 of the ADR.

**B. Determination of the Consequences**

112. Following from the above decision by the Panel, the Panel will now proceed to determine the appropriate consequences to be imposed on the Athlete.
113. There are three considerations related to the Period of Ineligibility based on the submissions of the Parties, *viz*:
  - (i) Specifically, should this ADRV of Tampering / Attempted Tampering under Rule 2.5 of the ADR be recorded as a *stand-alone offence* under Rule 10.9.3.3 of the ADR or included together with the uncontested ADRV of Whereabouts Failure under Rule 2.4



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of the ADR as *one single first offence*?

- (ii) Are there any “*exceptional circumstances*” which can render a reduction in the Period of Ineligibility on the Athlete, specifically given that the Athlete admitted to the nature of the Altered Documents?
- (iii) Are there any aggravated circumstances to be considered for the increment of the Period of Ineligibility from the standard four (4) years to five (5) years?

114. For the Tampering / Attempted Tampering the default Period of Ineligibility is four (4) years, pursuant to Rule 10.3.1 of the ADR, unless it can be established that there are “*exceptional circumstances that can justify a reduction*”. In the latter case the Period of Ineligibility can be reduced to a range from two (2) years to four (4) years depending on the Athlete’s degree of fault.

115. World Athletics further submitted that the sporting results of the Athlete from 9 March 2023 to 7 February 2024 should be disqualified, which will also be determined below.

*i. The Charge in Conjunction with Whereabouts Failure Offence*

116. Considering the above, the Athlete contends that the present charge under Rule 2.5 of the ADR should be considered a “*single first violation*” together with the uncontested Whereabouts Failure ADRV under Rule 2.4 of the ADR, for which the same Period of Ineligibility of two (2) years should apply. This contention is made in light of Rule 10.9.3(a) of the ADR, which provides the following:

*“For the purposes of imposing sanctions under Rule 10.9, except as provided in Rules 10.9.3(b) and 10.9.3(c), an anti-doping rule violation will only be considered a second (or third, as applicable) violation if the Integrity Unit can establish that the Athlete or other Person committed the additional anti-doping rule violation after the Athlete or other Person received notice pursuant to Rule 7, or after the Integrity Unit made reasonable efforts to give notice, of the first anti-doping rule violation. If the Integrity Unit cannot establish this, the violations will be considered together as one single first violation, and the sanction imposed will be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances.”*

117. From the above Rule, an ADRV can only be considered a separate, second offence for the purposes of imposing sanctions if the athlete committed the said offence after he or she has received notice (or reasonable efforts by the ADO to give notice) of the first ADRV. This is clearly not the case in the present circumstances, wherein the Athlete provided the Altered Documents and the 9 March Letter on 9 March 2023 and 29 March 2023, when the ADRV of Whereabouts Failure was only notified on 18 March 2024. As such, the Panel is satisfied that the ADRV of Tampering is not a separate, second offence for the purposes of imposing sanctions. Instead, both ADRVs are to be considered together as a single first infraction. Furthermore, Rule 10.9.3 ADR provides that the period of ineligibility imposed will be based on the violation that carries the more severe sanction (i.. Tampering / Attempted Tampering in the case at hand), including the application of Aggravating Circumstances.

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ii. The Application of Aggravated Circumstances

118. The next question to be considered is whether aggravated circumstances apply in this case. World Athletics' appeal (CAS 2025/A/11183) submits that there are aggravating circumstances to justify the increment of the standard Period of Ineligibility from four (4) to five (5) years. Specifically, World Athletics submit that:

- (i) The Athlete falsified three separate documents on two occasions to support his false story. He acted alone without assistance.
- (ii) The Athlete committed multiple ADRV, given that this violation would be his second after the Rule 2.4 violation.
- (iii) The admission at the interview by the Athlete was overridden by the athlete's complete lack of transparency or contribution under cross-examination regarding his Tampering conduct. In particular:
  - The Athlete's evidence was notably divorced from reality and unaccepting of his fault, wherein he deemed himself as honest albeit only partially, and that he liked to know if he did something wrong.
  - The Athlete admitted on certain issues but failed to engage with what the mistake actually was, and how it amounted to deliberate fraudulent conduct.
  - The Athlete frequently referred to his version of events as just "*an explanation*" without engaging in why it was untrue or what he was trying to achieve by providing an untrue explanation. He considered the "*explanation*" as a "*human mistake*" and not "*something illegal*" or in "*bad faith*". He conceded to the manipulation of the Altered Documents but stated that he "*didn't mean to deceive*", and did it because "*[he] had to give an explanation, being it flawed, fake, [his] obligation is to give [the AIU] an explanation*".

119. Rule 10.4 of the ADR comprises of the following:

*"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 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.*

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*[Comment to Rule 10.4: Violations under Rules 2.7, 2.8, 2.9, and 2.11 are not included in the application of Rule 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.]”*

120. The ADR defines Aggravating Circumstances as follows:

*“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.”*

121. The examples provided under the ADR on Aggravating Circumstances which might apply to this case relate to athletes who have committed ADRVs on multiple occasions, as well as athletes who engage in deceptive or obstructive conduct to avoid the detection or adjudication of an ADRV, or Tampering during the Results Management. The case at hand is a case where the Athlete committed Tampering / Attempted Tampering during Results Management. However, at the relevant time no ADRV had been committed that the Athlete sought to cover up. Instead, he had committed a single Whereabouts Failure at the relevant time that by itself does not qualify as an ADRV. It is true that the Athlete subsequently accumulated further strikes and thereby committed an ADRV under Rule 2.4 ADR. However, the Tampering / Attempted Tampering committed by the Athlete did not serve to cover up that charge and – more particularly – was not committed during the results management process of the Rule 2.4 ADRV.
122. World Athletics submits that the Athlete submitted multiple documents (the three Altered Documents, with the 9 March Letter, on both 9 March 2023 and 29 March 2023), which acts are argued to be numerous in occasion and therefore aggravating. The Panel accepts that submitting the Altered Documents not on a single, but on multiple occasions is a sign of increased “criminal” energy that Rule 10.4 ADR, in principle, intends to capture. However, the threshold of such criminal energy must, however, attain a certain level in order to justify an increased sanction pursuant to Rule 10.4 ADR. The Panel is not persuaded that such level has been reached in the case at hand. Despite the multiple documents submitted by the Athlete in two occasions, the story which the Athlete sought to proffer i.e., that he left Spain urgently on 28 February 2023, was effectively the same, and the documents which were manipulated and falsified were limited to that very one purpose. Thus, the falsification of the story and documents by the Athlete was limited in scope. Furthermore, the false story (and the evidence in support of such story) submitted by the Athlete was unsuitable for achieving the goal that the Athlete was pursuing, namely that his failure to update his Whereabouts would not be recorded as a first strike in the context of Rule 2.4 ADR. There is also no evidence to show that the Athlete was lying about

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going to Portugal to visit his fiancée, only the dispute as the date for which he took the flight from Spain. The Panel concurs with the Tribunal that this is a borderline case, but that – considering the totality of the circumstances - the Athlete did not act in a manner which is more culpable than an average Tampering / Attempted Tampering case, or attract a period of Ineligibility more than the default four (4) years. Comparing the Athlete's conduct to other Tampering cases with Aggravated Circumstances like CAS 2017/A/5283 – which comprised of a sophisticated, long-term, orchestrated doping scheme – the present case should not attract any more than the standard period of Ineligibility of four (4) years.

123. World Athletics also addresses the fact that the Athlete behaved in a manner which was evasive and divorced from reality at the hearing before the Tribunal. The Panel notes and recalls that the evidence of the Athlete's confession before the AIU over video was tendered into evidence in the present case, wherein the Athlete confessed to using Instagram story to manipulate the Altered Documents and submitted a falsified story in the 9 March Letter. Looking at the collective evidence tendered as a whole, the Panel does not see any need to put weight on the Athlete's conduct at the hearing before the Tribunal, which was at the most confusing rather than avoidant.
124. As such, the Panel is satisfied that there are no Aggravated Circumstances here to justify the increase in the period of Ineligibility of four (4) years.

iii. Are there any “exceptional circumstances” to justify reduction?

125. The Athlete contends that his conduct through the process demonstrate a willingness to cooperate and did not obstruct the process, while World Athletics highlighted the facts that the Athlete provided multiple manipulated documents and false accounts, as well as the Athlete's conduct of being divorced from reality and failing to accept his actions during the course of the hearing before the Tribunal.
126. It is provided in Rule 10.3.1 of the ADR that if the Athlete can establish that there are “*exceptional circumstances*” that can justify a reduction, the period of Ineligibility can be reduced to a period between two (2) and four (4) years. Rule 10.3.1 of the ADR is as follows:

*“10.3.1 For violations of Rule 2.3 or Rule 2.5, the period of Ineligibility will be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility will be two (2) years; (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility will be in a range from two (2) years to four (4) years depending on the Athlete's or other Person's degree of Fault; or (iii) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility will be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.”*

127. The Panel notes that the term “*exceptional circumstances*” is not explicitly defined in the ADR or the WADA Code, but it would generally refer to extraordinary factors which would reduce the culpability and degree of Fault of the Athlete. The Athlete's late admission to the acts of

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manipulating and falsifying the Altered Documents and 9 March Letter unfortunately does to reduce the culpability and Fault of the Athlete. The Athlete intentionally – knowingly and willingly – manipulated and falsified the said documents, and cannot mitigate his Tampering violation by confessing to the act a year later when being confronted with clear and strong evidence.

128. As such, the Panel is not satisfied that there are “*exceptional circumstances*” to justify the reduction of the period of Ineligibility below four (4) years.

*iv. Disqualification of Sporting Results before 7 February 2024*

129. World Athletics included, in its Appeal, the disqualification of the sporting results of the Athlete before the start of the provisional suspension on 7 February 2024, from 9 March 2023, and contends that the Tribunal Decision erred and that there was no situation of “fairness” requiring otherwise. Specifically, World Athletics maintains that the Tribunal erred in the reasoning that the present charge for Tampering was made in relation to the Athlete’s Whereabouts Failure ADRV

130. Under the ADR, disqualification of sporting results begins at the commencement of any Provisional Suspension or Period of Ineligibility, which began on 7 February 2024 as the date when the AIU issued a Notice of Allegation to the Athlete for a violation of Whereabouts Failure under Rule 2.4 of the ADR, and the Provisional Suspension commenced.

131. In case of multiple violations that are to be qualified as a single first infraction, Rule 10.9.3 ADR provides as follows:

*“Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Rule 10.10.”*

132. The earlier ADRV within the above meaning is the Tampering / Attempted Tampering charge.

133. Rule 10.10 of the ADR provides as follows:

***“10.10 Disqualification of results in Competitions subsequent to Sample collection or commission of an anti-doping rule violation***

*In addition to the automatic Disqualification of the results in the Competition that produced the positive Sample under Rule 9, all other competitive results obtained by the Athlete from the date a positive Sample was collected (whether In-Competition or Out-of-Competition) or other anti-doping rule violation occurred through the commencement of any Provisional Suspension or Ineligibility period, will, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, titles, points, prize money, and prizes. [Comment to Rule 10.10: Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right that they would otherwise have to seek damages from such Person.]”*

134. In general, the Panel notes that the object of Rule 10.10 of the ADR is to define the starting date of the period of disqualification. According thereto the default starting date is the date when “a

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*positive Sample was collected” or “the anti-doping rule violation occurred”.* The disqualification of sporting results from this date is justified on grounds that wrongdoing was established and performance-enhancing effects / potential can be deemed to have been enjoyed by the athlete from that moment in time. This follows – inter alia – from CAS 2017/A/5301 & 5302 (para. 216), where the panel stated as follows:

*“In the appealed decision, the IT limited the duration of the disqualification of results until 7 June 2017, the date of the Athlete's first negative doping control, and hereby acknowledged that the fairness exception applied to a situation where, during a phase of non-suspension, performance-enhancing effects were no longer present. The Panel accepts this general approach of the IT, as the Parties did in the present proceedings.”*

135. In CAS 2024/A/10535, para. 150 the panel clarified that a panel has a certain margin of discretion when applying the “fairness” exception:

*“As noted by the Sole Arbitrator in the Appealed Decision, a CAS panel enjoys a wide discretion in this respect and may take account of a range of factors in exercising that discretion. The decision is not to rest on any particular factor, but an overall evaluation of the evidence in support of fairness, including delays in results management, the athlete's degree of fault, sporting results unaffected by the administration of the prohibited substance, significant (financial or sporting) consequences and, in the case of an ADRV based on non-analytical evidence, a long period of time between the commission of the ADRV and the athlete's suspension.”*

136. In CAS 2022/A/9033, para. 176, the panel when applying the “fairness” exception put particular emphasis on whether or not there was *“any evidence suggesting that the Player's results have been influenced by any doping”*. The panel in CAS 2011/A/2671 para. 84 argued similarly by stating that it *“finds it important to emphasize the circumstance that ... the First Respondent's competitive results after 28 April 2011 had not been affected by any doping practice, and were fairly obtained by Rasmussen. Therefore, the Panel sees no reason to disqualify them”*.
137. In the case at hand there is no evidence on file indicating that the Athlete was taking Prohibited Substances at the relevant time or enjoyed any illicit performance enhancing effects as of 9 March 2023. In conclusion, the Panel applies the “fairness” exception, exercises the discretion provided therein and dismisses – in line with the first instance – the request to back-date the starting of the period of disqualification. Following the above, the Panel is not satisfied that the period of disqualification of the Athlete should be extended to include the period from 9 March 2023 and 7 February 2024.

## IX. COSTS

(...)

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## **ON THESE GROUNDS**

### **The Court of Arbitration for Sport rules that:**

1. The appeal filed by Mohamed Katir on 9 January 2025 against the decision issued by the World Athletics' Disciplinary Tribunal on 11 December 2024 is dismissed.
2. The appeal filed by World Athletics on 7 March 2025 against the decision issued by the World Athletics' Disciplinary Tribunal on 11 December 2024 is dismissed.
3. The decision of the World Athletics' Disciplinary Tribunal on 11 December 2024 is confirmed.
4. (...).
5. (...).
6. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland  
Date: 19 September 2025

## **THE COURT OF ARBITRATION FOR SPORT**

Ulrich Haas  
President of the Panel

Efraim Barak  
Co-Arbitrator

Luigi Fumagalli  
Co-Arbitrator