

PRESS RELEASE

Experts on Kipruto:

Facts say he is not cheating. ABP should protect clean athletes, not bully them.

Background to the matter: World Athletics v Rhonex Kipruto could be found in detail here:

- www.rhonexkipruto.com
- [Sport Resolutions - Decision of the Disciplinary Tribunal](#)
- [17 May 2023 Press Release](#)

IMPORTANT FACTS IN RELATION TO SPORT RESOLUTIONS - DECISION OF THE DISCIPLINARY TRIBUNAL ("Decision")

Paragraph 30 c) of the Decision reads, in part:

Samples 20-22: Sample 20 (3 December 2020), collected one (1) day after arrival at sea level) and three (3) days before the Valencia Half Marathon, shows elevated HGB. *"No plasma volume expansion is evident contrary to a normal adaptation for highlanders going to sea level and to the effect observed in Sample 11 collected before the World Championships in 2019 in Doha, Qatar. Furthermore, the sample is an evening sample. Usually, high Hb values are observed in morning samples due to diurnal plasma volume shifts".*

Comment from Rhonex's legal team:

"However, the Athlete disputed in his Initial Explanation dated 17 June 2022 that the Sample 20 was collected as an out-of-competition test several hours (i.e. not one (1) day) after arrival from Kenya (high altitude) to Valencia (at sea level). The Athlete further claimed that Sample 11 (which is used as a reference point for Sample 20) was taken four (4) days after arriving in Doha as an in-competition test in the evening hours after the 10,000m final run in warm and humid conditions. This has been acknowledged by the Expert Panel in their Second Joint Expert Opinion and the Sample 20 was further not mentioned in either Third Joint Expert Opinion or Fourth Joint Expert Opinion anymore."

Further comment from Rhonex's team:

We are highly concerned to see Sample 20 drawn into Decision and ABP commentary, when Rhonex's passport was never flagged for Sample 20. ABP Sample taken before 2020 Valencia Half Marathon was not a flagged sample and

reasoning in the Decision about this sample is, respectfully, flawed, as it is based on incorrect assumption in terms of time difference between Rhonex's descent to low altitude (Valencia) and sample collection date and time. Sample 20 was collected just a couple of hours (same late afternoon) after Rhonex, together with a group of Kenyan athletes landed in Valencia. This flawed connection is prejudicial to Rhonex and paints a "dangerous" and incorrect picture in relation to one of his most prominent performances. Sample 20 was never flagged, as stated in the Decision itself.

Paragraph 124 f) of the Decision reads:

With regard to the data from the study conducted on the Athlete to determine the effect of alcohol on his blood values, it was noted that even according to the admission of the Athlete's counsel and the report of Dr. Nakrashevich, "the ABP values cannot be directly compared to the study and pre-study data (due to differences in testing processes, instrumentation used etc.)". Furthermore, the WADA ABP Guidelines, which set strict analytical requirements and require two (2) consecutive analyses, are not met, as it is evident from the raw data provided from the test on 5 January 2024 that only one (1) analysis was performed. "Therefore, whilst the athlete made considerable efforts to standardize the collection procedure (as evidenced by the signed documentation relating to pre-collection requirements), the single instance of analysis (and therefore also the lack of potential for standardization) prevents any meaningful interpretation. Further, since the athlete was aware of the study protocol and hypothesis, sample manipulation cannot be excluded, for example ESA could be used to enhance %ret, whilst plasma volume could be manipulated to artificially increase HGB."

Comment from Rhonex's team:

As athletes themselves, per anti-doping rules in place, are not allowed to submit their samples independently to WADA's anti-doping laboratories, Rhonex, on multiple occasions, has invited AIU and the Disciplinary Tribunal to take active part in the Study, including design of the protocol, supervision, anti-doping testing, medical and scientific research, etc. Unfortunately, these invitations were ignored.

He was and is ready to submit himself to any mode of anti-doping testing, for as long as it is needed, including but not limited to: daily testing, testing several times per day, testing under 24/7 supervision for as long it is needed to establish ABP in these controlled environments and to observe behaviour of relevant ABP parameters and other relevant biomarkers in these conditions: with periods of alcohol abuse, abstinence from alcohol consumption and with inconsistent training loads in terms of volume and intensity.

It is heartbreaking to witness Rhonex's honest and vast efforts (and of his legal and scientific teams) collide with what seems to be an impenetrable wall created by current anti-doping rules and regulations.

Extraordinary efforts were made by Rhonex and his team in search of the truth of how his body (based on genetic make-up) reacts to alcohol abuse, alcohol abstinence and inconsistent training loads.

Forementioned Alcohol Study was designed by Dr Valeria Catalani, at the time, of Morgan Sports Law, London-based boutique law firm devoted to sports arbitration and litigation.

Dr Catalani is, per her LinkedIn page, currently Manager Special project for World Anti-Doping Agency (since January 2024). Her previous role was, for period October 2022 - January 2024, of a Scientific Analyst for Morgan Sports Law.

Paragraph 142 of the Decision reads:

With regard to G-6-PDH deficiency as a possible causal factor for the ABP values, Prof. Cermak confirmed that the Athlete's G-6-PDH deficiency is not heavy, but "probably mild", and that a G-6-PDH deficiency was taken into account, when they evaluated the results of the laboratory investigation. As a result, Prof. Cermak summarised: "We don't say that it's caused by G-6-PDH deficiency, but we have to know that the patient has such a disease, maybe mild, and that the results may be affected."

Comment from Rhonex's team:

Rhonex's specimen, which was collected on 20 March 2024 and reported by the relevant laboratory on 8 May 2024 (unfortunately after the matter was heard by the Panel on 22 April 2024), was analysed in the relevant laboratory and it was found that G6PD c. 376 A>G (p. Asn126Asp) (Santa Maria variant) was detected in hemizygous condition and it was further stated that "This individual is affected with G6PD deficiency and is at risk for intermittent hemolytic anemia. This is a Class II mutation which is associated with very low enzyme activity (<10%) and more severe clinical manifestations."

Paragraph 148 of the Decision reads:

The basis for the assumption of a further haematological disorder was the Expert Team's observation that the Athlete has significant changes in white blood cell counts. Prof. Cermak explained in his evidence: "We have to wait for the results of very rare deficiency of some EPO receptors what is connected with very high haemoglobin level and with low serum EPO level. We still don't know why the patient has very low erythropoietin level. So, we don't know why and if the patient has some changes in EPO receptor, which is contributing to a high level and high erythropoiesis, it may be, probably, some evidence that we should take in consideration this factor when we are evaluating the results of the tests. [...] I don't say that it's probable, but it may be and it may be interesting for us too sic."

Comment from Rhonex's team:

Unfortunately for Rhonex, ABP dataset doesn't record contemporaneously serum EPO values.

In addition, we agree with what Dr. Douwe de Boer had stated elsewhere - that the explanation of abnormalities in an Athlete Biological Passport and the burden of proof is for an athlete of an increasing concern as the science behind those abnormalities is very complex. Therefore, all applicable data should be made accessible by both parties involved. In terms of the relevance of data, one party should not be dependent on the other party, which will then determine for itself whether the data are relevant or not. The balance between the liability of any athlete and the severity of a sanction as potentially be given after an Adverse Passport Finding (APF), should be kept in mind.

Paragraph 161 f) of the Decision reads, in part (referencing statements of Prof. d'Onofrio):

The liver enzymes, which were tested several times, were also always 'normal'. So as far as he can see, there are no signs of a health problem due to alcohol.

Comment from Rhonex's team:

Once again and unfortunately for Rhonex, ABP dataset doesn't record contemporaneously liver enzymes.

However, from various tests to which Rhonex has submitted himself, we can summarise the following as it relates to S-g-GLUTAMYL TRANSFERASE, with laboratory results being shared with the Panel on 8 January 2024.

05 JAN 2024 - 53 IU/L – reference range: 0 - 50
29 DEC 2023 - 63 IU/L
22 DEC 2023 - 73 IU/L
17 DEC 2023 - 74 IU/L
13 DEC 2023 - 75 IU/L
10 DEC 2023 - 81 IU/L
4 DEC 2023 - 87 IU/L
7 DEC 2023 - 83 IU/L
30 NOV 2023 - 79 IU/L
27 NOV 2023 - 76 IU/L
24 NOV 2023 - 85 IU/L
20 NOV 2023 - 79 IU/L
7 OCT 2023 - 77 IU/L

These values were completely ignored by the Expert Panel, as if these were never presented, while contrary was the case.

Paragraph 167 of the Decision reads:

This information matched the evidence given by the Athlete that he had carried out the Alcohol Study, in particular the intake of alcohol, on the instructions of his "entire team", which he specified by naming his manager, Mr. Savija.

Comment from Rhonex's team:

The Panel was informed in writing on 12 September 2023 of the following:

"Our Previous Submission provided the requested details in respect of every member of the expert team except for the members of the Morgan Sports Law's in-house science unit. In respect of the Morgan Sports Law in-house science unit we note that:

a. Dr Valeria Catalani is a Science Analyst at Morgan Sports Law. She is a qualified pharmaceutical chemist, having obtained a PhD in Pharmacy from the University of Hertfordshire. She has wide experience in anti-doping matters, and has previously worked in a WADA-accredited laboratory.

b. Mr Ihar Nekrasevich is a Science Analyst at Morgan Sports Law. He holds an MSc in Pharmaceutical Chemistry. He previously worked for six years as an analytical chemist at the National Anti-Doping Laboratory in Belarus."

On the same date the Panel was provided by Dr Catalani (through Rhonex's lawyer) with brief description of alcohol study and how the results of this study were to be interpreted in Rhonex's defence.

For more details, please refer to Alcohol Study section of: www.rhonexkipruto.com

MORE ANSWERS FROM DAVOR SAVIJA, RHONEX'S WORLD ATHLETICS ATHLETES' REPRESENTATIVE (Appendix)

Is Rhonex going to appeal this Decision?

My advice to Rhonex has been consistent throughout this process – follow the lead of legal and scientific teams. In relation to potential appeal at CAS, my advice to Rhonex is to wait for pending genetic testing to come in and to have legal and scientific teams evaluate the case further, in light of these new testing results and said Decision.

I am aware of the spiritual, psychological and financial burden all these medical investigations have had on Rhonex and appeal at CAS needs to be considered in light of these massive challenges as well.

My wish is that this press release reaches various scientists and legal minds, with hope Rhonex gets additional support as he searches for the truth in relation to how his body functions and how this functioning is captured by the ABP.

Rhonex's well-being, short-term, mid-term and long-term remains of grave concern and this is being discussed with several members of his family and local community.

What happens when anti-doping rule violations of any of your athletes are confirmed?

We have a strict anti-doping policy. In case of anti-doping rule violations (ADRV) by athletes we work with, we end our cooperation with immediate effect. We are also committed to full repayment (to the event organisers affected by the ADRV) of our commission earned from said athletes' competition-related earnings. We consider each ADRV to be of great significance and damage to us as agency, to our team, and we perceive ourselves as victims and collateral damage of doping.

The same will be applied in this matter, after eventual appeals are exhausted and if unsuccessful. We will offer to repay (to the event organisers affected by the alleged ADRV) our commission earned from Rhonex's competition-related earnings.

These potential repayments, paired with over USD 100,000 invested directly and indirectly in St. Patrick's athletics program (which historically and recently has nurtured, among other athletes, Rhonex - with Ikaika Sports sustainably working only with Rhonex from the small group of 5-6 athletes we supported) in 2017 - 2022 period, will end-up being a massive financial challenge for our agency and will slow down our efforts in further talent identification and growth.

Onlookers are failing to grasp how much work and investment goes into talent identification, management, mentoring, development and how much doping matters hurt us. In this particular case, our investment in Rhonex's development and St. Patrick's athletics program in the 2017 - 2022 period is already in financial terms bigger than all commission earned from Rhonex's endorsement contracts and from all appearance fees, prize money and bonuses. This is before any potential repayment of the commission is taken into account.

Final concern to share?

ABP matters are not a click-bait, 30-second attention span matters. I am worried that all that has transpired in this case will be treated as such – a headline, a few lines from the Decision and then we move to another scandal which creates headlines.

I am proud to say that I am very vocal when it comes to doping matters. I am including an example of my tweets (@dsfisc) with much more lobbying and structured work being done behind the scenes, as it related to funding of anti-doping efforts in road running, and way before any reform had started:

7 Apr 2017

Vigorous OOC testing is needed and expected. Stakeholders have avenues to fund-raise and then educate, test and educate again. 24/7/365.

As many IAAF Gold Label Road Races recruit same athletes, deeper and wider OOC can be achieve through coordination and planning.

Our management, Ikaika Sports, will fully support deeper and wider OOC testing and narrowing top of our sport to manageable structure.

23 May 2017

Abbott WMM & #IAAF Gold Label Road Races have enough expertise & resources to change our sport by working together when it comes to #doping.

From #doping testing & intelligence to education, events (and hopefully their corporate sponsors & government partners) shall lead the way.

Truly hope that 40-50 leading #running events, together with IAAF, can get this right and protect investments made in pro-fields. #doping

Funds are already there, expertise is already there, industry has been hurt already, headlines have been printed. Leadership needed. #doping

If #doping is a systemic problem, then systemic solution is needed. Band-aids and occasional policing will not create lasting change.

8 November 2017

Leading road races should work together with Abbott WMM events & dedicate funds from their own budgets for deep & comprehensive #doping testing program. Pool of athletes able to compete in leading road races should be defined & stable for 6-12 month period. Rinse & repeat.

Everyone talks about #doping & if current solution is not good enough, event properties have resources & network to effect change. Limit access to pro-fields to selected number of drafted athletes. Test. Educate. Test. Draft again. Test. Educate. Test.

We call for better testing and monitoring of athletes. We made a written offer of our cooperation to the AIU in 2020 – the opportunity to test and monitor our elite Kenyan athletes directly in Kenya or elsewhere, 24 hours a day for as long as needed, with the goal to understand physiology of some of the best athletes on our planet in various conditions and at various times during their seasons: early training; specific training; pre-competition weeks; competition week; post-competition period. We remain hopeful that we could play a positive role and be part of such study.

Furthermore, in 2023, we have approached the World Athletics and AIU and offered to introduce a group of the best Kenyan athletes in the world to participate in a complex study to track total haemoglobin mass (tHb-mass) values over time in parallel to ABP, that would allow for further strengthening of the anti-doping efforts, including (but not limited to) further deterrence from doping among athletes. We also remain hopeful that we could play a positive role and be part of such study.

In the East African context at least, Athletes Representatives (ARs) are not just agents working with athletes, but rather investors, as we don't have an NCAA-like system that scouts, nurtures and develops next generations of talent. Most of these efforts rest on ARs and on sports goods manufacturers, with World Athletics Label Road Races and other World Athletics competitions facilitating the development and growth.

As running events and sports goods manufacturers and sponsors will continue to ask and challenge ARs – Are your athletes clean? Are your coaches clean? Are you a clean AR? – I am calling on all of us together to look at the state we find ourselves in:

ARs can't investigate athletes and systems in place (as much as it is needed).

AIU, which is at the forefront of available science, should be guiding interested National Federations, athletes, coaches, agents and support personnel on tests that could be done with athletes during the year, with a goal for interested parties to further learn about medical and doping risks that can flag blood and steroid passports.

Balance between i) catching dopers and; ii) protecting investments of event organisers, sports goods manufacturers and agents needs to be achieved.

We ask the industry to discuss the alternative in which flagged samples would be communicated early and the athlete would be asked for medical, training and lifestyle explanations in real-time. If you are caught speeding in a car, you are challenged by the authorities almost instantly, instead of being challenged after a certain number of similar speeding events.

Visible speeding cameras and hidden ones. Visible (and neighbourhood) policing and undercover police work. Broken windows policing. These are, I believe, very important pieces of the puzzle we are not discussing and we should be discussing them.

Our proposition is to minimise the opportunities that will create pointless scandals. Balance between "catching someone" and more active deterrence from doping should be looked at by the World Athletics, AIU, event organisers and their partners, sports goods manufacturers, sponsors, media, athletes and agents. We owe that much to ourselves and to our sport.

Coaches, National Federations and ARs, are not able to monitor athletes' ABP values, hence lacking tools to "guarantee" to event organisers, sports goods manufacturers, other sponsors and all other stakeholders that athletes are clean. For more, please see:

<https://adams-help.wada-ama.org/hc/en-us/articles/4407838190738-Why-has-athlete-access-to-ABP-blood-data-been-removed->

We have no access to WADA accredited laboratories, nor to experts consulted by WADA and / or AIU; athletes can't submit for (additional) voluntarily out-of-competition (OOC) testing and we have no formalised, centralised and acceptable avenue to further help strengthen anti-doping efforts, including, but not limited to deterrence from doping.

All of this while we are being expected to deliver clean athletes to the sporting-marketplace and while we are being dragged through mud with each doping case that makes the headlines.

In closing and as stated previously, the heartbreak is caused by the fact that I find all of the possible outcomes of this situation leading to a major loss. If Rhonex is lying - which I do not believe is the case - that is obviously a disaster. If all of these accusations are just a big mistake - such as a false positive ABP case or, God forbid, if AIU has “dropped the ball” - then all such scenarios are big losses.

MORE INFO AT:

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ABOUT IKAIKA SPORTS

Ikaika Sports identifies, educates and develops young talents to become the next generation of middle and long distance running superstars. We are based in Prague, Czech Republic but cooperate with trusted colleagues all around the world. Our combined experience well exceeds 150 man-years in sports agency business. Our clients achieved 8 World records, won 5 medals from both senior and junior World Championships, 1 Olympic medal and recorded numerous top three finishes in road running events around the globe. We are consultants for adidas Running on adidas Marathon Athlete Development Program; and we support African charities - Tirop's Angels and Sheldrick Wildlife Trust.

ENDS