

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS JANAT CHEMUSTO

INTRODUCTION

1. World Athletics has established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics' obligations as a Signatory to the World Anti-Doping Code ("the "**Code**"). World Athletics has delegated implementation of the World Athletics Anti-Doping Rules ("**ADR**") to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Ms Janat Chemusto ("the **Athlete**") is a 25-year-old middle-distance runner from Uganda¹.
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

"8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

THE ATHLETE'S COMMISSION OF ANTI-DOPING RULE VIOLATIONS

4. Rule 2 ADR sets out that the following shall constitute Anti-Doping Rule Violations:
 - "2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*

[...]
 - 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method"*
5. On 13 May 2023, the Athlete provided a urine Sample In-Competition at the 'Kip Keino Classic' held in Nairobi, Kenya, which was given code 1182947 (the "**Sample**").

¹ <https://worldathletics.org/athletes/uganda/janat-chemusto-14661492>

6. On 7 July 2023, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Lausanne, Switzerland (the “**Laboratory**”) reported an Adverse Analytical Finding in the Sample based on the presence of 19-Norandrosterone (a Metabolite of Nandrolone (19-nortestosterone) or Nandrolone precursors) consistent with exogenous origin (the “**Adverse Analytical Finding**”).
7. Nandrolone (19-nortestosterone) (including its Metabolites) is a Prohibited Substance under the WADA 2023 Prohibited List under the category S1.1: *Anabolic Androgenic Steroids*. It is a Non-Specified Substance prohibited at all times.
8. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“**ISRM**”) and determined that:
 - the Athlete did not have a Therapeutic Use Exemption (“**TUE**”) that had been granted (or that would be granted) for the 19-Norandrosterone found in the Sample; and
 - there was no apparent departure from the International Standard for Testing and Investigations (“**ISTI**”) or from the International Standard for Laboratories (“**ISL**”) that could reasonably have caused the Adverse Analytical Finding.
9. On 13 July 2023, the AIU notified the Athlete of the Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR, and of the imposition of an immediate Provisional Suspension.
10. The Athlete was informed of her rights, *inter alia*, to request the B Sample analysis, to request copies of the Laboratory Documentation Package supporting the Adverse Analytical Finding (“**LDP**”) and to admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR. The AIU also requested that the Athlete provide an explanation for the Adverse Analytical Finding.
11. On 11 August 2023, the Athlete provided, through her appointed lawyer, her initial explanation for the Adverse Analytical Finding to the AIU, which, in summary, set out that whereas she was not certain how 19-Norandrosterone had come to be present in the Sample, the Athlete suspected that some medications prescribed to her in January 2023 and April 2023 “*may have contained banned substances*”.
12. To support this initial explanation, the Athlete submitted two medical documents, one dated 21 January 2023 relating to Triamcinolone injections prescribed to her on that date and another document, dated 24 April 2023, showing a diagnosis of pneumonia and prescription of several medications.
13. The AIU reviewed the Athlete’s explanation, including the medical documents referred to above, and noted that none of the medications indicated therein could explain the presence of 19-Norandrosterone in the Sample and remained satisfied that the Athlete had committed Anti-Doping Rule Violations as set out in the Rules.
14. Therefore, on 14 September 2023, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM, and informed her, *inter alia*, that the AIU remained satisfied that she had committed Anti-Doping Rule Violations under Rule 2.1 ADR

- and Rule 2.2 ADR (the “**Charge**”). The Athlete was informed that those Anti-Doping Rule Violations warranted a period of Ineligibility of four (4) years pursuant to Rule 10.2.1(a) ADR.
15. The AIU invited the Athlete to respond to the Charge confirming how she wished to proceed by 28 September 2023. The letter confirmed that, if the Athlete failed to challenge the AIU’s assertion of the Anti-Doping Rule Violations or the Consequences, or failed to request a hearing by that date, then she would be deemed to have waived her right to a hearing, admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge.
 16. The Athlete was also specifically informed that she had until 28 September 2023 (and in any event until no later than 4 October 2023) to sign and return an Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form (the “**Admission Form**”) (enclosed with the Charge) to benefit from an automatic one (1)-year reduction in the four (4)-year period of Ineligibility pursuant to Rule 10.8.1 ADR.
 17. On 2 October 2023, the AIU wrote to the Athlete noting that the AIU had not received a response by the 28 September 2023 deadline and informed her that this meant that the AIU was entitled to deem that she has waived her right to a hearing, admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge.
 18. The Athlete was reminded that she had until 4 October 2023 to sign and return the Admission Form in order to benefit from the automatic reduction of one (1) year in the asserted period of Ineligibility.
 19. On 6 October 2023, the AIU wrote to the Athlete noting that the AIU had not received any response. The AIU confirmed that, since the Athlete had failed to sign and return the Admission Form within 20 days of receiving the Charge (as per Rule 10.8.1 ADR), this meant that she could not benefit from the one-year reduction in the period of Ineligibility under Rule 10.8.1 ADR.
 20. The AIU afforded the Athlete until no later than 9 October 2023 to confirm whether she wished to exercise her right to a hearing to determine the Anti-Doping Rule Violations and/or the Consequences in her case and confirmed that, if she failed to respond, then the AIU would (i) deem that she had waived her right to a hearing, admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge, (ii) issue a final decision recording the imposition of the Consequences specified in the Charge and (iii) Publicly Report that decision in accordance with Rule 14.3.2 ADR.
 21. On 7 October 2023, the Athlete returned, through her appointed lawyer, a signed Admission Form (dated 4 October 2023).
 22. On 9 October 2023, the AIU wrote to the Athlete and her lawyer requesting evidence that the Admission Form had been completed by the Athlete before the 4 October 2023 deadline.
 23. On 18 and 19 October 2023, the Athlete submitted the same signed version of the Admission Form (dated 4 October 2023) directly to the AIU but provided no evidence that the Admission Form had been completed on or before 4 October 2023.
 24. On 31 October 2023, the AIU therefore wrote to the Athlete and her lawyer giving a further (and final) opportunity to exercise her right to a hearing to determine the Anti-Doping Rule Violations and/or the Consequences in her case and/or to provide additional evidence relating

to the completion of the Admission Form in advance of the 4 October 2023 deadline by no later than 4 November 2023. The Athlete was informed again that, if she failed to respond, the AIU would (i) deem that she had waived her right to a hearing, admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge, (ii) issue a final decision recording the imposition of Consequences specified in the Charge and (iii) Publicly Report that decision in accordance with Rule 14.3.2 ADR, unless the AIU, in its sole discretion, referred the matter to the Tribunal.

25. The Athlete admitted to the Anti-Doping Rule Violations by returning a signed Admission Form dated 4 October 2023 on 7 October 2023. Moreover, the Athlete failed to respond to the AIU confirming that she disputed the Consequences to be imposed for the Anti-Doping Rule Violations in her case by the deadlines specified by the AIU, including by the 4 November 2023 deadline (as set out above). The Athlete is therefore deemed to have waived her right to a hearing and accepted the Consequences set out in the Charge in accordance with Rule 8.5.2(f) ADR.

CONSEQUENCES

26. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 (Presence) or Rule 2.2 ADR (Use) shall be as follows:

“10.2.1 Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:

- (a) The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*
- (b) The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was intentional.”*

27. 19-Norandrosterone is a Metabolite of Nandrolone (19-nortestosterone). Nandrolone (including its Metabolites) is a Prohibited Substance under the WADA 2023 Prohibited List under the category S1.1: *Anabolic Androgenic Steroids*. It is a Non-Specified Substance prohibited at all times.

28. The period of Ineligibility to be imposed is therefore a period of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.

29. The Athlete has failed to demonstrate that the Anti-Doping Rule Violations were not intentional. Therefore, the mandatory period of Ineligibility is a period of four (4) years.

30. The Athlete failed to admit the Anti-Doping Rule Violations and accept the Consequences specified by the AIU in the Notice of Charge within twenty (20) days in accordance with Rule 10.8.1 ADR. The Athlete cannot therefore benefit from the one (1)-year reduction in the period of Ineligibility in accordance with this provision.

31. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR and in accordance with Rule 10.2.1 ADR, Rule 9 ADR and Rule 10.10 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:

- a period of Ineligibility of four (4) years commencing on 13 July 2023 (the date of Provisional Suspension); and
- disqualification of the Athlete's results since and including 13 May 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.

PUBLICATION

32. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

RIGHTS OF APPEAL

33. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.

34. Further to Rule 13.2.3 ADR, the Athlete, WADA and the Uganda National Anti-Doping Organisation have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Rule 13.6.1 ADR.

35. If an appeal is filed against this decision by WADA or the Uganda National Anti-Doping Organisation, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 17 November 2023