

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS PRISCA CHESANG

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 Prisca Chesang ("the **Athlete**") is a 20-year-old long 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 an Anti-Doping Rule Violation:
 - 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 14 September 2023, the Athlete provided a urine Sample Out-of-Competition in Kapchorwa, Uganda, which was given code 1194198 (the "**Sample**").

¹ <https://worldathletics.org/athletes/uganda/prisca-chesang-14980121>

6. On 19 October 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 Furosemide (the “Adverse Analytical Finding”). Furosemide is a Prohibited Substance under the WADA 2023 Prohibited List under the category S5 Diuretics and Masking Agents. It is a Specified Substance prohibited at all times.
7. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“ISRM”) and determined that:
 - 7.1. the Athlete did not have a Therapeutic Use Exemption (“TUE”) that had been granted (or that would be granted) for the Furosemide found in the Sample; and
 - 7.2. 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.
8. Therefore, on 26 October 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.
9. The Athlete was informed of her rights, *inter alia*, to request the B Sample analysis and to request copies of the Laboratory Documentation Package supporting the Adverse Analytical Finding (“LDP”).
10. On 2 November 2023, the Athlete (through her appointed legal representatives) requested (i) the analysis of the B Sample, (ii) the LDP and (iii) an extension of time in which to submit her explanation for the Adverse Analytical Finding and to make a submission in relation to why a Provisional Suspension should not be imposed in her case.
11. The AIU agreed to suspend the deadline for the Athlete’s explanation and for her to make a written submission showing why a Provisional Suspension should not be imposed until after the B Sample analysis had been completed.
12. On 15 November 2023, the B Sample was analysed by the Laboratory (in the presence of the Athlete’s appointed representative) and duly confirmed the Adverse Analytical Finding in the Sample.
13. On 22 November 2023, the AIU provided the Athlete with a combined A and B Sample LDP and confirmed that the Athlete had until no later than 29 November 2023 to provide (i) any written submission setting out why a Provisional Suspension should not be imposed, (ii) a full explanation for the Adverse Analytical Finding and (iii) to admit that she had committed Anti-Doping Rule Violations, or alternatively to submit a request to do so on a without prejudice basis in the context of Rule 10.8.2.
14. On 28 November 2023, the AIU received correspondence from the Athlete’s appointed legal representatives which confirmed that, although the Athlete denied any intentional ingestion, she had no explanation for the presence of Furosemide in the Sample. The Athlete also submitted that no Provisional Suspension should be imposed upon her because it is not mandatory to do so under the Rules.

15. Pursuant to the foregoing, on 6 December 2023, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 and Article 7.1 ISRM. The Notice of Charge informed the Athlete, *inter alia*, that (i) the AIU remained satisfied that she had committed Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, (ii) that the Anti-Doping Rule Violations warranted a period of Ineligibility of two (2) years pursuant to Rule 10.2.1(b) ADR and (iii) that a Provisional Suspension was imposed upon the Athlete with immediate effect in accordance with Rule 7.4.2 ADR pending the determination of the matter.
16. The AIU invited the Athlete to respond to the Notice of Charge confirming how she wished to proceed by no later than 15 December 2023.
17. On 12 December 2023, the AIU received (and agreed to) a request from the Athlete's legal representatives for an extension of the deadline to respond to the Notice of Charge until 10 January 2024.
18. On 10 January 2024, the Athlete's legal representatives wrote to the AIU confirming that the Athlete denied having committed the Anti-Doping Rule Violations set out in the Notice of Charge.
19. On 15 January 2024, the AIU was informed by the Athlete's legal representatives that they (and the Athlete's Authorised Athlete Representatives, Global Sports Communications) had withdrawn from representing the Athlete in the matter, and asked that all future correspondence be sent directly to the Athlete.
20. Therefore, the AIU wrote directly to the Athlete by e-mail on 16 January 2024, noting that her legal representatives and her Authorised Athlete Representatives had withdrawn from representing her. The AIU invited the Athlete to confirm in writing, by no later than 19 January 2024, that she denied the Anti-Doping Rule Violations as set out in the letter from her legal representatives dated 10 January 2024 and to submit a written request for a hearing to determine the Anti-Doping Rule Violations set out in the Notice of Charge.
21. The AIU also informed the Athlete that, if she failed to confirm her position and/or to make a written request for a hearing by 19 January 2024, then the AIU would be entitled to deem that she waived her right to a hearing, admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Notice of Charge in accordance with Rule 8.5.2(f) and would issue a final decision in the matter in accordance with Rule 8.5.6.
22. The Athlete failed to respond or to submit a written request for a hearing by the deadline of 19 January 2024 or at all.

CONSEQUENCES

23. This is the Athlete's first Anti-Doping Rule Violation.
24. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 or Rule 2.2 shall be as follows:

“10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

[...]

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.”*

25. As stated above, Furosemide is a Prohibited Substance under the WADA 2023 Prohibited List under the category S5 (Diuretics and Masking Agents), and is a Specified Substance prohibited at all times. Rule 10.2.1 ADR specifies that Anti-Doping Rule Violations for a Specified Substance carry a four (4)-year period of Ineligibility if the AIU establishes that the Anti-Doping Rule Violations were intentional.
26. Rule 10.2.3 ADR explains that, in that context, the term "intentional" is meant to identify those who engage in conduct that they knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk.
27. The Athlete has no explanation as to the circumstances that led to the presence of Furosemide in the Sample. The AIU therefore has not discovered any evidence that the Athlete's Anti-Doping Rule Violations were "intentional" within the meaning of Rule 10.2.3 ADR.
28. The mandatory period of Ineligibility to be imposed in the Athlete's case is therefore two (2) years. Since the Athlete has provided no explanation or any information in mitigation, there is also no basis for any reduction in the period of Ineligibility under Rule 10.5 ADR (No Fault or Negligence) or Rule 10.6 ADR (No Significant Fault or Negligence).
29. The Athlete is deemed to have admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR pursuant to Rule 8.5.2(f) ADR. Therefore, in accordance with Rule 10.2.1 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
- 29.1. a period of Ineligibility of two (2) years commencing on 6 December 2023 (the date of Provisional Suspension); and
 - 29.2. disqualification of the Athlete's results on and since 14 September 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes, and appearance money.

PUBLICATION

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

RIGHTS OF APPEAL

31. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
32. Further to Rule 13.2.3 ADR, WADA, the National Anti-Doping Organisation of Uganda and the Athlete 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.
33. If an appeal is filed against this decision by WADA or the National Anti-Doping Organisation of Uganda, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 23 January 2024