

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS KAMALPREET KAUR

### 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 Kamalpreet Kaur ("the **Athlete**") is a 26-year-old discus thrower from India<sup>1</sup>.
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 7 March 2022, the Athlete provided a urine Sample, Out-of-Competition in Patiala, India, which was given code 4609540 (the "**Sample**").

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<sup>1</sup> <https://worldathletics.org/athletes/india/kamalpreet-kaur-14621360>

6. On 28 March 2022, the World Anti-Doping Agency (“WADA”) accredited laboratory in Lausanne, Switzerland (the “Laboratory”) reported an Adverse Analytical Finding in the Sample for the presence of Stanozolol metabolites<sup>2</sup> (the “Adverse Analytical Finding”).
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 Stanozolol metabolites 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. The AIU also noted that the Athlete had made several disclosures in the declarations section of the Doping Control Form (“DCF”) at the time of Sample collection on 7 March 2022<sup>3</sup>.
9. On 29 March 2022, 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 supporting the Adverse Analytical Finding 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 April 2022, the Athlete confirmed that she would not request the B Sample analysis or the A Sample and/or B Sample Laboratory Documentation Packages (“LDPs”) unless she was assisted with the related costs.
12. The Athlete also confirmed that she wished for several supplements to be analysed at the WADA-accredited laboratory in New Delhi, India (the “New Delhi Laboratory”).
13. On 13 April 2022, the AIU noted that the Athlete had waived her right to the B Sample analysis<sup>4</sup> and agreed to her request to have several supplements tested at the New Delhi Laboratory at her cost. The AIU gave her until 20 April 2022 to:
  - 13.1. provide specific details concerning her ingestion of each of the supplements that she had declared on her DCF on 7 March 2022, including their full name, photos of the

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<sup>2</sup> Namely 3'-hydroxystanozolol-O-glucuronide and 16bhydroxystanozolol-O-glucuronide.

<sup>3</sup> The Athlete declared on the DCF the following: “*Protein GNC, Fish Oil, Multivitamin (MyProtein), HMB, Muscle Tech, Creatine (MyProtein), Triflex-GNC, BCAA, Collagen Regenerate (BSC), Ashwagandha (AMP Vitals), Durolane, Osteocync, Rosren HD, Rosiflex Trio, Zinc, Vitamin C, Glutamine, Pulmocef cv500*”.

<sup>4</sup> The AIU confirmed that they were unable to assist the Athlete with the costs of the B analysis and/or production of the LDP(s).

packaging, the approximate quantity of the supplement that remained in her possession, the date and place of purchase (and any proof of purchase) and an account of her use of the supplement in the 7 days prior to the doping control (including dosage, frequency & last day of use); and

- 13.2. confirm which supplement(s) she would send to the New Delhi Laboratory for analysis. For each of those supplements, the AIU requested that she also confirm the batch/lot number of the supplement(s) and that she purchases the same supplement(s) with the same batch/lot number for potential future testing.
14. On 20 April 2022, the Athlete confirmed that she had submitted four (4) of her supplements for analysis by a private laboratory in India which had detected “*traces of steroid*” in one of those supplements (“the **Protein Supplement**”) and provided a report dated 1 April 2022. The Athlete further stated that she had been unable to obtain a sealed bottle of the Protein Supplement from the same batch.
15. The Athlete also confirmed that (i) she would send the Protein Supplement to the New Delhi Laboratory for testing (ii) she had acquired the Protein Supplement on 21 May 2021, and (iii) that she had used 2 scoops of the Protein Supplement a day “*from around the second week of February [2022]*” until 5 March 2022.
16. On 27 April 2022, the AIU asked the Athlete to provide a copy of the analysis request that she had made to the private laboratory in India that had analysed her supplements (including the Protein Supplement) and a copy of all of the underlying analytical data from that analysis.
17. On 2 May 2022, the Athlete provided the AIU with a copy of a “Sample Requisition Slip” for each of the supplements submitted to the private laboratory for testing and a copy of the guidelines observed and followed by that laboratory in testing those supplements.
18. On 4 May 2022, the AIU requested specific analytical data corresponding to the analysis of the Protein Supplement.
19. On 7 May 2022, the Athlete confirmed that the private laboratory had stated as follows: “*[t]he method used in identification of steroids is a colour development method performed by adding chemicals as mentioned in the pharmacopoeial method provided to you in the previous mails. The said method conforms only to the presence of steroids and is not supported by any chromatograms and graphs as per Indian Pharmacopoeia.*”
20. On 16 May 2022, the AIU provided the Athlete with instructions for sending the Protein Supplement to the New Delhi Laboratory for testing and, on 18 May 2022, the Athlete confirmed that the Protein Supplement had been delivered.
21. On 24 June 2022, the AIU provided the Athlete with the results of the analysis of the Protein Supplement by the New Delhi Laboratory, which confirmed that Stanozolol had been detected in the Protein Supplement. The AIU also asked the Athlete to attend an interview with respect to her explanation for the Adverse Analytical Finding.

22. On 1 July 2022, the Athlete was interviewed<sup>5</sup> by representatives of the AIU through which the following points were clarified:
- 22.1. The Athlete takes a number of different supplements. She checks her supplements with a nutritionist and her coach before using them.
  - 22.2. The Athlete was provided with the Protein Supplement in May 2021.
  - 22.3. She had used the Protein Supplement (that she disclosed on her DCF)<sup>6</sup> five days per week, on training days, from around 10-15 February 2022 until and including 2 days before the doping control (i.e., 5 March 2022)<sup>7</sup>. She did not use the Protein Supplement after 5 March 2022.
  - 22.4. When using the Protein Supplement, she generally took two scoops a day, one scoop in the morning and one scoop in the evening, generally after training, but might use only one scoop on light training days.
  - 22.5. After being notified of the Adverse Analytical Finding on 29 March 2022, the Athlete's coach had advised her to have the supplements remaining in her possession tested. She therefore sent four (4) supplements to the private Laboratory for testing on 31 March 2022 including the Protein Supplement. The results of that analysis were hand delivered to the Athlete on 1 April 2022 and confirmed the presence of traces of Steroids in the Protein Supplement only.
23. The AIU submitted the Athlete's full explanation in relation to the use of the Protein Supplement to the AIU scientific advisor and his expert opinion was that the use of the referenced Protein Supplement - as documented and described by the Athlete - was not compatible with the Adverse Analytical Finding as a matter of pharmacokinetics.
24. The AIU therefore issued the Athlete with a Notice of Charge on 7 September 2022, in accordance with Rule 8.5.1 and Article 7.1 ISRM, and informed her, *inter alia*, that, following a review of her explanation for the Adverse Analytical Finding, it was the AIU's position that she had not established how the prohibited substance entered her body and that she had committed Anti-Doping Rule Violations under Rule 2.1 ADR, Rule 2.2 ADR. The athlete was also informed that those Anti-Doping Rule Violations warranted a period of Ineligibility of four (4) years pursuant to Rules 10.2.1(a) ADR and the AIU invited her to respond to the Charge confirming how she wished to proceed by no later than 21 September 2021<sup>8</sup>.

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<sup>5</sup> During the interview, the Athlete was represented by her chosen legal counsel and spoke through an interpreter.

<sup>6</sup> She confirmed that she declared the supplement as "Protein GNC" on the DCF.

<sup>7</sup> The Athlete's training diary confirms that 5 March was a training day.

<sup>8</sup> The AIU informed the Athlete that she had until 21 September 2022 (and in any event until no later than 27 September 2022) to sign and return an Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form (enclosed with the Notice of 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 and that, if she failed to do so by that date, she would be deemed to have admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge, and the AIU would then issue a final decision in her case.

25. On 27 September 2022, the Athlete returned an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed to confirm that she admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Notice of Charge.

## CONSEQUENCES

26. This is the Athlete's first Anti-Doping Rule Violation.
27. 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:

*“10.2.1 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.”*

28. Stanazolol is a Prohibited Substance under the WADA 2022 Prohibited List under the category S1: Anabolic agents. It is a Non-Specified Substance prohibited at all times.
29. 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.
30. 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 Ineligibility of four (4) years.
31. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years may benefit from a one (1)-year reduction in the period of Ineligibility based on an early admission and acceptance of sanction:

*“10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction.*

*Where the Integrity Unit notifies an Athlete or other Person of an anti-doping rule violation charge that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Rule 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Notice of Charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the Integrity Unit. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Rule 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”*

32. The Charge was issued to the Athlete on 7 September 2022 and, on 27 September 2022, the AIU received an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete in which the Athlete admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility of four (4) years.

33. The Athlete shall therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 based on an early admission and acceptance of sanction.
34. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, in accordance with Rule 10.2.1 ADR and the application of Rule 10.8.1 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
- 34.1. a period of Ineligibility of three (3) years commencing on 29 March 2022 (the date of Provisional Suspension); and
  - 34.2. disqualification of the Athlete's results on and since 7 March 2022, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.
35. The Athlete has accepted the above Consequences for her Anti-Doping Rule Violations and has expressly waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## PUBLICATION

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

## RIGHTS OF APPEAL

37. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
38. Further to Rule 13.2.3 ADR, WADA and the National Anti-Doping Agency of India ("NADA") 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.
39. If an appeal is filed against this decision by WADA or NADA, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 11 October 2022