

DISCIPLINARY TRIBUNAL: A PATTERN OF ‘CRIMINAL CONDUCT’ AND ‘MEDICAL KNOWLEDGE’ IN KENYAN TAMPERING CASES

4 APRIL 2023, MONACO: Striking similarities in at least two recent Tampering cases involving Kenyan athletes have led a Disciplinary Tribunal to conclude there is a medically-savvy operation helping athletes to try and cover up doping offences - behaviour amounting to “criminal conduct involving frauds on the (Athletics Integrity Unit) AIU”.

This assertion comes in the wake of the latest sanction on a Kenyan athlete - Eglay Nafuna Nalyanya - who has been banned by the AIU for eight years for three breaches of the World Athletics Anti-Doping Rules (ADR): presence of a prohibited substance (ADR 2.1; 19-Norandrosterone), use of a prohibited substance (ADR 2.2; Nandrolone and/or Nandrolone precursors), and Tampering or Attempted Tampering with any part of Doping Control (ADR 2.5). Her period of ineligibility began on 18 March 2022, the date on which she was provisionally suspended, and her results on and since 1 February 2022 (the date on which she first tested positive) have been disqualified. The presence and use breaches were treated jointly as one violation for which Nalyanya was banned four years, with another four-year ban for Tampering to be served consecutively.

While assessing the facts of Nalyanya’s case, the three-member panel noticed a similar pattern of explanation and evidence by the athlete regarding her two Adverse Analytical Findings (provided from in-competition urine samples in Germany on 1 February and 12 February 2022) to that of her compatriot Betty Lempus who was banned for five years in January for two ADR violations. Nalyanya and Lempus told the AIU they received intramuscular injections while being treated at the same Kenyan hospital and produced falsified medical documents to support their respective claims. In both instances, AIU investigations - in collaboration with the Anti-Doping Agency of Kenya (ADAK) - discovered the documents were false; that the doctors listed were fictitious; and that neither athlete had received the respective injection though both women had attended the hospital on the respective days in question. In Nalyanya’s case, a hospital official testified the hospital has never stocked the medication (sustanon) which Nalyanya said she received.

The Disciplinary Tribunal pointed out that comparisons of the falsified documents in the two cases showed distinctive likenesses.

“It is obvious from the almost identical wording of parts of the letter from the supposed doctor (Dr Philip Murey) in the Lempus case that it was written by the same individual as the equivalent letter in the present case. The Lempus letter was written a month before the letter from Dr Davis Lukorito Wanambisi in the present case,” stated the panel.

“The pattern of behaviour is remarkably similar in both cases. There is no possibility in our view that the Athlete in the present case had the sophistication or medical knowledge either to draft the letter from Dr Davis Lukorito Wanambisi nor the email of 24 March 2022, nor indeed to set up the scheme employed in the present case.”

Ultimately, the panel reached the following damning conclusion.

“It seems that elite Kenyan athletes are being assisted by a person or persons, including someone with considerable medical knowledge, to commit what amounts to criminal conduct involving frauds on the AIU, and that this is not limited to a single case but evidences a pattern of behaviour. We regard this conduct as a matter of the greatest possible concern and urge the AIU to take all possible steps to establish how this is occurring.”

Reacting to this news, AIU Chair David Howman reiterated the AIU’s commitment to working with Kenyan authorities to smother the doping scourge that has plagued Kenyan athletics in recent years. Citing the Kenyan Government’s US\$5 million pledge per year for the next five years to fight doping in athletics, he noted a strategy is already being implemented to tackle the problem.

“It is clear doping in Kenya is increasingly well organised and these cases underline the reality that medically-experienced personnel are involved. This is a serious threat to our sport. The AIU has been asked to work with the Kenyan Government, Athletics Kenya and the Anti-Doping Agency of Kenya to attack this crisis. We have set up a Steering Committee to lead this special project and determine how best to use this funding, and the AIU’s expert advice will be utilised across various strategic areas, including testing, investigations and intelligence, and education outreach,” detailed Howman.

“We are all aware of the magnitude of this challenge and we will do our utmost to find the sources of these doping operations in Kenya; to seek the appropriate punishments and protect the integrity of international athletics.”

DETAILS HERE: <https://bit.ly/Nalyanya-decision>

About the Athletics Integrity Unit

The Athletics Integrity Unit (AIU) is the independent body created by the World Athletics that manages all integrity issues - both doping and non-doping - for the sport of athletics. The remit of the AIU includes anti-doping, the pursuit of individuals engaged in age or competition results manipulation, investigating fraudulent behaviour with regards to transfers of allegiance, and detecting other misconduct including bribery and breaches of betting rules. It is the AIU's role to drive cheats out of our sport, and to do everything within its power to support honest athletes around the world who dedicate their lives to reaching their sporting goals through dedication and hard work.

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