

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS ROSEMARY MUMO KATUA

### 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 Rosemary Mumu Katua ("the **Athlete**") is a 27-year-old road runner from Bahrain<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. This matter concerns the Athlete's second Anti-Doping Rule Violation. The Athlete has previously served a period of Ineligibility of three (3) years from 3 December 2017 to 2 December 2020 for Anti-Doping Rule Violations based on the presence of 19-norandrosterone (a Metabolite of Nandrolone) in a Sample collected from the Athlete on 14 October 2017.
5. 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"*
6. On 22 October 2023, the Athlete provided a urine Sample In-Competition at the Jakarta Half Marathon (a World Athletics Label Road Race) in Jakarta, Indonesia, which was given code 1152185 (the "**First Urine Sample**").

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<sup>1</sup> <https://worldathletics.org/athletes/bahrain/rosemary-mumo-katua-14643421>

7. On 12 November 2023, the Athlete provided a urine Sample pursuant to Testing conducted under the Testing Authority of the Indonesia Anti-Doping Organization (“IADO”), In-Competition, at the BTN Jakarta Run in Jakarta, Indonesia, which was given code 1152433 (the “Second Urine Sample”).
8. On 29 November 2023, the World Anti-Doping Agency (“WADA”) accredited laboratory in Bangkok, Thailand (the “Laboratory”) reported an Adverse Analytical Finding in the First Urine Sample for the presence of Triamcinolone acetonide (the “First Sample Adverse Analytical Finding”).
9. Triamcinolone acetonide is a Prohibited Substance under the WADA 2023 Prohibited List under the category S9 Glucocorticoids. It is a Specified Substance prohibited In-Competition when administered by any injectable, oral<sup>2</sup> or rectal route.
10. The AIU reviewed the First Sample Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“ISRM”) and determined that:
  - 10.1. the Athlete did not have a Therapeutic Use Exemption (“TUE”) that had been granted for the Triamcinolone acetonide found in the First Urine Sample;
  - 10.2. 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 First Sample Adverse Analytical Finding; and
  - 10.3. there was no indication that Triamcinolone acetonide had been administered by a permitted route.
11. Therefore, on 12 December 2023, the AIU issued the Athlete with a Notice of Allegation, notifying the Athlete of the First Sample Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the First Sample Adverse Analytical Finding may result in a second Anti-Doping Rule Violation pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR and that the AIU would seek a period of Ineligibility of up to five (5) years against the Athlete<sup>3</sup>.
12. 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 First Sample 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 First Sample Adverse Analytical Finding.

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<sup>2</sup> Including oromucosal (e.g., buccal, gingival, sublingual).

<sup>3</sup> The period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1/Rule 2.2 involving a Specified substance is a period of two (2) years in accordance with Rule 10.2.2. However, in accordance with Rule 10.9.1(a) the period of Ineligibility for a second Anti-Doping Rule Violation shall be in the range between (i) the sum of the period of Ineligibility imposed for the first Anti-Doping Rule Violation (in this case, 3 years) plus the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation (2 years) (i.e., a total of five (5) years), and (ii) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation (i.e., 2 x 2 years = 4 years).

13. On 18 December 2023, the IADO wrote to the AIU referring to a TUE enquiry form issued by the Laboratory and requesting transfer of Whereabouts custodianship to be able to upload the details of a TUE to the Athlete's ADAMS profile. The AIU responded to IADO on the same day asking for clarification and further information as to the matter that IADO was referring to.
14. On 19 December 2023, the Athlete returned an Admission of Anti-Doping Rule Violation and Acceptance of Consequences Form (the "**First Admission Form**") signed to confirm that she admitted the Anti-Doping Rule Violation and accepted the Consequences specified in the Notice of Allegation.
15. On 21 and 22 December 2023, the IADO responded to the AIU's request for further information and informed the AIU that the Laboratory had also notified IADO of a Presumptive Adverse Analytical Finding for Triamcinolone acetonide in the Second Urine Sample. The IADO also informed the AIU that the Athlete had been permitted by IADO to apply for a retroactive TUE, but that the application had been returned to the Athlete as incomplete on 18 December 2023.
16. On 4 January 2024, the IADO informed the AIU that the Athlete had failed to respond to requests from IADO to complete her TUE application.
17. Therefore, on the same date, 4 January 2024, the AIU requested that the IADO agree to transfer its responsibility for Results Management in relation to Second Urine Sample to the AIU.
18. On the same day, 4 January 2024, the IADO confirmed that it agreed to the AIU conducting Results Management in relation to the Second Urine Sample.
19. On 11 January 2024, the Laboratory confirmed an Adverse Analytical Finding in the Second Urine Sample for the presence of Triamcinolone acetonide (the "**Second Sample Adverse Analytical Finding**").
20. The AIU reviewed the Second Sample Adverse Analytical Finding in accordance with Article 5 of the ISRM and determined that:
  - 20.1. the Athlete did not have a TUE that had been granted for the Triamcinolone acetonide found in the Second Urine Sample;
  - 20.2. there was no apparent departure from the ISTI or from the ISL that could reasonably have caused the Second Sample Adverse Analytical Finding; and
  - 20.3. there was no indication that Triamcinolone acetonide had been administered by a permitted route.
21. Therefore, on 21 February 2024, the AIU issued the Athlete with a second Notice of Allegation notifying the Athlete of the Second Sample Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that any Anti-Doping Rule Violations arising from the Second Sample Adverse Analytical Finding would be considered together with any Anti-Doping Rule Violations arising from the First Sample Adverse Analytical Finding as a second Anti-Doping Rule Violation in accordance with Rule 10.9.3(a), and of the imposition of an immediate Provisional Suspension.
22. 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 Second Sample 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 Second Sample Adverse Analytical Finding.

23. On 27 February 2024, the Athlete returned an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form (the “**Second Admission Form**”) signed to confirm that she admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the second Notice of Allegation.

## CONSEQUENCES

24. This is the Athlete’s second Anti-Doping Rule Violation<sup>4</sup>.

25. Rule 10.9.1(a) ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation that is a second Anti-Doping Rule Violation shall be as follows:

*“10.9.1 Second or third anti-doping rule violation:*

- (a) For an Athlete of other Person’s second anti-doping rule violation, the period of Ineligibility will be the greater of:*
  - (i) a six month period of Ineligibility; or*
  - (ii) a period of Ineligibility in the range between:*
    - (aa) the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility applicable to the second anti-doping rule violation treated as if it were a first violation; and*
    - (bb) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.”*

26. The period of Ineligibility imposed for the Athlete’s first Anti-Doping Rule Violation was a period of three (3) years.

27. The period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation, treated as if it were a first violation, is determined as per Rule 10.2 ADR. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 ADR 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.*

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<sup>4</sup> Pursuant to Rule 10.9.3(a) ADR, the First Adverse Analytical Finding and the Second Adverse Analytical Finding are considered together as a single violation.

- (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.*

*10.2.2 If Rule 10.2.1 does not apply, then (subject to Rule 10.2.4(a)) the period of Ineligibility will be two years.”*

28. Triamcinolone acetonide is a Prohibited Substance under the WADA 2023 Prohibited List under the category S9 Glucocorticoids. It is a Specified Substance prohibited In-Competition when administered by any injectable, oral<sup>5</sup> or rectal route.
29. The AIU has no evidence that the Anti-Doping Rule Violation was intentional and the period of Ineligibility for the second Anti-Doping Rule Violation (treated as if it were a first violation) is therefore a period of Ineligibility of two (2) years.
30. In accordance with Rule 10.9.1(a) ADR, the period of Ineligibility to be imposed for the Athlete’s second Anti-Doping Rule Violation is therefore a period in the range of between four (4) and five (5) years, to be determined based on the entirety of the circumstances and the Athlete’s degree of Fault for the second violation.
31. Having reviewed the entirety of the circumstances, including the Athlete’s degree of Fault with respect to the second Anti-Doping Rule Violation, the AIU considers that the period of Ineligibility to be imposed is a period of five (5) years.
32. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) years or more 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.”*

33. The AIU issued the Athlete with a Notice of Allegation, asserting potential Anti-Doping Rule Violations and a period of Ineligibility of five (5) years, on 12 December 2023 (viz. the First Sample Adverse Analytical Finding) and on 21 February 2024 (viz. the Second Sample Adverse Analytical Finding) and, on 19 December 2023 and 27 February 2024 respectively, the AIU received Admission Forms signed by the Athlete in which the Athlete admitted that she had committed an Anti-Doping Rule Violation and accepted the asserted period of Ineligibility.

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<sup>5</sup> See footnote 2.

34. The Athlete shall therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 ADR based on an early acceptance of sanction.
35. On the basis that the Athlete has admitted the Anti-Doping Rule Violation under Rule 2.1 ADR, in accordance with Rule 10.2.2 and 10.9.1(a) ADR and the application of Rule 8.5.6 and Rule 10.8.1 ADR, the AIU confirms by this decision the following Consequences for the Athlete's second Anti-Doping Rule Violation:
- 35.1. a period of Ineligibility of four (4) years commencing on 19 December 2023 (the date that the First Admission Form was received by the AIU signed and completed); and
  - 35.2. disqualification of the Athlete's results on and since 22 October 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and prize and appearance money.
36. The Athlete has accepted the above Consequences for her second Anti-Doping Rule Violation and has expressly waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## **PUBLICATION**

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

## **RIGHTS OF APPEAL**

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

Monaco, 7 March 2024