

Anti-Doping Disciplinary Panel

J.L.N Stadium, Gate No. 10 Hall No.103
1st Floor, Lodhi Road, New Delhi 110 003
Telefax : 011-24368274

To,

Date: 31.03.2023

Ms. Sanjita Chanu
D/o Khumukcham Lukhoi Meitei
R/o Kakching Khunou Umathel
Awang Leikai Manipur – 795103
Email:- sanjitachanu19@gmail.com

Subj: Decision of the Anti Doping Disciplinary Panel Case No.-250.ADDP.2022

NADA Vs. Ms. Sanjita Chanu (ADAMS ID –KHSFA93598)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 28.03.2023 in respect of final hearing of the above case held on 10.02.2023 is enclosed.


Please note that according to Article 13.2.2 of Anti-Doping Rules of NADA 2021, **the time to file an appeal to the National Anti-Doping Appeal Panel shall be twenty-one (21) days from the date of receipt of this decision by the appealing party.** The appeal may be filed at the abovementioned address.

Also please note that according of Article 10.7.1- (**Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**)- Any period of Ineligibility imposed may be partially suspended if you assist NADA in uncovering and/or establishing an ADRV by another Athlete or Athlete Support Personnel pursuant to Article 10.7.1 ADR. Further, the athlete is subjected to doping control test during the ineligibility period, therefore, athlete is required to update his residential address as and when changed.

Copy of the NADA Anti-Doping Rules 2021 may be downloaded from NADA website at the following link:-www.nadaindia.org/en/anti-doping-rule-of-nada

The receipt of this communication may be acknowledged.

Encl: 10 sheets


(Yasir Arafat)
Law officer

Copy forwarded together with the copy of the order containing the decision of the Anti-Doping Disciplinary Panel for information and action deemed necessary:

1. World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
2. General Secretary, Indian Weightlifting Federation WZ-78, 1st Floor, Todapur Village, New Delhi 110012.
3. International Weightlifting Federation H-1146, Budapest, Istvanmezeiut, Hungary.
4. National Anti-Doping Agency, J.L.N Stadium, 1st Floor, Hall No. 104, Lodhi Road, New Delhi, 110003.

BEFORE THE ANTI DOPING DISCIPLINARY PANEL

In the matter of Ms. Sanjita Chanu for violation of Article 2.1 and 2.2 of National Anti-Doping Agency Anti-Doping Rules, 2021

**Quorum: Mr. Chaitanya Mahajan, Chairman, ADDP
Dr. R.K Arya, Member, ADDP
Mr. Jagbir Singh, Member, ADDP**

**Present: Mr. Yasir Arafat, Law Officer for NADA.
Ms. Sanjita Chanu, Athlete.**

JUDGEMENT

Date: 28.03.2023

The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against Ms. Sanjita Chanu (“**the athlete**”). The athlete is a “**Weightlifting**” athlete and her date of birth as stated in the Dope Control Form (“**DCF**”), happens to be 02.01.1994.

1. That the brief facts of the case are as follows:
 - 1.1. On 30th September 2022, during 36th National Games 2022 held at Gandhinagar, Gujrat, a NADA Doping Control Officer (“**DCO**”) collected the urine sample from the athlete.
 - 1.2. The athlete was duly assisted by DCO and the sample was split by the athlete into two separate bottles, which were given reference number A 6500897 (the “**A Sample**”) and B 6500897 (the “**B Sample**”).
 - 1.3. The said samples were then transported to the World Anti Doping Agency (“**WADA**”) – accredited Laboratory, National Dope

Testing Lab, Delhi (the “laboratory”) and analyzed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories. Analysis of the 'A' Sample returned an Adverse Analytical Finding ("AAF") for the following:

- **S1.1 Anabolic Androgenic Steroids (AAS)/Drostanolone metabolite,3alpha-hydroxy-2alpha-methyl-5alpha-androstan-17-one**

- 1.4. The said Substance is an Anabolic Steroid and is listed under S 1 of WADA's 2022 Prohibited List which are non-specified substances.
- 1.5. As per NADA's records, the Athlete did not have a Therapeutic Use Exemption ("TUE") to justify the presence of above Anabolic Steroids in her system.
2. The Initial Review and Notification of “AAF”, provisionally suspending her was issued by NADA on 12.11.2022.
3. The athlete exercised her right for B sample opening and analysis vide her Email dated November 15th 2022, which was conducted on December 5th, 2022 at National Dope Testing Laboratory, Delhi, in the presence of the athlete herself.
4. The initial review and Notification of “AAF”, provisionally suspending her was issued by NADA on 12.11.2022.
5. Subsequently, the athlete was served upon with the Notice of Charge dated 20.12.2022 by NADA. The said Notice of Charge duly mentioned the potential consequences.

6. Oral & Written Submissions made by the athlete vide her Email dated 09.01.2023 are reproduced herein:

- 6.1. That the athlete did not take any prohibited substance during or prior to the said competition i.e. 36th National games.
- 6.2. It is submitted that the athlete had been previously dragged in a controversial dope case but was later on exonerated and her innocence was accepted by the International Wrestling Federation.
- 6.3. It has been submitted that athlete has never been tested positive for any prohibited substance in the past and has been tested many times before this. The athlete took all due care and was very careful about her food and supplementary intake.
- 6.4. It is submitted that the athlete is denying the knowledge of prohibited substance entering her body through any means and that she is extra cautious about her diet and consumes nothing, which will place her career at risk.

7. Submissions by NADA

- 7.1. NADA submitted that the presence of Prohibited Substance is not in dispute by the athlete.
- 7.2. NADA submitted that as per 10.2.3 of NADA ADR 2023, the term “intentional” is meant to identify those athletes or other person who engage in conduct which they knew constituted an anti-doping rule violation or knew there was a significant risk that the conduct might constitute or result in anti-doping rule violation and manifestly disregard that risk.”
- 7.3. It is submitted by NADA that under Article 2.1.1 of the Rules, it is the personal duty of each athlete to ensure that no prohibited

substance enters his/her body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the part of the athlete is to be demonstrated so as to establish a case of anti-doping rule violation under article 2.1. In the said background, it is submitted by NADA that the athlete has failed to furnish any explanation as to how the prohibited substance came to be found in the sample.

- 7.4. It is further submitted by NADA that in case of non-specified substance, there is presumption of intentional use of prohibited substance under article 10.2.1 in order to gain unfair advantage over other athletes and hence the athlete is liable for four years of ineligibility.

Observation and findings of the panel

We have heard the arguments made by athlete, counter arguments put forth by NADA representative and perused the available material on record shared with us.

8. The panel would like to reiterate Article 2.1.2 of NADA ADR 2021 rules,
” Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following:
presence of a Prohibited Substance or its Metabolites or Markers in the Athlete’s A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed;
or, where the Athlete’s B Sample is analyzed and the analysis of the Athlete’s B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete’s A Sample; or,
where the Athlete’s A or B Sample is split into two (2) parts and the analysis of the confirmation part of the split Sample confirms the

presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample
Or the Athlete waives analysis of the confirmation part of the split Sample.”

9. It is admitted and undisputed position, that the athlete’s sample B confirms the presence of Anabolic **Androgenic Steroids (AAS)/Drostanolone**, a prohibited substance Under category S1 of “WADA” 2022 prohibited list, which undoubtedly falls under Article 2.1.2, hence, establishing a sufficient proof of an anti doping rule violation.
10. When a sample testing returns a positive finding, the burden of proof shifts on the athlete to explain and justify as how the prohibited substance has entered his/her body.
11. Anabolic Androgenic Asteroid/ Drostanolone found in the urine sample of the athlete, is a potent synthetic androgenic anabolic steroid similar to testosterone, this causes downstream genetic transcriptional changes, it increases protein anabolism; and decreases amino acid catabolism. Often used non-medically for physique and performance-enhancing purposes.
12. In the case of *Arbitration CAS 2019/A/6213 World Anti-Doping Agency (WADA) v. Czech Anti-Doping Committee (CADC) & Czech Swimming Federation (CSF) & Kateřina Kašková, award of 23 September 2019* the court observed that
“The Athlete bears the burden of establishing that the violation was not intentional, and a lack of intention cannot be inferred from protestations of innocence (however credible), the lack of a demonstrable sporting incentive to dope, unsuccessful attempts by the athlete to discover the origin of the prohibited substance or the athlete’s clean record. In this case, the athlete has not established the

origin of the metabolite in her system and has not established any exceptional circumstances on the facts of this appeal. The submissions, documents and evidence on behalf of the athlete are not persuasive that the occurrence of the circumstances which the athlete relies is more probable than their nonoccurrence, and it is not sufficient to make protestations of innocence and to suggest that the prohibited substance must have entered her body inadvertently from some supplements or other product, which the athlete claims she was taking at the relevant time.”

13. In the present case also, the athlete denied the intake of any prohibited substance within her knowledge and submitted that she has taken all due care and caution while consuming food and supplements but the athlete has failed to provide and substantial proof supporting her claim. Mere blatant denial of consumption of prohibited substance does not prove the innocence and lack of intention of the athlete.
14. In CAS 2020/ A/7536 Ashley Kratzer v. International Tennis Federation the Hon’ble Sole Arbitrator noted the following:

“It is well-known in the world of sport that particular care is required from an athlete when applying medications, because the danger of a prohibited substance entering the athlete's system is particularly high in such context, i.e. significant (e.g. CAS 2020/A/7299 no. 133 et seq.; CAS 2013/A/3327, no. 75; CAS 2016/A/4609, no. 68).

89. It is uncontested between the Parties that the Appellant received some anti-doping education. She stated that she is aware that supplements and medications must be checked for prohibited substances before being administered. Thus, in the abstract, the Appellant is and was aware that self-medication is associated with a significant doping risk. This is corroborated by the fact that the Appellant competes at an elite level already for many years and was at the relevant time "already" 21 years old.

90. *What appears questionable, however, is whether the Appellant recognized the significant doping risk in relation to the specific circumstances of this case, i.e. whether she qualified the use of the Cream as administering or applying a medicine. Such assumption would be easier to make, if the Appellant had bought the Cream in a pharmacy, if the Cream had been given to her by doctor or if the Cream had been labelled as a medicine. This is not the case here. However, in the view of the Sole Arbitrator, it suffices that the Appellant in a parallel evaluation from a layperson's perspective knew enough to qualify her behaviour as some form of self-medication.*”

15. It was further noted that: *“In case of an ADRV involving a non-specified substance, an athlete is presumed to have acted intentionally (Article 10.2.1.1 TADP). However, the athlete can rebut such presumption. In the case at hand the substance found in the Appellant's sample is a non-specified substance. Consequently, the burden of proof rests on the Player to demonstrate that she did not commit the ADRV intentionally. She, thus, needs to convince the Sole Arbitrator by a balance of probability (Article 8.6.2 of the TADP) that she lacked intentionality within the meaning of Article 10.2.3 TADP.”*

16. Now, here it is for the panel to decide whether this case is a case of Intentional Doping or not, the panel would like to reproduce Article *“10.2.3 As used in Article 10.2, the term “intentional” is meant to identify those Athletes or other Persons who engage in conduct which 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. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not “intentional” if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of Competition. An anti-doping rule violation*

resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered "intentional" if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance."

17. It is an accepted fact that the Athlete was aware of the Anti-Doping Rules as she had been through multiple Dope-Tests prior to the one in the present case.
18. The panel is of the opinion that the present case appears to be a case of systematic doping where the prohibited substance was used by the athlete. That in the absence of any medical evidence that the athlete has consumed such prohibited substance through adulterated food, supplement or medicine. The only reasonable conclusion that the athlete has intentionally consumed the said prohibited substance to enhance strength and power.
19. In view of the Facts, Circumstances, Precedents and Rules mentioned above, it is held that the Athlete has violated Article 2.1 & 2.2 of the NADA ADR, 2021, **she is hereby sanctioned with an ineligibility of four (04) years as per Article 10.2.1 of the NADA ADR, 2021. The period of ineligibility shall commence from the date of provisional suspension i.e,12.11.2022. It shall be noted that the athlete has failed to satisfy the panel that the ADRV was non-intentional as per Article 10.2.1.1 of the NADA ADR, 2023.**
20. That as per **Article 10.10 of the NADA ADR, 2021, the athlete is hereby disqualified of all of the individual results obtained in the said Event with all Consequences, including forfeiture of all medals, points and prizes since 30-09-2022.**

21. The athlete is entitled for the credit period of provisional suspension already undergone under Article 10.13.2.1 **The panel hereby directs that the Athlete be given credit period of her provisional suspension which she had already undergone for calculating her total period of ineligibility of four (04) years.**

22. The matter is disposed of, accordingly



Mr. Chaitanya Mahajan
(Chairperson)



Dr. R.K Arya
(Member)



Mr. Jagbir Singh
(Member)