

**Appeal Inquiry  
Decision**

*In the matter of an appeal from a disciplinary hearing held under the Convention Against Doping in Sport Act No. 33 of 2013*

**Sri Lanka Anti-Doping Agency**, No. 363/12,  
Sugathadasa Stadium – Block D, Stadium Parking  
Road, Sirimavo Bandaranayaka Mawatha, Colombo  
13.

**AGENCY**

**and**

**Ashen Dilshan**

**ATHLETE**

**And now between**

**Ashen Dilshan**

**APPELLANT-ATHLETE**

**and**

**Sri Lanka Anti-Doping Agency**

**RESPONDENT-AGENCY**

**Mr. Sumathi Dharmawardena PC**  
Chairman

**Mr. Upali Samaraweera**  
Member

**Dr. Asela Mendis**  
Member



On this 11<sup>th</sup> March 2021

**SLADA Case Pertaining to Ashen Dilshan Marapperuma**  
**(Sample Code: 4411276)**

**Facts of the Case**

1. The Athlete Mr. Ashen Dilshan Marapperuma is a cyclist competing at the National Level. He also serves in the Sri Lanka Army. He took part in the 45th National Sports Festival 2019 on 24.05.2019, at which he was subjected to a random doping test, as an “In Competition Testing”.
2. The Athlete signed a Doping Control Form acknowledging that his urine sample was carried out in accordance with the relevant procedure laid down in the WADA Code. In the said form, under “Declaration of Medication used and Blood Transfusion” the Athlete has stated “Erythromycin, Gastro-resistant, Medicine for fever, Protein-X”.
3. On 27<sup>th</sup> May 2019 the Athlete’s urine sample was sent to the National Dope Testing Laboratory (NDTL), New Delhi, India (a then WADA-accredited laboratory) and were subsequently reported to contain an “Adverse Analytical Finding for Prednisolone, Prednisone and 20b-OH-Prednisolone (S9: Glucocorticosteroids)”.
4. At the Preliminary Inquiry the Athlete was given the opportunity to request to test the B Sample within the prescribed 7-day period from the date appearing on the testing report. The Athlete reported to SLADA on 22.08.2019 for the Preliminary Inquiry and submitted his consent in writing that he does not wish to proceed with the analysis of his B Sample.
5. The Disciplinary Inquiry pertaining to the Adverse Analytical Findings of the Athlete’s urine sample was conducted by the SLADA Disciplinary Panel on 04.10.2019.
6. At the said hearing the Athlete took up the defense by taking up the position that he denies the doping charges leveled against him and that he had never taken any prohibited substance intentionally.
7. The Athlete submitted an affidavit dated 14.10.2019 including facts and circumstances for mitigating sanctions that may be imposed after an adverse analytical finding of his urine sample. In his appeal he has admitted that he had taken some medicine just prior to the



competition and that the said medicine included “Prednisolone”. The Athlete’s affidavit cannot be accepted as he being an officer attached to Sri Lanka Army, he should have been aware of prohibited substances. The Athlete also should have obtained treatment from the Army Hospital, Anuradhapura.

### Analysing The Evidence

8. On the face of the facts the NDTL Report’s Adverse Analytical Findings with regard to the A Sample of the Athlete, are consistent with the Glucocorticoid of Prednisolone.
9. Article 2.1 of the WADA Code 2015 states that it is an athlete’s personal duty to ensure that no Prohibited Substance enters his/her body, and that athletes are also responsible for any Prohibited Substance or its Metabolites or Makers found to be present in their samples. It further states that it is not necessary that intent, fault, negligence, or knowing use on the athlete’s part is demonstrated in order to establish an anti-doping rule violation under Article 2.1.
10. It was the view of the Disciplinary Inquiry Panel that in light of the material and evidence presented to the Panel, under the required standard of proof set out in Article 3.1 of the WADA Code, the relevant charge against the Athlete has been established to the comfortable satisfaction of proof.

### Sanction

11. On 29.01.2020 the SLADA Disciplinary Panel imposed unanimously a sanction of an ineligibility period of four years on the Athlete, commencing from 24.05.2019 up to 23.05.2023. The basis for the said sanction was the strict liability imposed on athletes by the WADA Code notwithstanding intention or knowledge of administering prohibited substances into one’s body, and merely on the basis that the prohibited substance was found in the athlete’s body, regardless of intention or knowledge.
12. The Panel also severely warned the Athlete to avoid taking all vitamins and supplements which may contain Prohibited Substances, and to ensure such substances are not present in the formulation, before injecting anything into his body. The Panel further stated that as an Athlete competing at the national and international levels, he owes a duty and responsibility





in this regard. The Panel also recommended that he improve his knowledge on prohibited substances and the prohibited substances list updated by WADA annually.

### **Appeal Inquiry Decision**

13. The Counsel for the Athlete-Appellant stated that the Appellant is seeking to reduce the penalty to two years.
14. The Appeal Panel considered the fact that the Appellant had taken Prednisolone which is categorized as a Prohibited Substance.
15. Further, this Appellant had failed to make any submissions to the effect that WADA suspended NDTL in India and there are grounds to challenge that the testing laboratory had failed to follow the required ISL.
16. Considering the above reasons, the Appeal Panel decided to reject the Appeal.




**Sumathi Dharmawardena PC**  
Chairman

I agree.



**Mr. Upali Samaraweera**  
Member

I agree.



**Dr. Asela Mendis**  
Member