

**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

Chanaka Jayasekara

ATHLETE

And now between

Chanaka Jayasekara

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 11th March 2021

SLADA Case Pertaining to Chanaka Jayasekara (Sample Code: 4411492)

Facts of the Case

1. The Athlete Mr. Chanaka Jayasekara is a Track and Field athlete specializing in the 400m race, competing at the National and International levels. On 03.04.2019 he took part in the Army Athletic Competition 2019 where 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, “Nothing”.
3. The Athlete’s urine sample was sent to the National Dope Testing Laboratory (NDTL), New Delhi, India (a then WADA-accredited laboratory) and was subsequently reported to contain an “Adverse Analytical Finding for 19-Norandrosterone (Metabolite of Nandrolone or its precursor) at a concentration greater than 15ng/ml, Anabolic steroid”.
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 his own and without representation, on 16.05.2019 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.

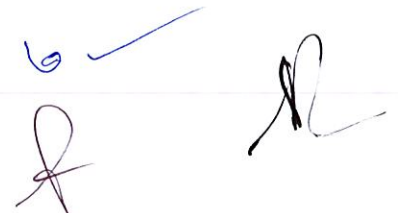


Analyzing the Evidence

7. 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 endogenous of 19-Norandrosterone (Metabolite of Nadrolone or its precursor).
8. 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.
9. 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.
10. The substance of "19-Norandrosterone (Metabolite of Nadrolone or its precursor), Anabolic Androgenic Steroid" which is reported to be present in the A Sample of the Athlete, is an Anabolic Steroid and is included in the prescribed Class AAS endogenous in the WADA Prohibited Lists 2018 and 2019 both.
11. Considering all the above material evidence pertaining to the case, the SLADA Disciplinary Panel found and determined that the Athlete has violated Article 2.1 of the WADA Code of having prohibited substances in his urine A Sample.

Sanction

12. On 29.01.2020 the SLADA Disciplinary Panel imposed unanimously a sanction of an ineligibility period of four years on the Athlete, commencing from 03.04.2019 up to 02.04.2023. 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.

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13. 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.

Letter Submitted by Athlete Requesting an Appeal

14. The Athlete Mr. Chanaka Jayasekara sent a letter to SLADA, received by SLADA on 6.02.2020 stating that at the time of his being tested, he was taking a vitamin supplement named "Rush" as a nutritional supplement. He further adds that athletes partaking in Athletics events do not generally engage in the practice of informing the relevant authorities regarding the nutritional supplements they take.
15. The Athlete also states that the NDTL which tested his urine A Sample, had been suspended by WADA for non-compliance with the ISL, during the period pertaining to the Athlete's urine A Sample being tested.
16. The Athlete states in the letter that he did not choose to opt for testing his urine B Sample as he was facing financial difficulties at the time.
17. In the said letter, the Athlete further mentions that he is a National athlete who has won accolades at international sporting events in the years 2011 and 2016 and had brought glory to his country. He states that even though he was subjected to random dope tests even during those occasions, the samples had not revealed any prohibited substances and the urine samples tested negative for such substances.
18. The Athlete states in the letter that the current matter where the Athlete's urine sample having tested positive for prohibited substances was something that had occurred without his knowledge as he had not taken any such substances knowingly.
19. This Appellant had failed to make any submissions in terms of article 3.22 of the WADA code that due to the suspension of NDTL by WADA could reasonably had caused the adverse analytical finding due to failure to maintain required ISL by NDTL.

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20. Considering the above reasons, the Appeal Panel decided to reject the Appeal.



11.3.2021


Sumathi Dharmawardena PC
Chairman

I agree.



Mr. Upali Samaraweera
Member

I agree.



Dr. Asela Mendis
Member

