



MEDIA RELEASE

BADMINTON – ANTI-DOPING

THE COURT OF ARBITRATION FOR SPORT (CAS) IMPOSES A TWO-YEAR PERIOD OF INELIGIBILITY ON KATE JESSICA FOO KUNE

Lausanne, 16 December 2020 - The Court of Arbitration for Sport (CAS) has issued its decision in the appeal filed by the Badminton World Federation (BWF) against professional badminton player Kate Jessica Foo Kune from Mauritius in relation to the decision issued by the BWF Doping Hearing Panel on 21 October 2019 (the Challenged Decision) in which Kate Jessica Foo Kune was found to have committed an Anti-Doping Rule Violation (ADRV) for which she bore no fault or negligence and for which no period of ineligibility would be imposed.

The CAS Panel confirmed the ADRV, but in contrast to the Challenged Decision, held that Kate Jessica Foo Kune had failed to establish on the balance of probabilities how the prohibited substance entered the sample and sanctioned her with a period of ineligibility of two years, commencing on 15 December 2020.

On 28 April 2019, Kate Jessica Foo Kune underwent a doping control during the 2019 African Badminton World Championships in Port Harcourt, Nigeria. The sample returned a positive result for “1-androstenedione”, an exogenous anabolic androgenic steroid included in the 2019 World Anti-Doping Agency (WADA) Prohibited List. Following an investigation, the BWF Hearing Panel issued the Challenged Decision declaring that the athlete had violated Article 2.1 of the BWF Anti-Doping Regulations and had committed an ADRV for which she bore no fault or negligence and for which no sanction would be imposed. The results obtained by Kate Jessica Foo Kune during the 2019 African Badminton World Championships were disqualified.

On 11 November 2019, the BWF filed an appeal at the CAS against the Challenged Decision asserting that while it believed that Ms. Foo Kune did not intentionally ingest a prohibited substance, there was no evidence as to how the prohibited substance entered her body and therefore, she could not benefit from the provisions of No Fault or No Significant Fault and should be sanctioned with a two-year period of ineligibility. On the contrary, Ms. Foo Kune asserted that the Challenged Decision should be upheld as she had been the victim of deliberate spiking of her water by an ill-intentioned individual during the event in question.

The CAS Panel in charge of this matter noted that according to the applicable rules an athlete must demonstrate, on the balance of probabilities, how the prohibited substance entered their body in order to sustain a plea of No (Significant) Fault or Negligence.

On the basis of the evidence put forward by the parties and by an independent expert, the CAS Panel found the athlete’s assertion of intentional spiking during the 2019 African Badminton World Championships devoid of supporting evidence thereby falling short of a cogent explanation as to how the prohibited substance entered her body. Having failed to meet the requisite burden of proof, the Panel rejected Ms. Foo Kune’s theory of sabotage and imposed a two-year period of ineligibility. The results obtained by Kate Jessica Foo Kune during the 2019 African Badminton World Championships remain disqualified.