



ANTI-DOPING TASKFORCE

FINAL REPORT

PRESENTED TO

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CABINET SECRETARY FOR SPORTS, CULTURE AND THE ARTS

APRIL 2014



REPUBLIC OF KENYA

ANTI-DOPING TASKFORCE

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Date: 7th April, 2014

Dr. Hassan Wario Arero, Ph.D
Cabinet Secretary
Ministry of Sports, Culture and the Arts,
Kencom House, 2nd Floor
NAIROBI.

Dear Sir,

RE: REPORT OF THE ANTI-DOPING TASKFORCE

You appointed this Taskforce vide Gazette Notice No. 14612 contained in Kenya Gazette Vol. CXV—No. 161 NAIROBI, of 15th November, 2013 to investigate the allegations into abuse of performance enhancing drugs and substance abuse by Kenyan athletes and make necessary recommendations.

It is now our pleasure to present our report.

Yours sincerely,

Prof. Dr. Dr. Moni Wekesa
Chairman

.....

Mr. John Njogu
Joint Secretary

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Ms. Sarah Shibutse
Joint Secretary

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Dr. Esther Getambu
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Table of Contents

Acronyms and Abbreviations	viii
Foreword	x
Executive Summary.....	xii
1.0 Introduction.....	1
2.0 International and National Policy Frameworks on Anti-Doping in Sports.....	6
3.0 Prevalence of Drug use and Access to Prohibited Substances and Methods in Sport in Kenya: Research Findings	10
A. Methodology.....	10
B. Demographic Information.....	11
3.1 Age Distribution of Respondents.....	11
3.2 Distribution of Respondents per Gender.....	11
3.3 Distribution of Participants per type of Sport.....	12
3.4 Cross tabulation of Gender and Sport	13
3.5 Distribution of Respondents per level of Formal Education	13
3.6 Assessment of Use of Performance Enhancing Drugs (PEDs)	14
3.6.1 Knowledge of Persons using PEDs	14
3.6.2 Distribution of those who have knowledge of someone who uses PEDs per gender ...	15
3.6.3 Distribution of those who have knowledge of persons using PEDs per sport	15
3.6.4 Response on how they got information on doping.....	16
3.6.5 Response on the type of Drug used	17
3.6.6 Response on Reasons why Drugs are used	17
3.6.7 Response on possible sources of the Drugs.....	18
3.6.8 Response on Duration of Drug use.....	18

3.6.9 Coaches/officials knowledge of use of PEDs	19
3.6.10 Response on whether coaches / officials discuss Performance Enhancing Drugs	20
3.6.11 Distribution of responses on whether the coaches discuss PEDs per sport.....	21
3.6.12 Response on whether Federations organize Seminars on doping	21
3.6.13 Distribution of responses on whether clubs or federations organize seminars	22
3.6.14 Responses on if Sports Men / Women know that doping is bad for their health	22
3.7 Assessment of Use of Supplements.....	23
3.7.1 Response on whether they use supplements	23
3.7.2 Knowledge of other persons using supplements	23
3.7.3 Types of supplements used	24
3.7.4 Response on where supplements are sourced from	24
3.7.5 Response on if Coach or team Doctor knows about supplement use.....	25
3.7.6 Distribution of persons using supplements by sport	26
3.7.7 Response on what must be done to stop doping in sports	26
4.0 Abuse of Performance Enhancing Drugs and Substances in Sports in Kenya.....	28
4.1 Sources of Prohibited Substances	28
4.2 General picture on doping education and sources in Kenya.....	33
4.3 General picture on Dope Testing in Kenya	34
4.4 Recommendations	34
5.0 Case Studies of Selected Sports.....	35
5.1 Soccer.....	35
5.1.1 Structure and organization	35
5.1.2 Financing	35
5.1.3 Policies and practices on Anti-doping	36
5.1.4 State of doping	36

5.1.5 Challenges faced by the organization	36
5.1.6 Recommendations	37
5.2 Rugby	37
5.2.1 Structure and organization of the Kenya Rugby Union	37
5.2.2 Financing of the Kenya Rugby Union.....	39
5.2.3 Policies and practices on anti-doping	39
5.2.4 State of Doping	39
5.2.5 Findings.....	40
5.2.6 Challenges faced by the organization.....	41
5.2.7 Recommendations.....	41
5.3 Athletics.....	42
5.3.1 Structure and organization	42
5.3.2 Finance.....	44
5.3.4 Policies and Practices on Anti-Doping	44
5.3.5 State of Doping	44
5.3.6 Challenges Athletics Kenya faces	45
5.3.7 Observations	45
5.3.8 Recommendations.....	46
6.0 Summary of Findings and Conclusions	47
6.1 Prevalence of Prohibited Substances.....	47
6.2 Sources and Access to Prohibited Substances.....	48
6.3 Compliance of Sports Bodies to Anti-Doping Policies	48
7.0 Recommendations.....	49
Appendices.....	50
Appendix I: Sportspersons who have tested positive	50

Appendix II: Minister of Sports Press Release	52
Appendix III: Draft Anti-Doping Bill	54
Appendix IV: Correspondence with Athletics Kenya	63
Appendix V: Athletics Kenya Approved Athletes Representatives for the Year 2014.....	68
Appendix VI: laboratory results of Food Supplements	70
Appendix VII: Kenya Gazette Notice	71
Appendix VIII: Pledge of Confidentiality	74
Appendix IX: Rules of Procedure and Conduct of Business	75
Appendix X: Work Plan Phase I.....	81
Appendix XI: Work Plan Phase II	82

Acronyms and Abbreviations

AK	- Athletics Kenya
CAA	-Confederation of African Athletics
CAF	-Confederation of African Football
CECAFA	-Council for East and Central Africa Football Associations
EPO	-Erythropoietin
FIBA	-Federation Internationale de Basketball
FIFA	-Federation Internationale de Football Association
FILA	-Federation Internationale des Lutttes Association
FINA	-Federation Internationale de Natation
FIVB	-Federation Internationale de Volleyball
FKF	-Football Kenya Federation
GoK	-Government of Kenya
IAAF	-International Association of Athletics Federations
IBA	-International Basketball Association
IF	-International Federation
IHF	-International Handball Federation
IRB	-International Rugby Board
ITF	-International Tennis Federation
IWF	-International Weightlifting Federation
KADA	-Kenya Anti-Doping Association
KGU	-Kenya Golf Union
KPSSA	-Kenya Primary Schools Sports Association
KRU	-Kenya Rugby Union

KSSSA	-Kenya Secondary Schools Sports Association
MOSCA	-Ministry of Sports, Culture and the Arts
NOC-K	-National Olympic Committee of Kenya
OBAK	- Olympic Boxing Association of Kenya
ODPP	-Office of the Director of Public Prosecutions
PED	-Performance Enhancing Drugs
RADO	-Regional Anti-Doping Organization
UNESCO	-United Nations Education Scientific and Cultural Organization
WADA	-World Anti-Doping Association

Foreword

Allegations about Kenyan athletes using prohibited substances are shocking. This shock reverberates both in Kenya and Internationally. There is a sense in which a cloud of doubt greets our winners. This is very damaging to the athletes and to the country. Formation of the Taskforce was an idea whose time had come.

The allegations together with the fact that 36 Kenyans have tested positive for various prohibited substances as at 7th April 2014, raises questions such as:

- how serious this vice is in Kenya,
- whether there are policies at governmental level and at the level of sports federations on anti-doping
- and obviously whether there is an appropriate institutional set up to fight doping in sport in Kenya.

In certain respects, other questions that arise are the prevalence of prohibited substances in Kenyan sports, what specific prohibited substances are used and where they are sourced from. This report attempts to shed some light on all these questions.

The results of these investigations should serve:-

1. To show the world that Kenya has nothing to hide.
2. To reveal the extent of the doping problem in Kenya and the proposed ways of dealing with it.
3. To assure the international community that Kenya is a serious player in anti-doping matters

The men and women who have so far worked tirelessly to produce this Final Report are:

- | | |
|--|---------------|
| 1) Prof. Dr. Dr. Moni Wekesa | - Chairperson |
| 2) Njeri Onyango (Advocate) | - Member |
| 3) Julius Ogeto (Dr.) | - Member |
| 4) Esther Gitonga – Getambu (Dr.) | - Member |
| 5) Alan Kosgey (Advocate) | - Member |
| 6) Stephen Karinga (Dep.Com of Sports) | - Member |
| 7) Leonard Kariuki (Government Chemist) | - Member |
| 8) Scholastica Mbilu (Attorney General's Office) | - Member |
| 9) Benjamin Kogo (National Police Service) | - Member |

- 10) Eddie Ndonga Kaddebe (ODPP) - Member
11) Sarah Shibusse (Principal Sports Officer) - Joint Secretary
12) John Njogu (Snr Principal State Counsel – MOSCA) - Joint Secretary

We would like to acknowledge all those who co-operated with us to make this assignment a success. We hope that by reading this Report, the Cabinet Secretary in charge of Sports and his entire team at the Department of Sports, together with all other stakeholders will spring into action to implement the recommendations contained in this Report.

In the course of its work the taskforce commissioned a research study. The taskforce wishes to acknowledge the valuable contribution of Ms. Peninah Wahome (Director of Sports, Kenyatta University) and her research team for the tremendous information obtained through the research.

The taskforce further recognizes the secretarial services offered to it by Ms. Lilian Isoso.

We are grateful to the Cabinet Secretary in charge of Sports for his trust in us.

FOR AND ON BEHALF OF THE ANTI-DOPING TASK FORCE

Prof. Dr. Dr. Moni Wekesa

LL.B Hons, LL.M, Ph.D Law, B.ED Sc Hons (UoN), M.Sc, Ph.D Sports Medicine (Cologne)
Advocate and Associate Prof. – Mount Kenya University School of Law

CHAIRMAN

Executive Summary

Doping is a global problem that keeps evolving. Attempts by sports federations to curb this menace before 1999 proved fruitless. From 1999, governments were roped in to be co-actors with the birth of the World Anti-Doping Agency (WADA). This was closely followed by the 2005 International Convention Against Doping in Sport. Kenya ratified this Convention in 2009 after the National Olympic Committee of Kenya (NOC-K) had attempted to form a National body to deal with anti-doping – the Kenya Anti-Doping Agency (KADA). Unlike WADA that enjoys funding from governments and sports organizations, KADA was not legally recognized due to the absence of a legal framework governing its creation and operations. It was also never facilitated (no office, no staff and no budget).

In 2012, German TV (ARD) aired a programme in which it claimed that Kenyan athletes use prohibited substances. The initial reaction by both government and sports federations (especially Athletics Kenya) was one of denial. This state of denial continued even as the list of Kenyans testing positive continued to swell on the websites of various sports bodies. Between 1993 and April 2014, there are 36 known cases of positive dope tests amongst Kenyans from diverse sports, 18 of them between the period of January 2012 to December 2013 in track and field alone.

It was very courageous for the Cabinet Secretary for Sports to set up a Task force to investigate these allegations. The terms of service of the Task force included amongst others to find out the prevalence of the use and access to prohibited substances in sport, to recommend measures to be taken against those found to be doping, and to recommend legislative measures necessary to curb this menace.

In executing its mandate, the Taskforce used the following methodology:

- ❖ Received and viewed a TV clip aired on German TV (ARD),
- ❖ Administered a questionnaire to 1,500 active sports persons drawn from diverse sports in Kenya,
- ❖ Interviewed 133 persons across the country and from various sports federations including:
 - Top officials of sports federations
 - Some coaches of Sports Federations
 - Athletes who have been banned for using prohibited substances
 - Some of the managers of top athletes
 - Owners of athletics camps

Some owners of chemists and other shops suspected to be sources of prohibited substances

- ❖ Sent samples of suspicious food supplements and other substances to laboratories for analysis,
- ❖ Considered and reviewed various legislation and instruments on anti-doping.

Several findings came to the fore. Research done on 1,500 respondents who were active sportspersons drawn mainly from Kenyan Universities and top leagues in various sports showed that:

- ❖ about 20.5% know colleagues who use drugs;
- ❖ the drugs used include steroids (76.3%) and *Cannabis sativa* (bhang, 21.8%)
- ❖ most of these were in soccer, volleyball, handball, rugby and athletics;
- ❖ these prohibited substances are found in shops and from Uganda;
- ❖ over 568 (41%) use food supplements;
- ❖ many coaches are aware of this situation; and
- ❖ 37.1% of them think of education and 21.8% consider testing as ways of reigning in the use of prohibited substances in sport.

Interviews were conducted with 133 sports officials and other persons, including athletes who have tested positive before, and other active sportspersons drawn from 20 sports disciplines. Final findings point to use of prohibited substances across all sports. The commonly used substances include *Cannabis sativa* (bhang), Cathine (miraa), Alcohol and Steroids. Sources of these drugs include open market and three shops (including two chemists). Sophisticated substances like steroids and erythropoietin are sourced from these shops and some foreign managers (athlete representatives).

It came out that a lot of prohibited substances, some recreational, others sophisticated, are commonly abused across all sports; and that many sports federations do not have elaborate programmes on education/awareness and testing. Soccer, athletics and rugby were used as case studies. In all the three sports, there is no anti-doping programme. In soccer, the use of *Cannabis sativa* is widespread and this is encouraged by coaches and certain other officials. In athletics, accidental use (due to ignorance) and involvement of foreign agents are blamed for the sophisticated drugs to which Kenyan athletes have tested positive. Even in the face of serious allegations against Kenyan athletes, Athletics Kenya has no elaborate programme on anti-doping. In rugby – both at the National team level and at two of the clubs – there appears to be systematic doping of players through the use of food supplements laced with steroids.

Key recommendations of this investigation include:

- ❖ The need to set up an independent body with legal mandate and financially facilitated to tackle the menace of doping in sports in Kenya;
- ❖ The need to enact an anti-doping legislation **before 1st January 2016**;
- ❖ To embark on a massive awareness/education campaign on anti-doping;
- ❖ To compel foreign athletics managers to have local counterparts as partners;
- ❖ To enforce stringent measures for licensing and renewal of licenses of foreign coaches/managers; and
- ❖ To consider disciplinary action against those officials who systematically dope sports persons in rugby.

Accompanying this Report is a draft Anti-Doping Legislation and a List of persons to be subjected to a disciplinary panel for their apparent involvement in doping of sportspersons.

1.0 Introduction

Efforts at keeping drugs out of sports go back many decades. For a long time, such efforts were only characterized by in-competition testing. Even then, sportspersons and their support personnel [coaches, doctors and others] worked at beating the ‘testing trap’ i.e. avoiding testing [positive] even after using prohibited substances. This kind of approach turned doping control into a cat and mouse game. By the mid 80s, there was organized doping in sports, in which only the less scientifically endowed tested positive.¹

From the 1950s, it was recognized that sport could be used as a show of ‘superiority’ and for forging nationhood. Indeed, it was through such an approach that the world recognized former East Germany as a Sovereign State. From the 1950s, doping formed part of the cold war between communist and capitalist nations, each trying to outdo the other. In both blocs – doping was well organized involving sportspersons, doctors, coaches and top management of sports federations.

Sports federations are charged with the singular responsibility of developing sport and ‘showcasing’ their best sports persons at international competitions.² Can the same sports bodies be trusted to check the use of prohibited substances?

For many years, the International Olympic Committee [IOC] thought it was possible. It was later realized that this approach was not working. The Copenhagen Declaration of 2003 advocated for the formation of a separate entity to police doping in sports, leading to the birth of the World Anti-Doping Agency [WADA].

WADA is a body formed by sports federations and governments of states that belong to the United Nations charged with the singular function of ensuring a ‘doping free sport’. It has set up structures for updating the Prohibited List, education and research, accreditation of laboratories, amongst others.

Since the birth of WADA several scandals have come to the fore. It has emerged that doping was a state program in communist countries, with sportspersons being identified at an early age and systematically doped in order to portray such countries as super powers in sports. A good case in point is former East Germany. This country emerged as

¹ A. Donati ‘World Traffic in Doping Substances’ at <http://www.wada-ama.org> (16 December 2013)

² Several scandals in doping in the past have been perpetuated by sports officials (see S. Donati ‘Anti-Doping: The Fraud behind the Stage’ at <http://www.wada-ama.org> (16 December 2013)

a dominant force in diverse sports after World War II. Thanks to their well managed and state supported programme of doping sportspersons.

In the 'capitalist countries' doping took a slightly different format. The Bay Area Laboratory Company [BALCO] scandal revealed a tightly knit conspiracy between top athletes, their coaches and scientists. Many of such sports persons ran at major competitions including the Olympics and World Championships without being detected through routine testing. So, for instance sprinter Marion Jones of United States won several honours with the aid of drugs. Those involved were eventually dealt with by both government and the United States Anti-Doping Agency.

In Operation Puerto which started in 2006, it became clear that blood doping was rampant in Spanish sport. The doctor at the centre of this storm – Dr. Eufemario Fuentes was eventually charged in court together with all those involved. WADA also stepped in.³

An investigation in Italy revealed how drug manufacturers are over producing prohibited substances with the knowledge that more sportspersons need them than what is required for medical treatment. And further that Italian doctor Prof. Conconi and others were involved in doping sportspersons in an organized scheme. Even the WADA accredited Rome Laboratory was used to 'investigate' what would test positive and therefore used to beat the testing 'trap'.⁴

In February 2013, the Australian Crime Commission released a report 'Organized Crime and Drugs in Sport' in which it was revealed that sportspersons and sports officials connived to dope under the guise of using supplements. In certain instances, those doctors considered uncooperative, were side-stepped. Similar to the Italian study – drug traffickers appear to have also jumped in to traffic these drugs. This investigation uncovered an organized doping programme using "supplements".⁵

In January 2013, the International Cycling Union instituted investigations into doping allegations of cyclists.

Despite the express indications by both sports bodies and Governments to reign in doping in sports as evidenced through the 2005 UNESCO Convention against Doping in

³ A. Donati, *supra*

⁴ *Ibid*

⁵ Australian Crime Commission, 'Organized Crime and Drugs in Sport' (March 2013)

Sport and the WADA Code, which is an integral part of the Convention, doping remains a global challenge. The Convention implores Governments to work with sports bodies in the fight against doping.

In Kenya, 36 sportspersons from various sports had tested positive for a variety of prohibited substances between 1993 and April 2014 (Appendix I).

The National Olympic Committee – Kenya [NOCK] took a major lead in spearheading the fight against doping in Kenya through the formation of the Kenya Anti-doping Agency [KADA] in February 2008. KADA and NOCK successfully pushed for the ratification in 2009 of the 2005 International Convention against Doping in Sports. However, the Ministry in charge of Sports was never enthusiastic. KADA was neither legally formalized nor was it facilitated.

National Sports Federations rely largely on the International Federations (IF) for testing of sportspersons, and to some extent, for the awareness programmes.

After an international *exposé* of possible rampant doping especially amongst track and field athletes in Kenya, accompanied by vehement denials from Athletics Kenya [AK] and concern from the Government of Kenya (see Appendix II) and with pressure from the international community for an independent investigation, the Government set up a Taskforce to investigate these allegations.

The Anti-Doping Taskforce was appointed by the Cabinet Secretary for Sport, Culture and the Arts *vide* Gazette Notice No. 14612 contained in Kenya Gazette Vol. CXV – No. 161 Nairobi, of 15th November, 2013 to investigate allegations of doping by Kenyan sportspersons. This was pursuant to alarming media reports on allegations that some Kenyan sportspersons may be engaged in doping and following the concerns of the World Anti-Doping Agency on the same matter.

The membership of the Taskforce was as follows: ten members and two joint secretaries all with vast experience. The Taskforce commenced its work immediately after the appointment.

The Terms of Reference of the Taskforce were to:

- ❖ investigate the allegations into abuse of performance enhancing drugs and substance abuse by Kenyan athletes

- ❖ investigate the involvement of any person or persons in the administering of drugs and performance enhancing substances
- ❖ assess the prevalence and access to drugs and related substances to athletes within Kenya
- ❖ identify persons, institutions or organizations linked to the allegation made
- ❖ assess and make recommendations on the legal structures and other supportive legislation that could stem the use and abuse of drugs and performance enhancing substances
- ❖ make recommendations on the culpability of any person or persons and recommend appropriate action against such person or persons.

In its work plan the Taskforce set out to collect views from a cross-section of stakeholders from all regions of the country including sportspersons, federation officials and the public at large. The methodology adopted was one of triangulation, i.e. using different approaches to arrive at conclusions. In this case, interviews were held with sports officials, retired athletes, athletes who have tested positive, and other active athletes. A research team was appointed and this used questionnaires to collect information from active sportspersons. Snowballing was used to reach out to other persons with vital information.

The Taskforce visited the following areas:

1. Nairobi
2. Eldoret (twice)
3. Iten (twice)
4. Kapsabet
5. Mombasa
6. Kakamega
7. Kisumu

Using questionnaires, views were captured from 1,500 respondents. This figure covers active sportspersons in over 20 sports disciplines.

The Taskforce also collected some food supplements and samples of certain commonly used substances for laboratory analysis. Results indicate that these supplements contain steroids, one of the prohibited substances (See Appendix VI). The food supplements manufacturer did not disclose this fact on the label. In other samples, the laboratory has reported the presence of stimulants. This is a case of a drug that is widely used for recreational purposes and by sportspersons as well.

This report is divided into six parts. The first part explores the international and national policy frameworks that underpin anti-doping efforts globally, and shows how Kenya fits in. The second part presents research findings of a study commissioned by the Taskforce. This part shows the prevalence of the use of prohibited substances, their sources, and what the respondents recommended. The third part brings out the results of interviews of 133 persons from 20 sports disciplines. Those interviewed included 120 sports officials, 7 athletes who have tested positive, and 6 other active athletes. The fourth part presents case studies of Soccer, Rugby and Athletics. The fifth part is the summary and conclusions. The sixth and last part presents recommendations. The taskforce has also prepared draft legislation for the establishment of an anti-doping authority. It is hoped that this draft will serve as a basis upon which the Attorney General will prepare a bill for stakeholder validation and final enactment. The draft is attached as Appendix III.

There was a delay in completing the assignment within the anticipated period. This delay was occasioned by several factors. For instance, due to the Football competition (CECAFA) in November and December 2013, the Rugby Sevens engagements in Dubai and South Africa, and the Christmas holidays of 2013, it was not possible to interview the top officials of these and other sports. Further, at the time the Taskforce started its work, it was off-season for all sports federations in Kenya.

2.0 International and National Policy Frameworks on Anti-Doping in Sports

The documents that set the policies for anti-doping on the international scene include the Copenhagen Declaration of 2003, the International Convention against Doping in Sport, and the WADA Code 2003 [since revised with editions for 2009 and 2015] – this code is part of 2005 Convention.

These instruments make clear pronouncements on areas like education and training, funding of anti-doping organizations, withholding of funding to sports federations without clear anti-doping policies, restriction of prohibited substances, research, testing and international cooperation. The Kenya landscape has the Sports Act, 2013, which makes reference to anti-doping in one clause [5.73]. It says nothing about the policy issues that need to be addressed as spelt out in international instruments [see Table 1 for a summary].

Table 1: International and National Policy Frameworks

	EDUCATION & TRAINING	FUNDING/ WITHHOLDING OF FUNDS	RESEARCH	RESTRICTION OF PROHIBITED SUBSTANCES	INTERNATIONAL CO-OPERATION	ROLES OF VARIOUS ACTORS
International Convention Against Doping of 2005	<p>Art 19- General education and training principles</p> <p>Art 20- professional codes of conduct</p> <p>Art 21- involvement of athletes and athlete support personnel</p> <p>Art 22- sports organizations and ongoing education and training on anti-doping</p> <p>Art 23- co-operation in education and training</p>	<p>Art 11 provides for Financial matters and obligations of state parties</p> <p>Art 17 & 18 provides for a voluntary Fund</p> <p>Art 15 – State parties to support principle of equal funding of WADA budget</p>	<p>Art 24- Promotion of research in anti-doping</p> <p>Art 25- Nature of anti-doping research</p> <p>Art 26- Sharing of results of anti doping research</p> <p>Art 27- Sports science Research</p>	<p>Art II anti-doping activities at the national level (Art 7 - 12)</p>	<p>Art III provides for international cooperation. (Art 13 – 18)</p>	
Copenhagen	6. there is	3.2.2 - supports		5. provides for	2.3; participants	

Declaration on Anti doping in Sport	provision for education and research	the co-funding of WADA by public authorities and the Olympic movement. 6 requires nationals to provide anti doping measures including financial support		measures to restrict the availability and use of prohibited substances and methods	agree to sustain international intergovernmental cooperation 7 provides for international cooperation in doping control	
World Anti Doping Code	Art 18 – education 20.3.12 - national federations are required to conduct anti doping education Art 19 - Research	20.1.3 20.2.3 20.4.9 20.5.6 (Provide for withholding of funds for non compliance)	(As in column 1) Art 19 – for research development and implementation of efficient programs within doping control	Article 4 makes provision for the Prohibited List Art 2 – Anti-doping rule violations	21.3 - makes provision for international/regional cooperation. Art 22 – involvement of governments	Roles and responsibilities of signatories; <ul style="list-style-type: none"> ▪ 20.1 – I.O.C ▪ 20.2 – I.P.C ▪ 20.3 – International federations ▪ 20.4 – National Olympic Committee ▪ 20.5 – National anti doping organizations ▪ 20.6 – Major event organizations ▪ 20.7 – WADA
Kenya Sports Act 2013	Nothing	Nothing	Nothing	Nothing	Nothing	Nothing

Observations:

1. In Kenya the Sports Act 2013 mentions doping but there are no elaborate structures for implementing doping policies.
2. The Kenyan Sports policy on anti-doping is scanty, has no details, and does not really capture the spirit of the international body on anti-doping.

Recommendations:

1. There is need for one body to handle anti-doping matters for all sports federations [A National Anti-Doping Organization].
2. Both the government and sports federations must jointly fund the anti-doping organization in line with the policies of WADA.
3. Funds should be withheld from sports federations whose policies do not comply with anti-doping regulations.
4. Research activities on anti-doping need to be initiated and strengthened.
5. Education and training on anti-doping need to be initiated and intensified.
6. **The WADA policy requires the government to have an anti-doping legislation in place before 1st January 2016.**

3.0 Prevalence of Drug use and Access to Prohibited Substances and Methods in Sport in Kenya: Research Findings

The objectives of the study were:

- 1) To establish possible existence and sources of doping substances and methods in Kenya.
- 2) To determine possible practice of doping among Kenyan sportsmen and women.
- 3) To determine the extent of use of supplements by Kenyan sportsmen and women and their awareness of risk associated with their use.
- 4) To identify possible reasons why Kenyan sportsmen and women may practice doping.
- 5) To determine the role of team officials (coaches, team managers and team doctors) in dissemination of doping information.
- 6) To establish the role of federations and clubs in doping education among their clients.
- 7) To identify possible solutions to the problem of doping in Kenya.

A. Methodology

Target population was sportsmen and women in various disciplines and at various levels of competitions. This included athletics, basketball, body building, handball, hockey, rugby, soccer, swimming, tennis and martial arts. Emphasis was placed on well performing sports both at national and international levels. Preference was also placed on sports where use of PEDS is likely to yield very good performance, thus the exclusion of sports like netball and board games. Self-reported questionnaires were used to collect data.

Out of the 1500 sampled respondents who were issued with questionnaires, 1396 responded to the questions by filling and returning. This represents a return quota of 93%. The data was treated using SPSS computer package version 17.0. and descriptive statistics were used to analyze data. The findings have been presented in the form of graphs, tables and percentages.

B. Demographic Information

3.1 Age Distribution of Respondents

The figure below shows that respondents aged 18 and above were highest in number (1324, 95%), while those below 18 years were the least (72, 5.1%). This shows that majority of the respondents aged 18 years and above category seemed to be much more involved in the sporting activities. This can be attributed to the population from which the sample was selected which was predominantly colleges and universities.

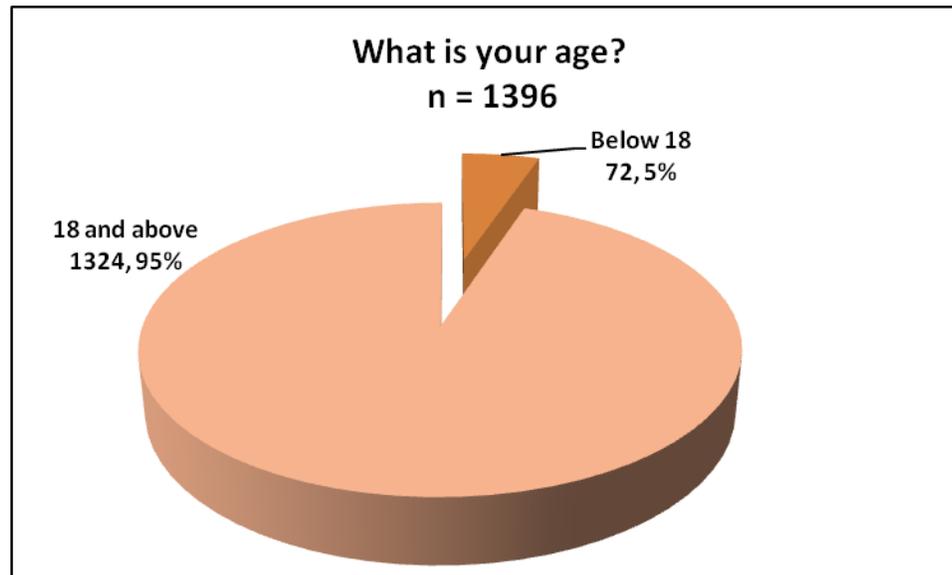


Figure 1: Age Distribution of Respondents

3.2 Distribution of Respondents per Gender

The research involved 967 (69%) male and 422 (30%) female respondents. This composition shows great difference in number between male and female. This may be due to the fact that some sports that were targeted in the research were predominantly male. Examples include rugby, soccer and martial arts. However, 7, which is about 1% of respondents indicated they did not know their gender.

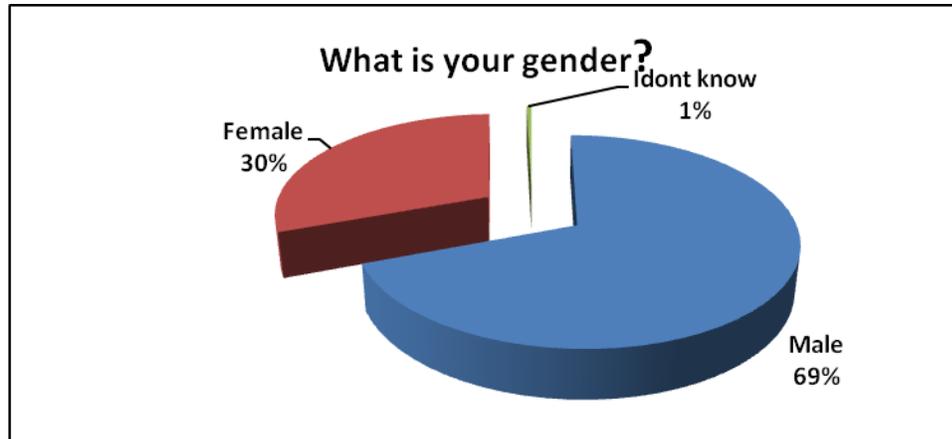


Figure 2: Gender Distribution of Respondents

3.3 Distribution of Participants per type of Sport

The figure below shows that soccer had the highest number of respondents (435, 31.1%) followed by Rugby (226, 16.1%). Athletics and handball had 10% and 11.8% respectively. The rest of the sports had below 10%.

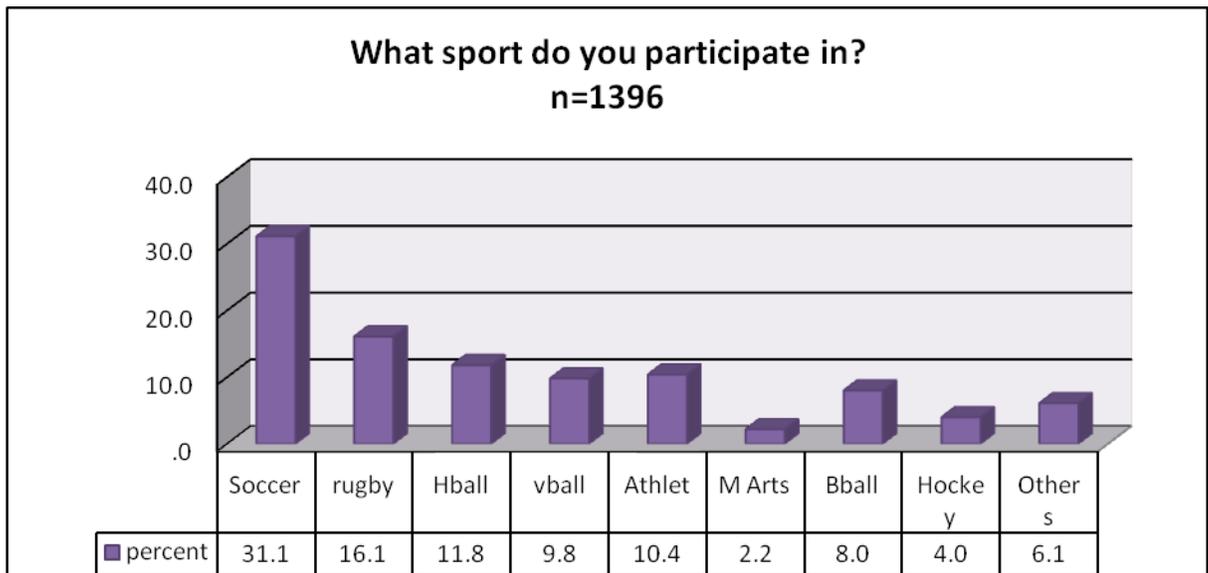


Figure 3: Distribution of respondents per sport

3.4 Cross tabulation of Gender and Sport

The figure below indicates that in all sports majority of participants are male with the lions' share going to three main sports, soccer (318), Rugby (211) and Handball (117). Soccer had the highest number of female participants (116), followed by handball (47) and Athletics (46).

SPORT	MALE	FEMALE	DON'T KNW	TOTAL
Soccer	318	116	1	435
Rugby	211	14	1	226
Handball	117	47	1	165
Volleyball	64	73	0	138
Athletics	96	50	0	146
Martial Art	14	8	0	22
Basketball	65	46	1	112
Hockey	30	25	1	56
Others	42	42	1	85

Figure 4: Cross Tabulation of gender and sport

3.5 Distribution of Respondents per level of Formal Education

The figure on the next page shows that respondents with tertiary education were highest in number 1210 (86.4%) while those with primary were least 13 (.9%). This shows that majority of respondents interested in sporting activities are highly educated since they have diploma, degree or masters degree and above.

Level of Education	Frequency	Percent
Primary	14	1.1
Secondary	172	12.3
Tertiary	1210	86.6
Total	1396	100

Figure 5: Distribution of respondents per level of formal education

3.6 Assessment of Use of Performance Enhancing Drugs (PEDs)

The first set of questions examined possible existence and use of performance enhancing drugs by Kenyan sports men and women in variety of sports. It also examined possible sources of the drugs as well as level of awareness and involvement in sensitization by coaches and other sports officials.

3.6.1 Knowledge of Persons using PEDs

Asked if they were aware of anyone who uses performance enhancing drugs in sport, 20.5% agreed while 70% did not. 9.2 % were not sure. This indicates a good number of Kenyan sports men could be using performance enhancing drugs. The figure below illustrates the responses to the question.

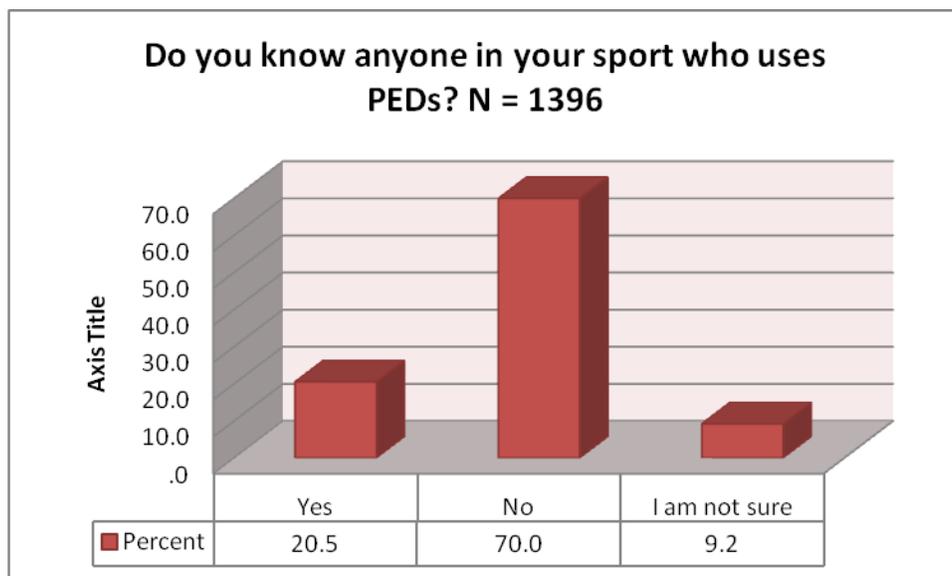


Figure 6: Knowledge of persons using PEDs

3.6.2 Distribution of those who have knowledge of someone who uses PEDs per gender

A cross tabulation analysis was done on the question of knowledge of persons using PEDs to establish the distribution of respondents per gender. Findings indicated more males (213) use PEDs than females (69).

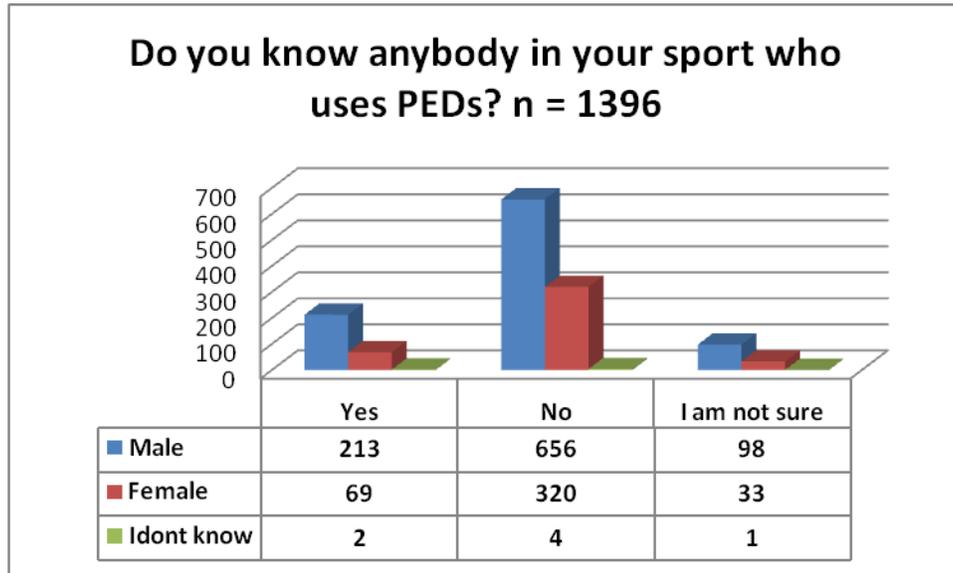


Figure 7: Distribution of knowledge of users per gender

3.6.3 Distribution of those who have knowledge of persons using PEDs per sport

A cross tabulation was also done to establish distribution of persons using PEDs per sport. The results indicated Rugby leading with 78 out of the 284 who admitted it. This is closely followed by soccer with 76. All other sports had below 40.

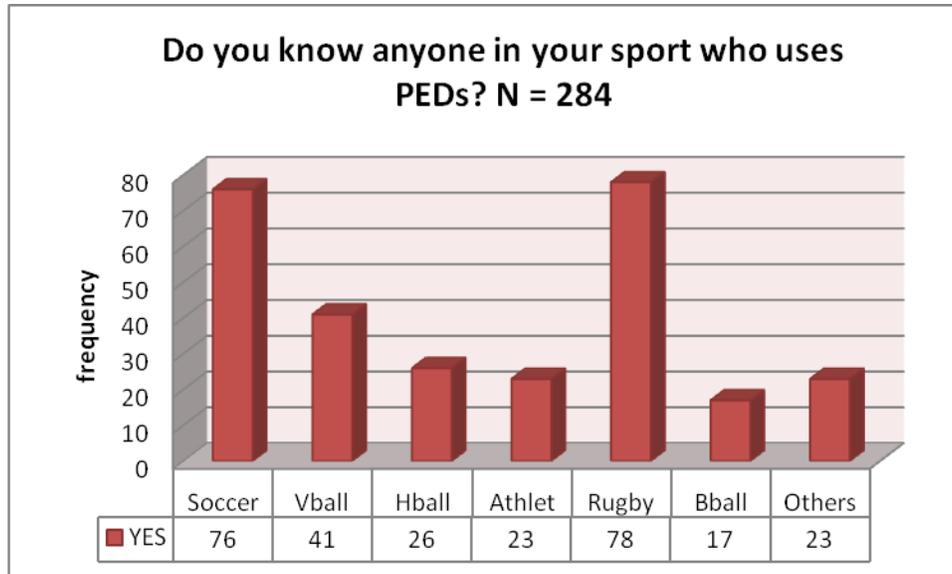


Figure 8: Distribution of knowledge of users per sport

3.6.4 Response on how they got information on doping

Asked where they get the information from, 76.4% mentioned observation while 22.4% indicated the media. Only 1.1% indicated rumours as source of information. This indicates a possibility of reliable information since majority of the information is derived from what athletes observe among colleagues rather than what they are told.

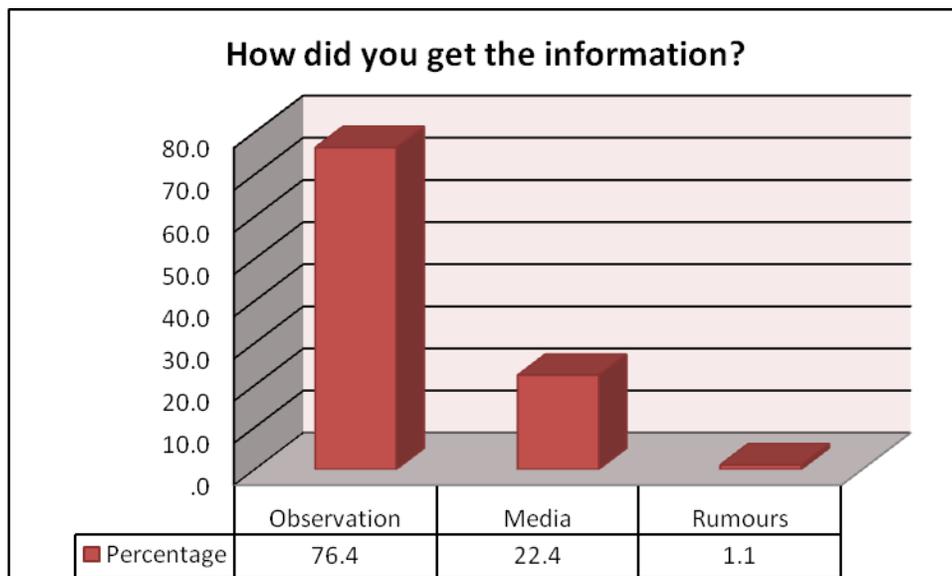


Figure 9: Distribution of respondents according to source of information on doping

3.6.5 Response on the type of Drug used

The figure below indicates that steroids could be the most common type of drug used for doping in Kenya with up to 76.3% of the participants who acknowledge knowing someone who dope indicating it. Bhang was second with 21.8 % of participants mentioning it while cocaine and miraa were mentioned by only 1%.

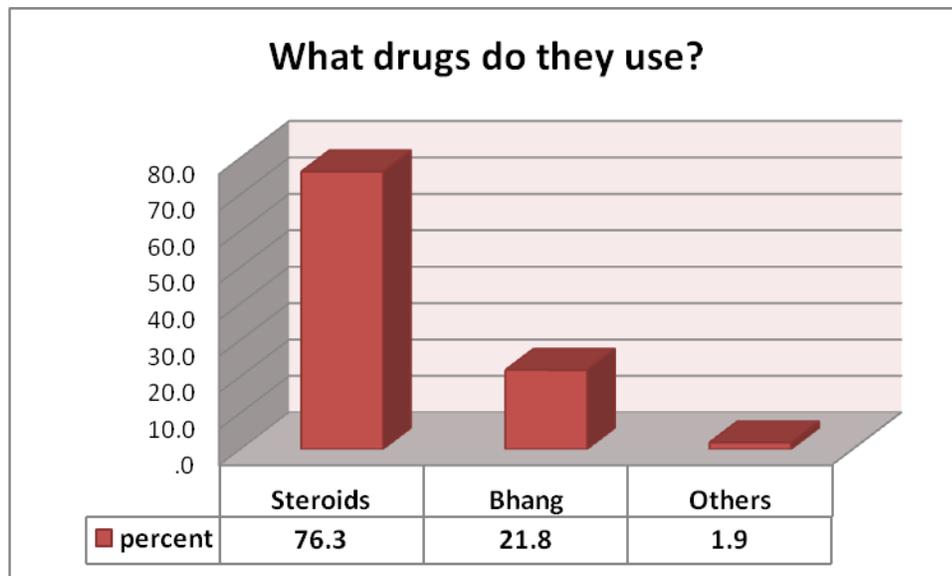


Figure 10: Response on type of drug used

3.6.6 Response on Reasons why Drugs are used

Asked about possible reasons for using PEDs, 81.2 % of the participants who responded to this question indicated the need to boost performance, 17.9 % as a result of peer pressure and only 0.8 % as for leisure.

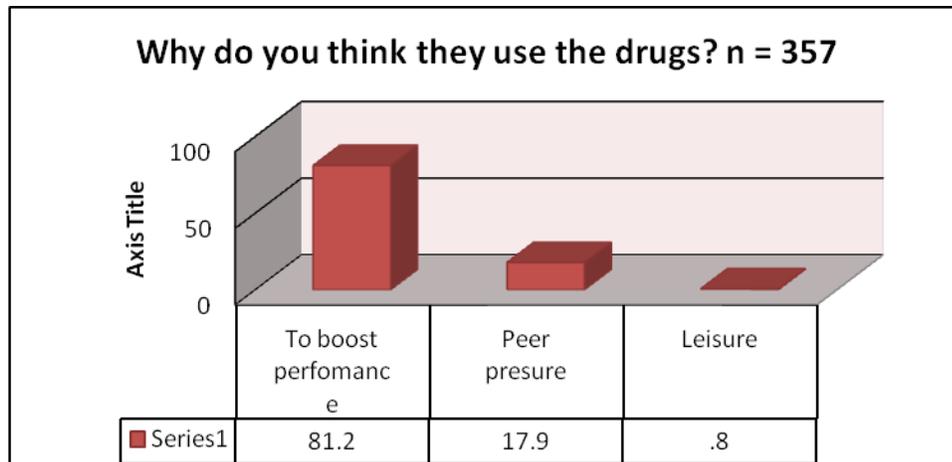


Figure 11: Response on reasons for drug use

3.6.7 Response on possible sources of the Drugs

On the issue of where the drugs are sourced from 71.8 % viewed shops as one of the outlets for performance enhancing drugs while 27.4 % indicated drug peddlers. A small percent (.6 %) viewed transportation from across boarder Uganda as another outlet for drugs.

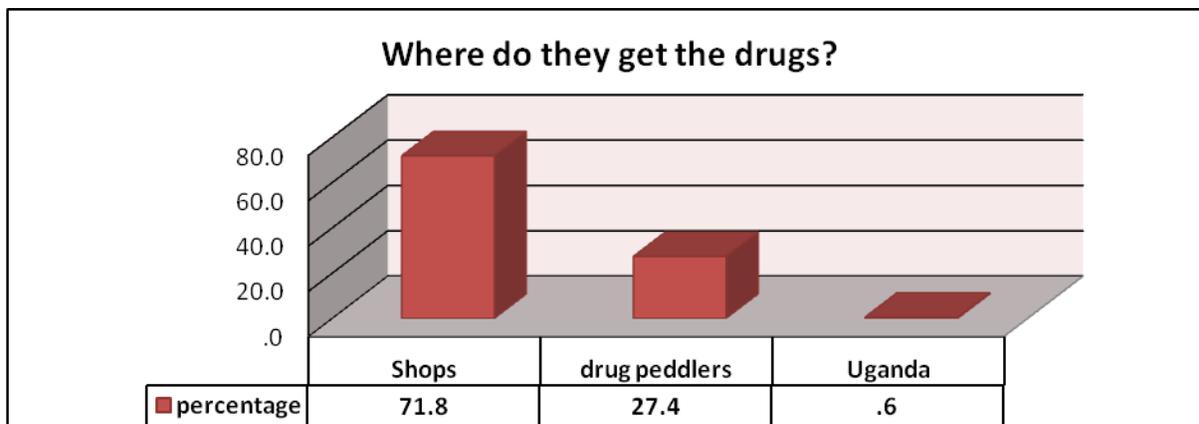


Figure 12: response of sources of drugs

3.6.8 Response on Duration of Drug use

The figure below shows that 220 (66.4%) viewed 3 years as the period which sports men and women in their teams have been using enhancing drugs while 108 (32.8%) were of the view that sportsmen and women in their teams have been on the drugs for 2

years. Only a minority of 3 (.9%) stated that athletes may have been using these substances for over four years.

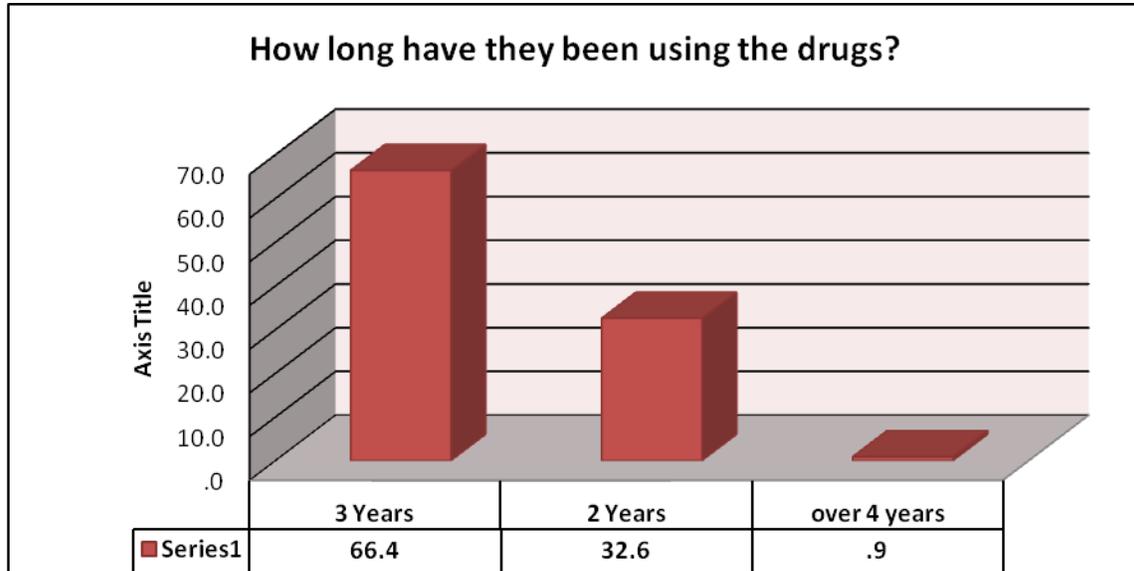


Figure 13: Response on duration of use of drugs

This result tends to corroborate the observation that the use of performance enhancing drugs in sports appears to have shot up in the recent past. For example between 2011 and 2013 there were 18 reported cases of positive drug tests in athletics alone, compared to less that number for the period 1993-2010 in the same sport.

3.6.9 Coaches/officials knowledge of use of PEDs

It is evident from the chart below that a good number of coaches (24 %) have knowledge that their players use PEDs. A higher percentage though (39 %) have no knowledge, while 37 % of the participants were not sure whether they know or not.

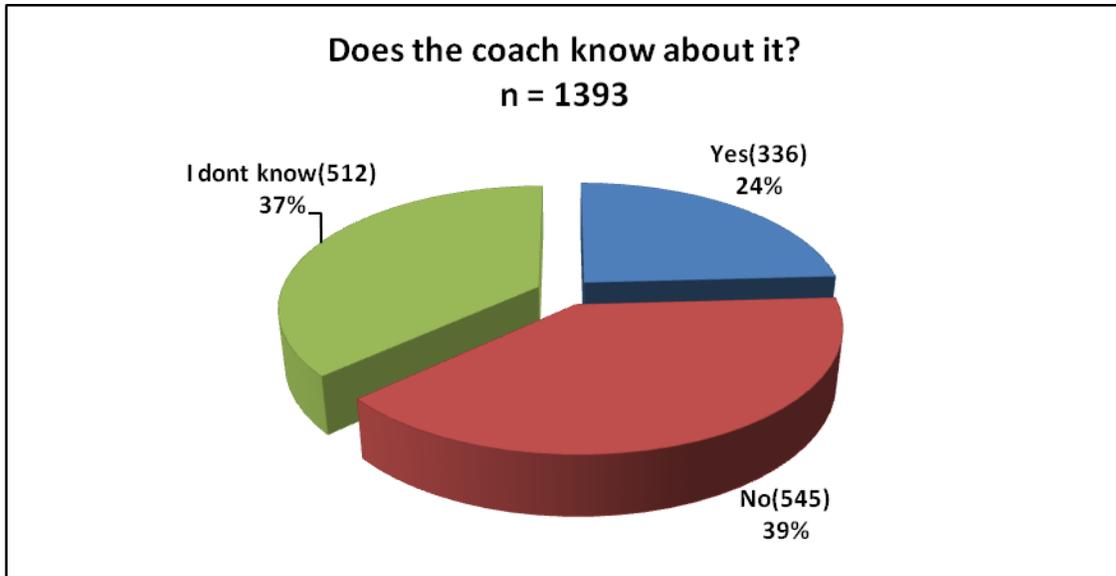


Figure 14: Coaches' knowledge on drug use

3.6.10 Response on whether coaches / officials discuss Performance Enhancing Drugs

According to the figure below (374, 27%) agree that coaches and officials discuss enhancing drugs with the team while a half the population, 692 (50%) say coaches and officials never discuss enhancing drugs with the team. Those who felt that coaches sometimes discuss enhancing drugs were also (328, 23%) this means that coaches and officials discuss enhancing drugs with the teams.

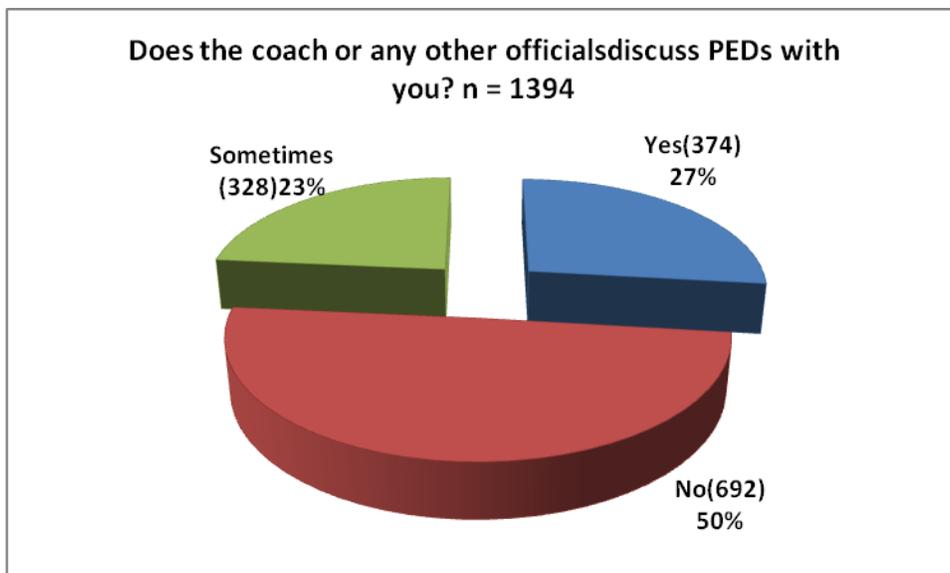


Figure 15: Distribution of coaches who discuss PEDs per sport

3.6.11 Distribution of responses on whether the coaches discuss PEDs per sport

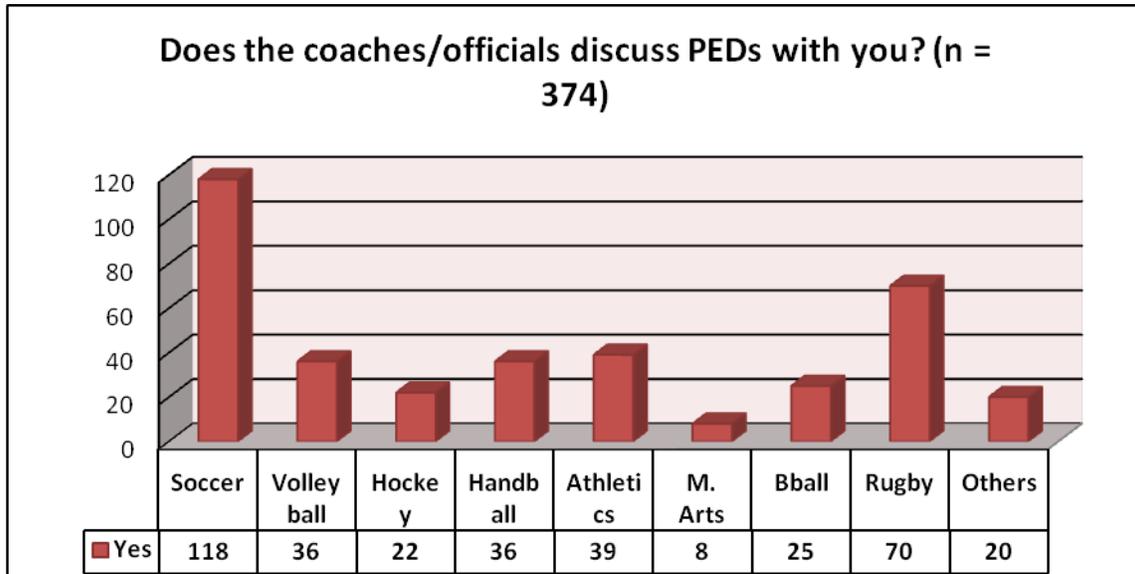


Figure 16: Distribution of coaches who discuss PEDs per sport

3.6.12 Response on whether Federations organize Seminars on doping

It is evident from the findings of the research that a good number of federations do make an effort to educate their players on doping (399, 28.2%). Another 485 (34.6%) organize seminars occasionally while 516 (36.8%) did not at all.

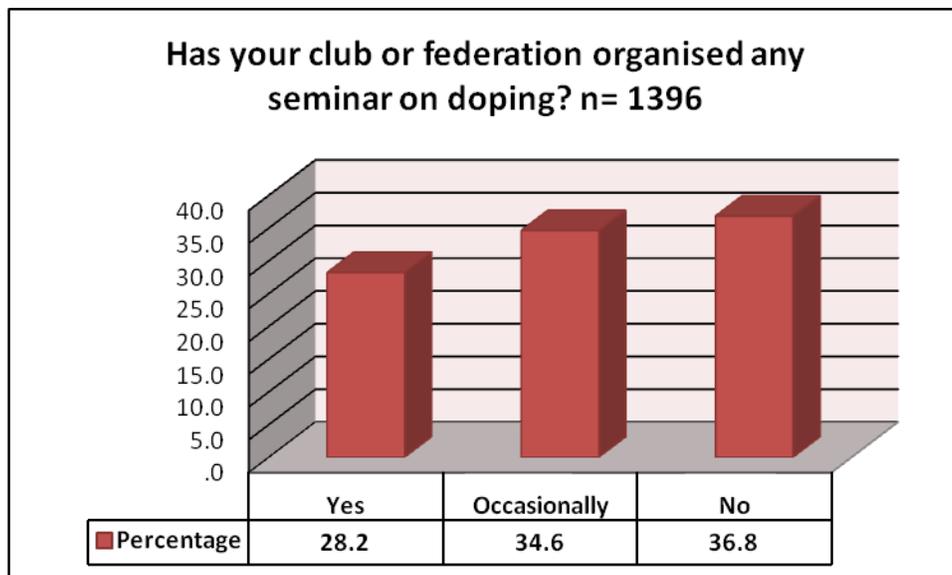


Figure 17: Distribution of federations that organize seminars on doping

3.6.13 Distribution of responses on whether clubs or federations organize seminars

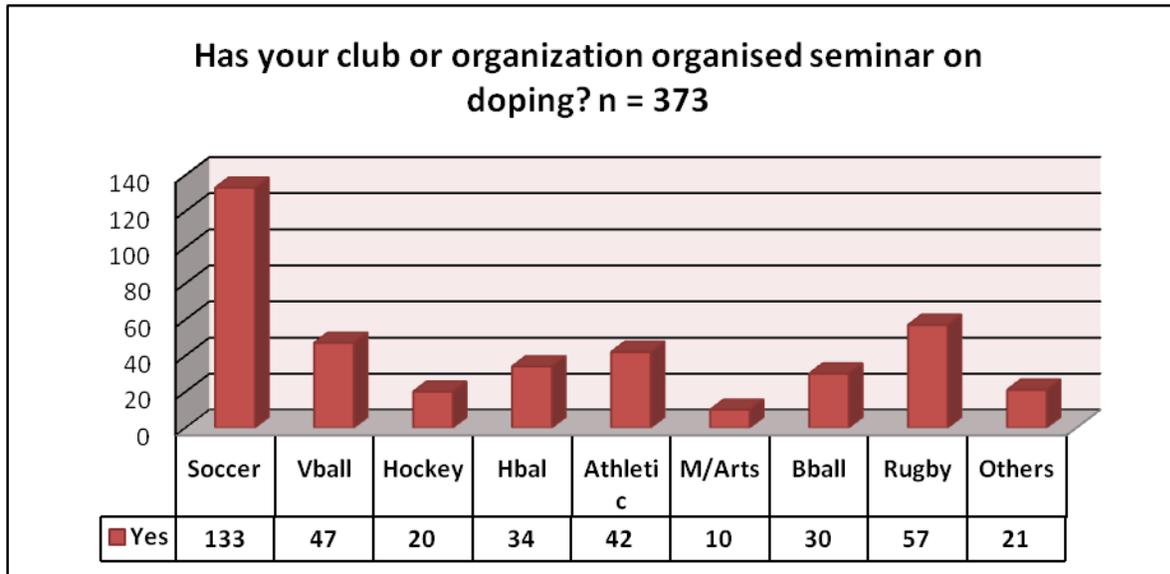


Figure 18: Distributions of clubs that organize seminars on doping

3.6.14 Responses on if Sports Men / Women know that doping is bad for their health

According to the pie chart below a large percentage (854, 64 %) know that doping is bad while an average (474, 36%) do not know that doping is bad. This means that most sportsmen / women in Kenya are not aware of doping and seminars need to be carried out in schools, colleges, universities and federations in Kenya.

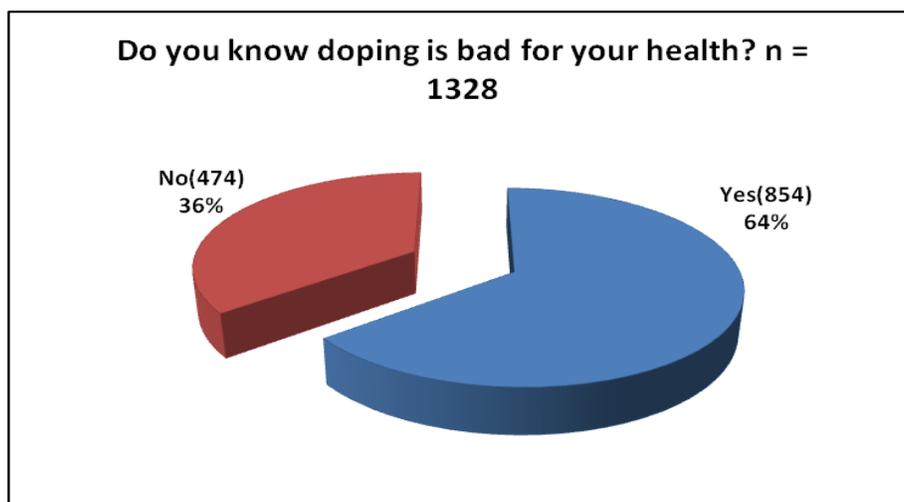


Figure 19: Awareness of health effects of doping among athletes

3.7 Assessment of Use of Supplements

This section assessed the use of supplements in various sports. The study sought to establish the extent of use, the types of supplements, the sources of the supplements and the involvement of coaches and other officials in the use of supplements by their players.

3.7.1 Response on whether they use supplements

The figure below shows that majority of sports men / women 828 (59%) do not use supplements; while an average 489 (35%) admitted that they use supplements. The remaining 79 (6%) said they do it sometimes which means they use supplements.

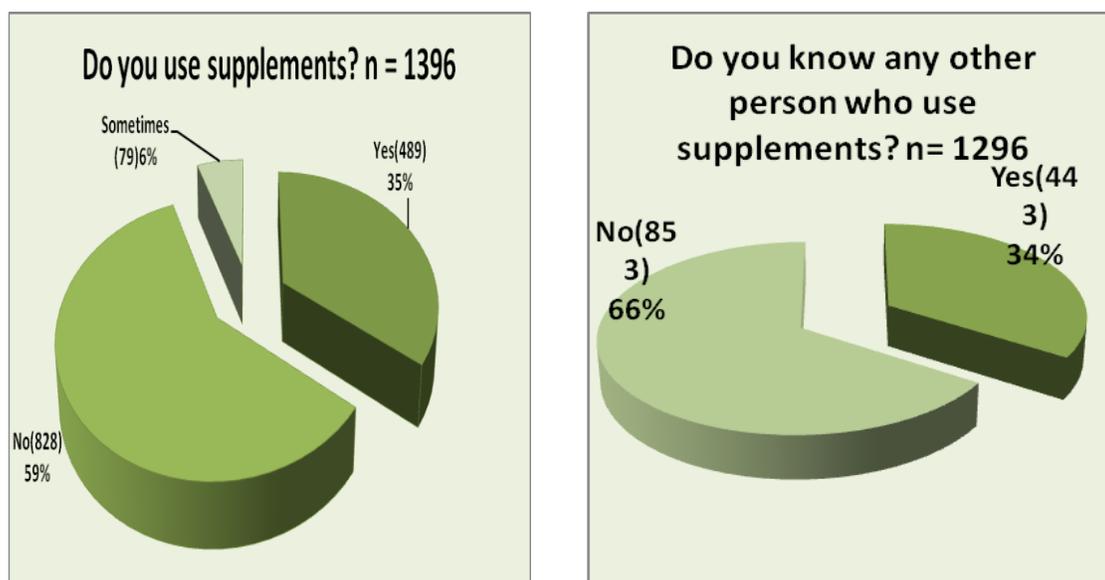


Figure 20: Prevalence in use of supplements among athletes

3.7.2 Knowledge of other persons using supplements

Asked about knowledge of colleagues who use supplements the same trend was replicated with 34% (443) saying 'yes' while 66% (823) said 'no'. This implies a significant number of Kenyan sportsmen do use supplements either frequently or occasionally. It is not established whether they are aware about the risk associated with use of supplements with regard to doping regulations.

3.7.3 Types of supplements used

Multi vitamins and proteins emerged the most commonly used supplements. The table below shows that majority 69.8% use vitamin supplements while only 11.1% use protein. Other substances that were mentioned though to a low extent are miraa, Red bull energy drink and cigarettes.

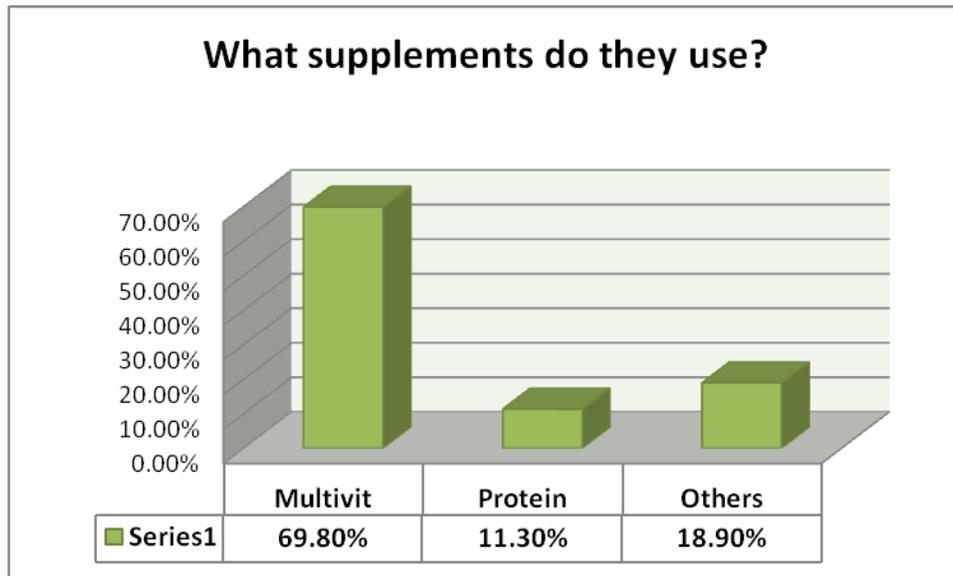


Figure 21: Common types of supplements used

3.7.4 Response on where supplements are sourced from

A question was posed to establish possible sources of supplements used by sports men and women. Chemists emerged the most common source with up to 37.1% of participants mentioning it. Coaches were second with 36%, then shops and friends with 12.8% and 13.1 % respectively. A small minority mentioned the school as a source.

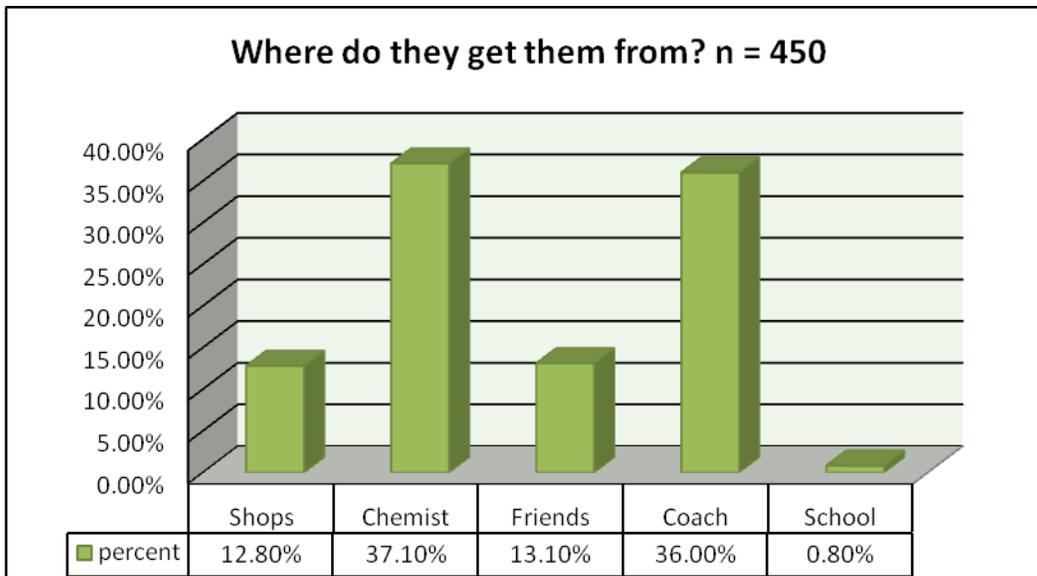


Figure 22: Sources of supplements

3.7.5 Response on if Coach or team Doctor knows about supplement use

The research also explored the possibility of coaches or officials having knowledge of their players' use of supplements. 45% of the participants who either use or have knowledge of persons using supplements admitted that their coaches know it, while nearly an equal number (47%) indicated they did not know. 8% of them were not sure if they know or not. Again here there is a clear indication that in nearly half the cases the coaches or officials are aware of their use.

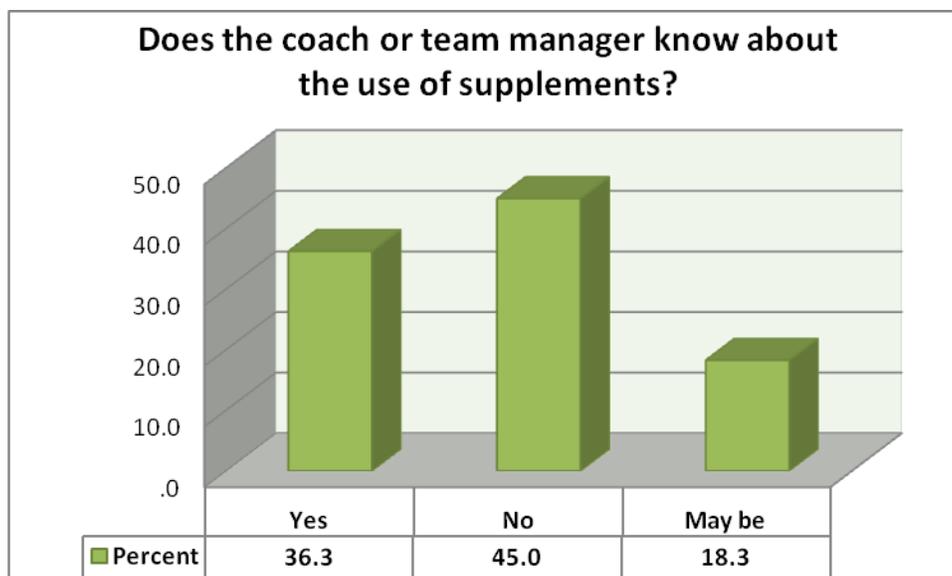


Figure 23: Coaches'/doctor's knowledge that athletes use supplements

3.7.6 Distribution of persons using supplements by sport

A cross tabulation was done to establish the distribution of those who admitted using supplements per sport. Findings indicated that soccer had the highest number with 145 out of the 488 respondents. Rugby was second with 110, then Volleyball with 54. Others sports had below 50.

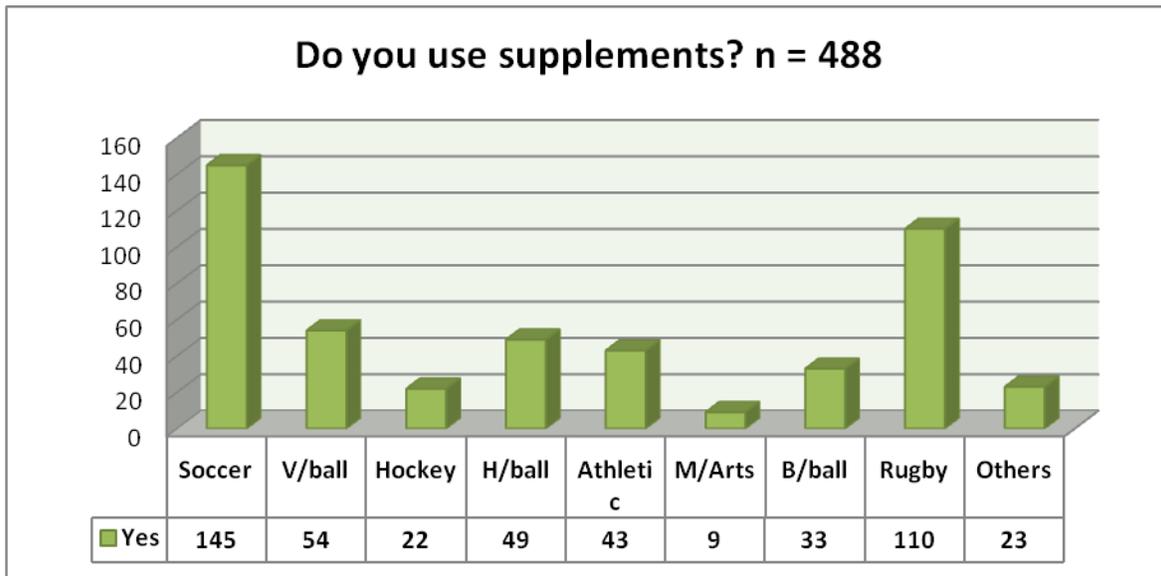


Figure 24: Distribution of athletes using supplements per sport

3.7.7 Response on what must be done to stop doping in sports

The research was concluded by asking the participants about their opinions on how doping can be stopped in sports. Doping education emerged the most preferred approach to curbing the problem with up to 37.1% of respondents mentioning it. Counselling and regular testing were second and third with a response rate of 28.1% and 21.8% respectively. Other means that were mentioned are taking tough measures on offenders, giving life bans and having more seminars.

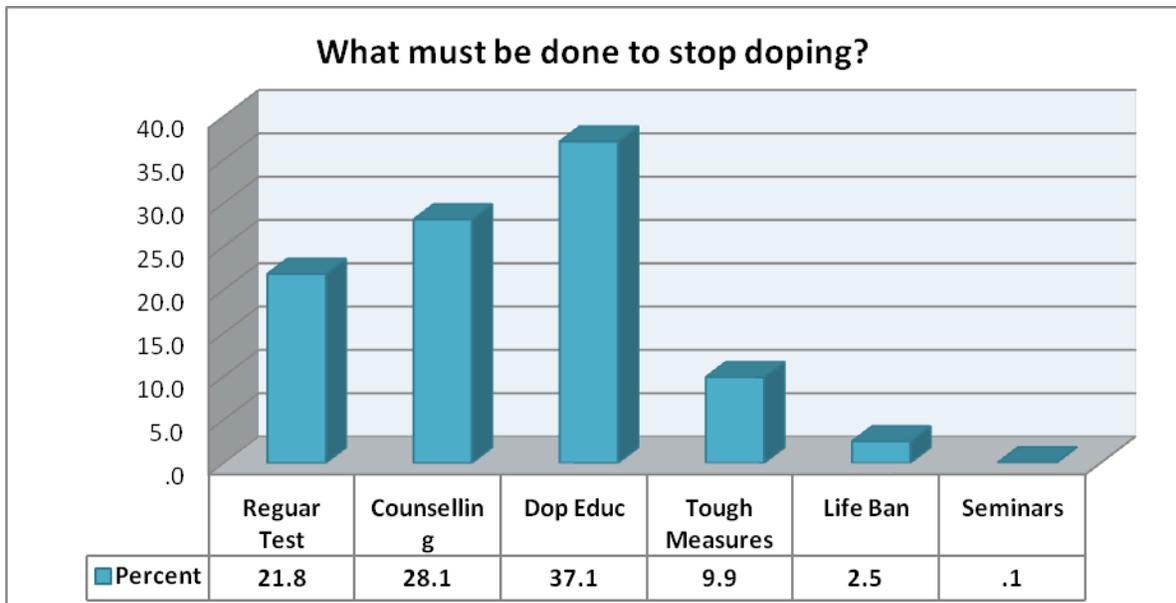


Figure 25: Athletes' suggestions on ways of eliminating doping

Although drugs appear to be used in numerous sports disciplines, it is also clear that the sportspersons have an idea of what should be done to eliminate their use. Indeed 12% suggest very harsh measures to be taken against those found to be using prohibited substances in sports.

4.0 Abuse of Performance Enhancing Drugs and Substances in Sports in Kenya

4.1 Sources of Prohibited Substances

Prohibited substances appear to come from diverse sources. In the majority of reports, *Cannabis Sativa* [bhang], Cathine [miraa] and Alcohol are substances which appear to be affordable and readily available (Refer to Table 2 below)

However, of major concern are three other sources:

- i. Uganda: some respondents in our research indicated that some of these substances came from Uganda. This source needs thorough investigation to establish the possibility of trafficking in prohibited substances.
- ii. Some track athletes who tested positive obtained prohibited substances from public hospitals and chemists.
- iii. The Rugby Union supplies food supplements to players in the National teams. The Taskforce was given four of them, which were taken to a laboratory for analysis. The results showed the presence of steroids [refer to case study of rugby in this report]. Other players seem to get their supplies from a variety of sources.

Table 2: Abuse of Performance Enhancing Drugs and Substance Abuse by Kenyan Sports Persons by Sport Discipline

Sports Discipline	Use of drugs	Specific drugs	Sources	Positive results	Education	Testing
NOCK					<ul style="list-style-type: none"> • Advising & releasing lists of substances to affiliates • Engaging affiliates to incorporate matters of doping in their constitutions • Educating athletes on dangers 	<p>Funds have been made available for testing. It is however not clear who did the testing and with what results</p> <p>The NOCK led to the establishment of the Kenya Anti Doping Agency, which has so far not had its' presence felt largely due to lack of legislative framework to set it up as well as lack of funds for its operation.</p>
Football	There is use of drugs	Miraa, <i>Cannabis sativa</i> [bhang], Cocaine, Cathine [miraa], 'Kuber'- a stimulant, Glue, Alcohol and Methylated Spirit.	Commonly found in the market. Some coaches supply athletes with the drugs.	One player is known to have tested positive.	The national federation does not offer any education on doping and prohibited substance use and the little education, if any, is left to individuals. There are awareness clinics conducted but they are sporadic and undefined	No policy on doping at the national federation Testing of the National team is done during international matches and by FIFA.

Sports Discipline	Use of drugs	Specific drugs	Sources	Positive results	Education	Testing
Boxing	There is use of drugs by athletes	Miraa, Bhang, Alcohol, Steroids and 'Kuber'	Commonly found in the market 'Kuber' is sold fairly discreetly in the market	One athlete tested positive	Discussion on matters doping during training	No policy or program on testing
Rugby	There is use of food supplements	<ul style="list-style-type: none"> • Mega Max Creatin • EVOX Advanced Nutrition BCAA Stack • EVOX Advanced Nutrition 5XL Formidable MASS • EVOX Advanced Nutrition 100% Whey Protein • EVOX Advanced Nutrition CYTO CRANK 	Administered by coaches in liquid form	One athlete tested positive for Hydrochlorothiazide	There is a budget set for training and education. The little education carried out is done at the national level but does not cascade down to the grassroots.	<p>Some testing done in collaboration with IRB at the national level</p> <p>There is no testing at club level</p>
Netball	There is use of drugs	Bhang	Not known	No known positive results.	The national federation organizes an annual week long seminar and discusses drugs and substance abuse	No testing
Hockey	There is use of drugs	Miraa, alcohol, bhang and 'kuber'. Pain killers such as Diclofenac are used before games.	Open Market	No known positive results	No education on doping issues.	No testing is done

Sports Discipline	Use of drugs	Specific drugs	Sources	Positive results	Education	Testing
Basketball	No known usage of drugs. There is however, usage of supplements	Nutri-shake (supplement), bhang is rampant at the Coast region	Open market	No known positive case	There is a clause on doping in the KBF constitution but there are no structures on education of the same. Team managers are sensitized on anti-doping during seminars	No testing is done at the local level
Tong-il-Moo Do	There is drug use.	Miraa is taken on recreational basis	Open market	No known positive case	They have a lesson within their training on doping	No testing both locally and internationally
Rowing and Canoeing	No known cases of drug use.	None	None	None	Locally there is a topic on doping during training for the athletes. The IF also has a free online doping certification course for athletes competing in international events	Testing is aggressively done both locally and internationally. They did not state who does the testing locally.
Athletics	There is use of drugs and food supplements	<ul style="list-style-type: none"> • Nandrolone • Boldenone • Norandrosterone • EPO • Prednisolone • Clenbuterol • Dexamethasone • Salbutamol • Clomiphene • Predinsone • Methylhexamamine 	European Managers/Age nts, public hospitals, Some chemists and other shops all over the country	30 athletes have tested positive	The federation offers education on doping to coaches and athletes preparing for international events Doping education is not done at the grassroots level	Testing is done both in local and international competitions

Sports Discipline	Use of drugs	Specific drugs	Sources	Positive results	Education	Testing
Weightlifting	There is use of drugs and food supplements	Bhang, Testosterone, Nandrolone and Supplements	Open market	Three players have tested positive	Doping education is done by KWF and NOCK They also get information from IWF. Instructors create awareness for athletes on prohibited substances. List of prohibited substances is displayed in some gyms.	Testing is done during international matches.
Handball	There is use of drugs by athletes	Cocaine, Alcohol, Bhang, Mukombera (<i>Mondia whytei</i>)	Open Market	No known positive results	There is a policy on doping Players are aware of doping	No testing is done locally
Triathlon	No information	No information	No information	No known positive results.	Holds educational seminars	Testing is done during international competitions.
Paralympics	No information	No information	No information	None	No education on doping issues.	No testing is done locally
Darts	There is use of drugs	Alcohol and Cigarettes	Open Market	None	No information	No testing is done
Volley Ball	There is use of drugs	Bhang and 'Kuber'	Open Market	None	No information	No testing locally Testing is done regionally and at international level.

Sports Discipline	Use of drugs	Specific drugs	Sources	Positive results	Education	Testing
Swimming	No known use of drugs				The federation offers education on anti-doping to athletes preparing for international events	Testing is done during regional and international events
Tennis	There is use of drugs	<i>Cannabis Sativa</i> (bhang)	Open market	One player tested positive	The federation does not offer any education on anti-doping issue but individuals are left to pursue anti-doping at personal level	Testing is done during regional and international events
Golf	No known usage of drugs				No policy or programme on anti-doping awareness	No testing done at local level
Cycling	No known usage of drugs				No policy or programme on anti-doping awareness	No testing at local level

4.2 General picture on doping education and sources in Kenya

- ❖ At the grassroots level there is hardly any knowledge of doping.
- ❖ High level of ignorance on use of drugs in relation to the prohibited substances by upcoming athletes.
- ❖ There is little knowledge and understanding of anti-doping rules at the grassroots.
- ❖ Information on anti-doping is obtained mainly from the media and a small number of officials.
- ❖ Majority of the federation officials do not seem to know what doping is.
- ❖ In athletics foreign coaches/managers seem to be the ones introducing prohibited substances to our athletes. In other sports these substances are obtained locally.
- ❖ Some drugs like *Cannabis sativa* [bhang], alcohol, miraa [cathine] are locally available and are also commonly used as recreational drugs.

- ❖ There is no coordinated effort in disseminating anti-doping education.
- ❖ Most of the products in the prohibited lists are named in medical and scientific terms which are not user friendly to most sports persons.

4.3 General picture on Dope Testing in Kenya

- ❖ There is hardly any testing going on especially at the grassroots level.
- ❖ Different federations do not coordinate or work together on testing of prohibited drugs.
- ❖ Almost all testing is done during international competitions and in some instances at the regional level.
- ❖ There is no coordination between sports federations.

4.4 Recommendations

- ❖ There is need to have anti-doping education in the institutions of learning starting from the primary school education system.
- ❖ There is need for anti-doping education for all branches of sports federations.
- ❖ There is need to enhance testing of sports persons throughout the country [in and out of competition].
- ❖ There is need for one specific body to deal with anti-doping matters.
- ❖ Medical doctors, pharmacists, veterinary doctors and other health care workers need to be sensitized on the prohibited substances.
- ❖ There is need for regulation to ensure food supplements are dispensed by qualified and registered nutritionists.
- ❖ There is need for legislation on anti-doping.
- ❖ Federations to ensure all affiliate clubs and sports persons are registered and proper records maintained.
- ❖ All foreign coaches and managers in all sports should be evaluated with respect to anti-doping policies, before they are employed or their contracts issued or renewed.

5.0 Case Studies of Selected Sports

5.1 Soccer

5.1.1 Structure and organization

- ❖ Soccer in Kenya is controlled by the Football Kenya Federation (FKF) which is an affiliate of FIFA at the International level and, CAF and CECAFA at the regional level.
 - ❖ FKF has sixteen (16) branches and several sub branches up to the grass root level. Further, there are clubs in the Kenya Premier League which are affiliated to the national body.
 - ❖ In addition, Kenya Premier League (KPL) Limited, the body that manages the Kenya Premier League is also affiliated to the FKF.
 - ❖ Clubs in the Super League and premier League are also directly affiliated to FKF.
 - ❖ Clubs in the lower leagues are affiliated to their respective branches.
- i. **Organization at the National Level**
- ❖ FKF has the National Executive Committee composed of; the President, Vice President, General Secretary/CEO, FKF Competitions, Treasurer, Referee Chairman, and Men's National Team Coach.
 - ❖ At the lower level, there are similar establishments except that the head is a Chairman and not a President.
- ii. **The Structure**
- ❖ League structure of FKF has six levels; Premier League, Super League, Division One, Division Two, County Champions League and Sub- County Leagues.
 - ❖ In addition, FKF manages other matches involving clubs from Super League to Premier League where the winner represents the country in the CAF Confederation Cup (Nelson Mandela Cup).
 - ❖ FKF has several other committees.
 - ❖ There is no linkage between FKF and Kenya Primary Schools Sports Association (KPSSA) and the Kenya Secondary Schools Sports Association (KSSSA).

5.1.2 Financing

The sources of finance for the national body are:-

- ❖ Membership subscription fee
- ❖ Government
- ❖ Private sponsorship
- ❖ FIFA
- ❖ Gate collection
- ❖ Event entry fee collection

The taskforce was not furnished with information on the annual budget of the federation. The federation does not have a separate budget for Anti-Doping activities.

5.1.3 Policies and practices on Anti-doping

- ❖ Due to affiliation to FIFA, the national body is bound by FIFA Anti-Doping rules.
- ❖ The Kenya Premier League occasionally organizes seminars where they include a topic on Anti-Doping.
- ❖ FKF has no program of implementing the Anti-Doping Rules.
- ❖ Coaches are exposed to Anti-Doping rules during their regular seminars.

5.1.4 State of doping

- ❖ FKF does not carry out any doping tests.
- ❖ FKF has not conducted any sensitization on doping issues.

5.1.4.1 Positive cases

Only one case of a Kenyan footballer has been reported to have tested positive while being a member of Bush Buck Club of South Africa (Peter Opiyo tested positive of *Cannabis sativa*).

5.1.4.2 Sources and use of prohibited substances/methods

- ❖ There is a lot of use of prohibited substances in Soccer such as *Cannabis sativa*, cathine, cocaine, anabolic steroids, stimulants and alcohol.
- ❖ Most of these products are locally available; from coaches and team members. Other products are imported while others are sold clandestinely by drug peddlers.

5.1.5 Challenges faced by the organization

- ❖ No sensitization of players and coaches on anti-doping.

- ❖ Fewer players are tested for the prohibited substances.
- ❖ Lack of role models.
- ❖ Lack/inadequate capacity building on anti-doping issues.
- ❖ *Cannabis sativa*, cathine and alcohol are taken widely as recreational substances.

5.1.6 Recommendations

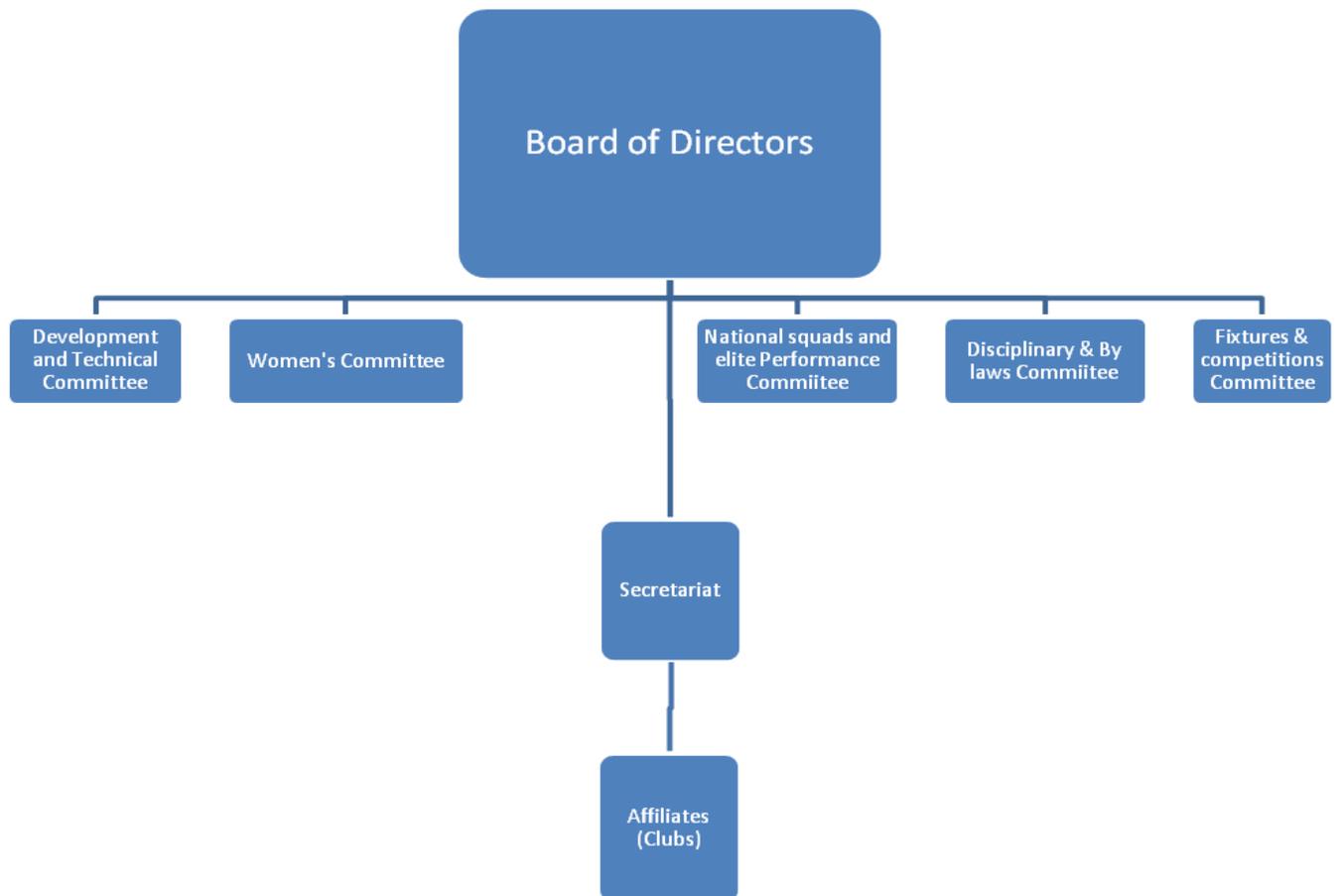
- ❖ Enactment of legislation to establish an Anti-Doping Authority to administer and/or enforce Anti-Doping Laws.
- ❖ To sensitize the youth, players, coaches, team managers, medical personnel on anti-doping issues.
- ❖ Increase number of players tested for prohibited substances.
- ❖ Establish local testing facilities.
- ❖ Allocate budget for anti-doping activities at various levels.
- ❖ Improve on capacity building.
- ❖ Improve on role modeling.
- ❖ Need to work with various stakeholders to improve on anti-doping activities.

5.2 Rugby

5.2.1 Structure and organization of the Kenya Rugby Union

The Kenya Rugby Union is the body charged with the running and management of rugby in Kenya. It is affiliated to the International Rugby Board as well as the National Olympic Committee of Kenya.

Nationally the structure of the KRU is as indicated in the chart on the next page.



5.2.2 Financing of the Kenya Rugby Union

The financing comes mainly from the corporate world. Some of the KRU's sponsors are:

1. The Government of Kenya [GoK]
2. Kenya Airways
3. East African Breweries Ltd
4. Migaa
5. Bamburi Cement
6. Samurai
7. Coca Cola (Dasani)
8. Safaricom

The taskforce was not furnished with the union's annual budget. Information on how much of the union's budget is allocated to anti-doping activities was also not furnished.

5.2.3 Policies and practices on anti-doping

The KRU's policies on anti-doping reflect those of the International Rugby Board (IRB) which in turn has adopted the WADA anti-doping policies and regulations.

5.2.4 State of Doping

In 2013, there were 24 players tested out of competition. In the same period 12 players were tested during competition. These tests were done in collaboration with the IRB. There is no program for anti-doping education and awareness.

5.2.4.1 Positive Cases

One player has tested positive to date; Edwin Shimenga [hydrochlorithiazide (2005)]

5.2.4.2 Use and sources of prohibited substances and methods

According to information given to the taskforce, neither the IRB nor the KRU condones the use of supplements. However they do not discourage their use either.

The KRU has in the past procured and given food supplements to players in the national team. The use of food supplements was introduced by the non-Kenyan coaches of the 7s team. Initially they were introduced by coach Mike Friday. The taskforce was informed that during Mike Friday's tenure as the 7s coach, the supplements that were used were supplied through Weider Nutrition, a store located at the Hilton Hotel Nairobi. The

proprietor of Weider Nutrition store further informed the taskforce that he still supplies supplements to some local rugby clubs; Kenya Harlequins and Nakuru RFC.

After the termination of coach Mike Friday's services, the KRU appointed Paul Treu as the 7s coach who came with his own regime of food supplements and their use. Paul Treu introduced supplements that trade by the name 'Evov'. Samples of these were retrieved from the union and subjected to laboratory analysis and were found to contain steroids (See Appendix VI).

It is worth stating that the KRU had been administering the supplements to the players without knowledge of their contents. Reliance had been placed on the advice of the contracted foreign coaches as well as the labelling on the packs and thus the supplements were not subjected to any further or independent analysis by the KRU.

The Rugby Union informed the taskforce that they prefer foreign to local coaches since they are more familiar with the use of food supplements in the sport.

The Taskforce did not get an opportunity to interview officials of Harlequins Rugby Football Club and Nakuru Rugby Football Club.

5.2.5 Findings

1. In light of the laboratory analysis and results of the food supplements, the taskforce finds that the KRU and specific officials were in contravention of 5.2.6 (b) of the Kenya Rugby Union's anti-doping regulations which mirror the WADA code. The section provides that:

'Possession by player support personnel in competition of any prohibited method or any prohibited substance, or possession by player support personnel out of competition of any prohibited method or any prohibited substance which is prohibited out of competition, in connection with a player, match, series of matches and/or tournament or training, unless the player support personnel establishes that the possession is pursuant to a therapeutic use exemption granted to a player in accordance with Regulation 5 or other acceptable justification.'

However, notwithstanding the violations of 5. 2.6(b) the taskforce observes that there was genuine ignorance on the part of the KRU officials with respect to the violation of this rule. The taskforce was able to obtain samples of the supplements from the union, who gave them willingly. After the lab analysis was done and

results obtained, the same was shared with the KRU who agreed to stop using them immediately as well as surrendering the remaining stock that was in their possession to the taskforce for destruction.

The taskforce was informed that the food supplements are administered before and after the training sessions and that the administration is stopped a few days to the competition. The coaches identify and recommend the supplements to be bought by the union.

2. The taskforce therefore finds that there were strong suggestions that the coaches violated S. 2.8 of the KRU anti doping regulations. The section provides that:

‘Administration or attempted administration to any player in competition of any prohibited method or prohibited substance, or administration or attempted administration to any player out of competition of any prohibited method or any prohibited substance that is prohibited in out of competition testing, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted anti-doping rule violation.’

However, the coaches did not appear before the taskforce, ostensibly due to their engagement with the national 7s team.

Some rugby clubs and individual players seem to get their supplies from diverse sources.

5.2.6 Challenges faced by the organization

1. Dissemination of information on doping/ anti-doping is poor.
2. Testing costs are prohibitive and as such the available funds are channeled to other areas.
3. There is no specific budgetary allocation for testing.

5.2.7 Recommendations

1. Education and awareness seminars, conferences and training should be regularly organized all the way to the grassroots. This should include schools and local clubs.
2. Have testing done locally.
3. The use of food supplements must be stopped unless the same have been subjected to analysis and cleared for use.

4. There is need to have legislation to provide for an anti-doping authority to administer and/or enforce anti-doping laws.
5. The coaches who are in violation of S 2.8 of the Kenya Rugby Union anti-doping regulations be subjected to a disciplinary process by the Regional Anti-Doping Organization (RADO). These coaches are:

Sevens

[REDACTED]

Fifteens

[REDACTED]

5.3 Athletics

5.3.1 Structure and organization

Athletics Kenya (AK) is the governing body in the sport of athletics [track, field and road races] in Kenya. It is a member of IAAF and Confederation of African Athletics (CAA) and NOC-K.

The structure of AK is as follows:

- a. National level
- b. Regional level

5.3.1.1 National Level

- i. President
- ii. Four Vice Presidents, the Vice Presidents are in charge of Administration, Competition and International Liaison, Logistics Youth Development, Technical ICT and Women Development

- iii. Chief Executive Officer (CEO) who is an employee of AK and acts as its Secretary General
- iv. Treasurer
- v. Assistant Treasurer
- vi. Public Relations Officer (PRO)
- vii. Three Committee Members
- viii. Five co-opted members
- ix. Life member representative
- x. Athletics Representative
- xi. Ex-officio member drawn from the Department of Sports

5.3.1.2 Regional Level

There are 12 regions and 4 institutions

The institutions are as follows:

- i. Kenya Defense Forces
- ii. National Police Service
- iii. Kenya Prisons
- iv. Universities

The Structure of each region/institution is as follows:

- i. Chairman
- ii. 1st and 2nd Vice Chairman
- iii. Secretary
- iv. Assistant Secretary
- v. Treasurer
- vi. Assistant Treasurer
- vii. Public Relations Officer (PRO)
- viii. Three (3) committee members
- ix. Five (5) co-opted members

- ❖ It is useful to point out that for all purposes including AK elections the regions and institutions are represented at the National level by their respective chairman, secretary and treasurer.
- ❖ The Kenya Primary Schools Sports Association (KPSSA) consisting of approximately 22,000 primary schools and the Kenya Secondary Schools Sports Association (KSSA) consisting of approximately 10,000 secondary schools produce the bulk of junior athletes in Kenya.

- ❖ It was observed that these Associations are not directly affiliated to AK as Independent institutions and are therefore not adequately represented in the AK structure.

5.3.2 Finance

The sources of AK finances are:

- Private sponsors and well wishers
 - Government of Kenya
 - Members' subscription
- ❖ It was observed that the private sponsors included well known companies such as NIKE, Kenya Commercial Bank, Safaricom Limited and the National Bank of Kenya. The amounts provided by these companies were however not disclosed.
 - ❖ It was also observed that there was no independent budget for financing Anti-Doping activities apart from Ksh. 200,000.00 for testing purposes per annum [This amount is enough for about 5 tests].
 - ❖ Each region receives a grant of about Ksh.200,000 from the national office to run its activities [this translates to Ksh.2.4million per year]. This amount is meant for preparation and transport of teams to the National Competitions.

5.3.4 Policies and Practices on Anti-Doping

- ❖ AK being an affiliate of IAAF is bound by the policies and regulations formulated by the IAAF with respect to doping in particular the World Anti-Doping Code.
- ❖ Since 2012, AK has had annual seminars during which athletes and other stakeholders discuss a variety of topics touching on Athletics in Kenya and include presentations on Anti-Doping.
- ❖ These seminars so far have targeted the Elite and retired elite athletes.
- ❖ There has been no attempt either by the National office and its affiliates to provide education and awareness to upcoming and junior athletes.

5.3.5 State of Doping

5.3.5.1 Positive cases

A total of 32 athletes have so far tested positive for prohibited substances [17 tested positive in 2012 and 2013]. A list of these athletes is attached to this report and marked

as Appendix I. Some of these positive cases were actually due to innocent use of prohibited substances through treatment. The athletes in question failed to declare to the anti-doping authorities that they had been treated with certain drugs. In certain other instances however, there appears to be deliberate use of these prohibited substances e.g. the EPO cases. None of the cases that tested positive for EPO required that drug for treatment.

5.3.5.2 Sources of Prohibited substances

- ❖ It was observed that the sources of prohibited substances included; prescriptions from hospitals/doctors, pharmacies and chemists.
- ❖ From a German television documentary, we gathered that certain chemists and stores for food supplements were the sources of prohibited substances.
- ❖ Some athletes who have tested positive also implicated specific shops and chemists as reported in the ARD documentary.
- ❖ The Taskforce visited the identified shops and chemists and verified that indeed it was very easy to purchase very sophisticated performance enhancing substances over the counter.
- ❖ The Taskforce interviewed the owners of Weider Nutrition Stores in Nairobi and the chemist at Sixty Four Arcade in Eldoret, and they confirmed the allegations raised against them in the German ARD documentary.
- ❖ Other sources of prohibited substances were identified as hospitals, doctors and other chemists.
- ❖ Many of the coaches, administrators and the athletes who appeared before the Taskforce pointed an accusing finger at the foreign agents as major sources of prohibited substances to these athletes.
- ❖ Research findings also point to cross border trade of these substances.

5.3.6 Challenges Athletics Kenya faces

- ❖ Lack of a local Anti-Doping Institution in Kenya i.e. KADA.

5.3.7 Observations

In execution of its mandate the Taskforce made several attempts to have a discussion with the President of Athletics Kenya, similar to the Heads of other Federations. These efforts did not bear fruits as the AK President categorically declined to appear before the taskforce unless his preferred mode of attendance was adhered to [see appendix IV].

As a result of such a failure the taskforce was not able to get answers to the following:

- i. Issues of registration, de-registration and control of foreign agents
- ii. The absence of locally based Kenyans on the list of agents [see appendix V]
- iii. The register of local athletes
- iv. The status of AKs organizational structure for anti-doping mechanisms
- v. Absence of a program on education and awareness
- vi. Existing policy on anti-doping in the federation
- vii. Anti-Doping strategies that the federation is employing
- viii. Challenges that the federation faces in its' fight against performance enhancing drugs
- ix. Recommendations or way forward on how to tackle the challenges
- x. Records of sports persons in the federation who have been banned or tested positive for the use of prohibited substances [if any].
- xi. Policies and budgetary allocations for anti-doping programs
- xii. Reasons for his dismissive and contemptuous attitude of the ARD television documentary regarding doping by Kenyan athletes
- xiii. To explain the inability of AK to take doping education to its' affiliates

It is the Taskforce's view that the AK president was disrespectful, treated the matter lightly and in contempt and appears not to take doping matters and the allegations against the Kenyan athletes seriously. The AK president does not seem to understand the gravity of doping in athletics. In view of the numerous doping cases in athletics, the Taskforce would have expected better from the President.

5.3.8 Recommendations

- ❖ Develop and maintain an athletes' register from grassroots to elite.
- ❖ Registration of Agents both at the county and national level by the Registrar of Sports.
- ❖ AK to embrace, prepare and execute an elaborate education and awareness program to the grassroots level.
- ❖ Consider the inclusion of KPSSA and KSSSA as key affiliates of AK.
- ❖ Legislation to provide for an Anti-Doping Authority to administer Anti-Doping Laws.
- ❖ All foreign agents managing the athletes must have a local counterpart [akin to requirements of registration of foreign companies].

6.0 Summary of Findings and Conclusions

6.1 Prevalence of Prohibited Substances

Prohibited substances are used in a variety of sports. The culprit substances include *Cannabis sativa* (bhang), Cathine (Miraa) and stimulants (*Kuber*), which are commonly used in team sports. In some instances these drugs are taken as recreational drugs, i.e. innocently. In certain other instances, officials are involved in procuring the same to the sportspersons.

The use of anabolic steroids, erythropoietin and other sophisticated drugs has been reported mainly in athletics. Our findings indicate that a number of athletes tested positive largely out of ignorance. For instance, Lydia Cheromei, who tested positive for a fertility drug could as well have done with an appropriate therapeutic use exemption (TUE). Others went for normal treatment but did not disclose to the attending physician that they were athletes and that they required drugs that are not on the Prohibited List. In such cases, the self-same athletes failed to declare the drugs that had been prescribed to them during the anti-doping test. This aspect also speaks to lack of education and awareness on anti-doping regulations.

In yet another instance, there is a category of athletes who deliberately used prohibited substances to enhance performance. Given the sophisticated nature of the culprit substances in this case, such as Clenbuterol, Nandrolone, Prednisolone amongst others, all fingers point at external influences. In this case, it is the foreign managers who are being blamed for introducing athletes to Prohibited substances. These managers are said to take control of athletes and organize their participation in international competitions. It is instructive that AK has not found it fit to encourage and or promote locals to take up the role of 'managers'. This is compounded by the lack of doping education by the national federation.

This state of affairs can be blamed squarely on the top management of Athletics Kenya. In particular, AK has failed over the years, firstly, to reach athletes at the grassroots levels with education on anti-doping, and secondly, to effectively control the influx of agents in the country. Two conclusions flow from these findings. Firstly, there is need for an elaborate programme of education and awareness that should reach all those participating in sports, including those at school.

Secondly, there is a need to regulate the operations of foreign agents and coaches. In short, their significance to Kenya's sport needs to be reconsidered.

The use of bhang is quite widespread in football and a host of other sports. The officials reported the absence of anti-doping programmes in their federations. The participants reported lack of knowledge on anti-doping. However, there were cases where some officials and players reported deliberate use of these substances. In certain cases the use of these substances was purely for recreational purposes. We conclude that a comprehensive programme on anti-doping education would help arrest this situation.

It also came out that some federations and clubs have an elaborate programme of using food supplements notwithstanding the fact that the food supplements they use are laced with prohibited substances. We conclude that this is a deliberate attempt at doping sportspersons.

6.2 Sources and Access to Prohibited Substances

The major sources of prohibited substances in Kenya are Chemists, hospitals, and certain shops selling food supplements. Other drugs like *Cannabis sativa* and stimulants are peddled clandestinely. In certain instances, coaches and other sports officials procure these substances on behalf of the sportspersons. It was also indicated that some of the substances come in from Uganda, indicating cross-border trade in these products.

It is concluded that the sources of prohibited substances in Kenya are quite varied.

6.3 Compliance of Sports Bodies to Anti-Doping Policies

All sports bodies in Kenya are aware of anti-doping policies as propagated by their respective International Federations and the World Anti-Doping Agency (WADA). However, none of them has an elaborate programme targeting education and testing. In certain instances, coaches only hear about doping when they attend seminars. None of the sports bodies has been able to cascade anti-doping education to the branches. Sports persons, who do not make it to the national teams, hardly have a chance to hear about anti-doping. On testing, they all acknowledge that it is expensive. Most shocking is that there is no budgetary provision for anti-doping activities by these sports bodies. They blame this on inadequacy of funds. Many are comfortable with a separate body taking care of anti-doping activities on their behalf. One body that has tried is the National Olympic Committee of Kenya. However, its influence does not normally extend beyond teams preparing for international competitions.

It is concluded that none of the sports bodies in Kenya fully complies with the obligations required of them by their international federations and WADA.

7.0 Recommendations

Following the findings and conclusions of this report, the taskforce makes the following recommendations:

- ❖ The immediate gazettelement and operationalization of KADA as an interim measure pending the enactment of specific anti-doping legislation.
- ❖ The enactment of legislation to criminalize anti-doping offences.
- ❖ The registration and monitoring of all sportspersons, agents, managers.
- ❖ To maintain an updated database of all registered sportspersons.
- ❖ To consistently vet all foreign coaches and agents before grant or renewal of a license.
- ❖ All foreign agents/managers must register and work in collaboration with competent registered local agents/managers.
- ❖ The inclusion of anti-doping information in the schools' curriculum.
- ❖ The KPSSA and KSSSA to have membership and representation in all national sports federations.
- ❖ Increasing the frequency and financial allocation towards testing.
- ❖ To establish a local WADA accredited testing centre.
- ❖ Education and awareness of anti-doping regulations to be cascaded all the way to the grassroots.
- ❖ Medical practitioners, dentists, pharmacists, veterinary doctors and other health professionals should undergo training on anti-doping activities.
- ❖ The Rugby officials identified as deliberately doping players to be subjected to an anti-doping disciplinary process.

Appendices

Appendix I: Sportspersons who have tested positive

Table 1: Kenyan athletes who have tested positive to date

S/No	Athlete	Sports Discipline	Sex	ADRV	Date of Infraction	Sanction	Ineligibility Until
1	BASWETI, Jynocel Onyancha	Athletics	M	AAF – Boldenone	22/01/2012	2 years ineligibility	04/07/2014
2	BIWOTT, Salome Jerono	Athletics	F	AAF – Norandrosterone	28/10/2012	2 years ineligibility	24/01/2015
3	ERUPE, Wilson Loyanae	Athletics	M	AAF – EPO	04/01/2013	2 years ineligibility	03/02/2015
4	JELAGAT, Liliane	Athletics	F	AAF – EPO	29/06/2013	2 years ineligibility	18/07/2015
5	JEPKORIR, Peris	Athletics	F	AAF – Norandrosterone	05/05/2013	2 years ineligibility	30/07/2015
6	KAHENYA, Pauline	Athletics	F	AAF – Prednisone & Prednisolone	03/03/2013	1 year ineligibility	21/04/2014
7	KIGEN, Genoveva	Athletics	F	AAF – Clenbuterol	28/05/2012	2 years ineligibility	24/06/2014
8	KIMAIYO, Nahashon	Athletics	M	AAF – Prednisolone	25/11/2012	1 year ineligibility	08/01/2014
9	KIMUTAI, Andrew Ben	Athletics	M	AAF – Dexamethasone	18/11/2012	1 year ineligibility	18/03/2014
10	KIPLAGAT, Nixon	Athletics	M	AAF – Norandrosterone	04/11/2012	2 years ineligibility	09/12/2014
11	KISORIO, Matthews	Athletics	M	AAF – Norandrosterone	14/06/2012	2 years ineligibility	10/07/2014
12	KIYARA, Rael	Athletics	F	AAF – Norandrosterone	29/04/2012	2 years ineligibility	18/07/2014

13	KURGAT, Moses Kiptoo	Athletics	M	AAF – Salbutamol	23/10/2012	2 years ineligibility	14/12/2014
14	KYEVA, Cosmas	Athletics	M	AAF – Norandrosterone	05/02/2012	2 years ineligibility	26/02/2014
15	NYABOKE Asiba, Neriah	Athletics	F	AAF – Norandrosterone	04/11/2012	2 years ineligibility	17/12/2014
16	RUTTO, Ronald	Athletics	M	AAF – EPO	23/04/2012	2 years ineligibility	05/06/2014
17	WAIRURI, Anthony	Athletics	M	AAF – Norandrosterone	28/10/2012	2 years ineligibility	20/01/2015
18	RAYMOND, Tanui	Athletics	M	EPO	2009		
19	SUSAN, Chepkemei	Athletics	F	Salbutamol	2008		
20	ELIZABETH, Muthuka	Athletics	F	Nandrolone	2008		
21	LYDIA, Cheromei	Athletics	F	Clomiphene	2006		
22	PHILIP, Wire Opiyo	Football	M		2005		
23	EDWIN, Shimenga	Rugby	M	Hydrochlorithiazide	2005		
24	DAVID, Munyasia	Boxing	M	Cathine/Miraa	2004		
25	PAMELA, Chepchumba	Athletics	F	EPO	2003		
26	AMBROSE, Bitok	Athletics	M	Norandrosterone	2003		
27	SIMON, Kemboi	Athletics	M	Nandrolone	2000		
28	DELILAH, Asiago	Athletics	F		1999		
29	DAVID, Obiero	Weightlifting	M	Nandrolone	1997		
30	JOHN, Ngugi	Athletics	M	No test taken	1993		
31	CHARLES, Nyakundi	Athletics	M	Boldenone			
32	CHEPTEI, Eliud	Athletics	M	Nandrolone			
33	CHESIRE, Rose	Athletics	F	Methylhexaneamine			
34	JERONO, Salome	Athletics	F				
35	GEKONE, Musa	Weightlifting	M				
36	NDUNG’U, Peter	Weightlifting	M				
37	KIPROTICH, Abraham	Athletics	M	EPO			

Appendix II: Minister of Sports Press Release



MINISTRY OF YOUTH AFFAIRS AND SPORTS OFFICE OF THE MINISTER

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Ref. No. MOYAS/MINI/VOL.II

30th May, 2012

PRESS STATEMENT

ALLEGATIONS OF DOPING AMONG KENYA ATHLETES

As a Government, we are concerned and dismayed over reports attributed to a German Public TV station (ARD) about alleged doping among Kenyan athletes.

The 7 minute report that was aired in prime time (6.00pm) in the popular sports show "Sportschau", under the heading "**Kenyan runners under doping suspicion**" portrays our athletes in negative light and as a Ministry in charge of sports, we are not taking these allegations kindly for we have invested heavily in the industry.

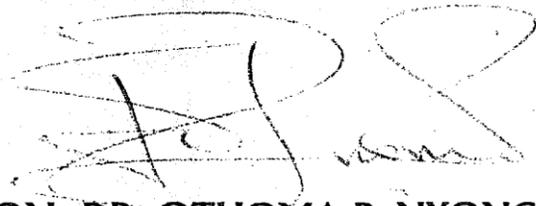
In this regard, we wish to assure you that Kenyan athletes are very clean and this negative report is only aimed at detracting the country's preparations and participation in the London Olympics but we have advised our athletes to remain focused in their preparations for the Olympics.

As a Government, We are faithful subscribers to the world anti doping Agency (WADA) as well as RADO, and, as such, cannot condone situations whereby any athletes compete contrary to the laid down rules.

In relation to this, we regularly educate our athletes on the repercussions of anti-doping offences and have firmly and decisively dealt with a few cases that have been brought to our attention by IAAF. The cases have however been minimal compared with similar cases elsewhere in the world.

We have written to our Embassy in Germany expressing our displeasure and we hope they will convey the same to the concerned authorities.

We are studying and collecting any available information touching the current allegations with a view to taking any necessary action. We wish to request anyone with proof to avail it to us for necessary action.



HON. DR. OTUOMA P. NYONGESA, EGH, MP
MINISTER FOR YOUTH AFFAIRS AND SPORTS

Appendix III: Draft Anti-Doping Bill

(An Act of Parliament) To promote the participation in sport free from the use of prohibited substances or methods intended to artificially enhance performance, thereby rendering impermissible doping practices which are contrary to the principles of fair play and medical ethics, in the interest of the health and well-being of sportspersons; and to provide for matters connected therewith.

PART I – PRELIMINARY

Short title and commencement

1. (This Act may be cited as the Anti Doping Act, 2014, and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint and different dates may be appointed for different provisions.)

Definitions

PART II – ESTABLISHMENT OF THE KENYA ANTI DOPING AGENCY [KADA]

Establishment of the Agency

2. There is hereby established an Agency to be known as the Kenya Anti Doping Agency [KADA]
3. The Agency shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—
 - a. suing and being sued;
 - b. acquiring, holding, charging and disposing of movable and immovable property; and
 - c. doing or performing all such other things or acts as may lawfully be done or performed by a body corporate.
4. The headquarters of the Agency shall be in the capital city of Kenya.

Independence of the Agency

5. In the performance of its functions the Agency shall, subject to such provisions relating to finances as are contained herein, not be subject to any person, office or agency.
6. The Agency shall observe the principle of impartiality and rules of natural justice in the exercise of its powers and the performance of its functions.

7. Every Government officer or institution shall accord the Agency such assistance and protection as may be necessary to ensure its independence, impartiality, dignity and effectiveness.
8. No person or body may interfere with the decision making, functioning or operations of the Agency.
9. Parliament shall ensure that the Agency is adequately funded for it to effectively and efficiently perform all of its functions.

Objectives of the Agency

10. (1) The objectives of the Agency are-
 - a. to promote participation in sport, free from the use of prohibited substances or methods intended to artificially enhance performance, thereby rendering impermissible doping practices which are contrary to the principles of fair play and medical ethics, in a manner consistent with protecting the health and well-being of competitors, and the rights of all persons who take part in sport;
 - b. to encourage the development of programmes for the education of the community in general, and the sporting community in particular, in respect of the dangers of doping in sport;
 - c. to provide leadership in the development of a national strategy concerning doping in sport;
 - d. to bring about the introduction of a centralised independent sample collection and testing programme, which may subject any sportsperson to dope testing at short notice, or without notice, both in and out of competition;
 - e. to encourage the Kenyan national sports federations and other sports organisations to adopt uniform independent internationally acceptable sample collection and testing procedures;
 - f. to encourage the development and maintenance of a sport drug testing laboratory or laboratories accredited by the International Olympic Committee; and
 - g. to promote and encourage the adoption of uniform sample collection and testing procedures, and education programmes relating to doping in sport internationally.

Functions and Powers of the Agency

11. (1) The Agency may-

- a. enter into contracts for or in connection with the performance of its functions and the attainment of its objects;
- b. acquire, hold and dispose of movable and immovable property;
- c. occupy, use and control any land or building owned or held under lease by the Government and made available to the Agency for its purposes;
- d. appoint agents and attorneys;
- e. appoint persons to perform services for the Agency;
- f. accept gifts, grants and bequests given or made to the Agency, and act as trustee in respect of money or other property vested in the Agency in trust;
- g. develop, maintain, distribute and publish information on procedures for, and developments concerning, the collection and testing of samples; and
- h. do anything else which is necessary for the attainment of the objects of the Agency and the implementation of the WADA code as may be amended from time to time.

(2) The Agency shall

- a. draw up and maintain a list of prohibited substances and practices complementing the "List of Doping Classes and Methods", published annually by the WADA as may be amended from time to time;
- b. establish and maintain a Register of Notifiable Events;
- c. notify relevant persons and organisations of entries into the Register of Notifiable Events;
- d. disseminate information relating to the penalties likely to be imposed if sportspersons test positive for doping, or if they fail to comply with requests to provide samples for testing;
- e. select sportspersons who are to be requested to provide samples for testing;
- f. collect samples from sportspersons in accordance with approved guidelines, and secure the safe and tamper-free transit of samples to IOC-accredited laboratories for testing;
- g. Summon, investigate and call for any document, evidence and/or person that may be required for the enforcement of the act;
- h. develop and implement educational programmes to discourage the practice of doping in sport;

- i. consult with, assist, co-operate with and provide information to governmental and non-governmental organisations and other persons within Kenya and internationally;
- j. take steps aimed at ensuring that Kenya complies with international agreements and other arrangements concerning the use of drugs and doping in sport, to which Kenya is a party;
- k. undertake research, co-ordinate and arrange for research to be undertaken in the field of performance-enhancing drugs and doping practices in sport; and
- l. Encourage the pursuit of optimal sports performances in an environment free from the use of drugs.

Composition of the Agency

12. The management of KADA shall vest in a board which shall consist of
 - a. the chairman of the board to be appointed by the Cabinet Secretary for Sports who shall be a degree holder in law, or medicine, or sports with vast experience in matters of anti-doping;
 - b. a representative of the National Olympic Committee of Kenya;
 - c. a medical doctor with experience in sports and doping matters nominated by the Medical Practitioners and Dentists Board;
 - d. the Principal Secretary at the time being responsible for sport or his nominee;
 - e. the Principal Secretary at the time being responsible for finance or his nominee;
 - f. the Head of the Anti Narcotics Unit at the National Police Service or his nominee;
 - g. the Chairman of the Pharmacy and Poisons Board or his nominee;
 - h. a representative of the LSK with experience in sports;
 - i. the Principal Secretary for the time being responsible for health or his nominee
13. The board shall hold office for a term of three years renewable only once.

Structure of the Board

14. The Board may by resolution delegate to any committee of the board or any member of the board, staff member or agent of the board the exercise of any of the powers or the performance of any of the functions or duties of the board.
15. The chairperson may, on urgent matters, make decisions on behalf of the board pending ratification by the board.
16. The chairperson or a board member, other than an *ex officio* member, may—
 - a. at any time resign from office by notice, in writing, to the Cabinet Secretary;

- b. be removed from office by the Cabinet Secretary if the board member-
 - i. has been absent from three consecutive meetings of the Board without the permission of the chairperson;
 - ii. is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
 - iii. is convicted of fraud, forgery, uttering a forged document, or for any offence under any Kenyan Law;
 - iv. is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - v. is incapacitated by prolonged physical or mental illness or is otherwise unable to discharge his duties as a board member; or
 - vi. fails to comply with the provisions of this Act relating to disclosure.

17. Whenever the office of a board member appointed under **Section** becomes vacant before expiry of his term, the Cabinet Secretary for sport shall, on the recommendation of the nominating body, appoint a person similarly qualified to fill the vacant position for the remainder of the term.

18. The board shall appoint such other officers and staff as may be necessary for the proper and efficient performance of KADA.

19. The officers and persons appointed as by the board shall hold office under such terms and conditions determined by the board and specified in the instruments of appointment

20. The Kenya Anti Doping Agency shall have a Chief Executive Officer, who shall be appointed by the board through a competitive recruitment process.

21. A person shall not qualify for appointment as the Chief Executive Officer unless that person has:

- a) A degree from a recognized University in Law or Medicine or Sport or Management;
- b) At least five years demonstrable experience in the relevant field; and
- c) Knowledge and experience in matters of anti-doping.

22. The Chief Executive Officer shall hold office for a term of four years renewable only once and on such terms and conditions of employment as KADA may determine.

23. The Chief Executive Officer shall be an *ex officio* member of the board and shall not be allowed to vote.

24. The Chief Executive Officer shall, subject to the general direction and control of the Board, be responsible for the day-to-day operations and administration of KADA, and in particular for—
- a. the implementation of the policies and programmes and agreed objectives, performance targets and service standards of KADA;
 - b. the proper management of the funds and property of KADA;
 - c. the organization and control of the staff of Sports KADA;
 - d. the formulation, development and implementation of the strategic plan, business plan, annual plan and operations plan for achieving KADA's objectives;
 - e. co-operation with other lead agencies and organizations in the sports sector;
 - f. the development of an economic, efficient and cost effective internal management structure;
 - g. the provision of advice as required on all matters within Sports KADA's responsibility; and
 - h. the performance of any other function necessary for the implementation of this Act as may be assigned to him by the Board.

Remuneration and allowances

25. There shall be paid to the appointed members of the board and employees such remuneration and allowances as may be advised by the Salaries and Remuneration Commission.

PART III - OFFENCES

Offences and penalties

26. (1) A person or body who –
- a. disobeys a summons by the agency;
 - b. fails to produce any sample, document, papers or thing on the order of the agency;
 - c. refuses to submit a sample and/or to be examined in furtherance of this Act;
 - d. fails to comply with any lawful order or direction of the agency;
 - e. presents to the agency a false document or makes a false statement with the intent to deceive or mislead investigating officers;
 - f. deliberately submits false information;

- g. wilfully obstructs or hinders any person acting in the performance of functions or exercise of powers conferred by this Act;
- h. in any way interferes with the functioning or operations of the agency, whether unduly or unlawfully;
- i. contravenes any provision of this Act for which no specific penalty is provided

commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or to imprisonment not exceeding three years or to both.

(2) Any person or body who –

- a. unlawfully transports or transfers prohibited substances, within and without Kenya;
- b. stocks supplies of products containing prohibited substances in an unlawful manner;
- c. administers or applies or generally causes an athlete to use prohibited substances;

commits an offence and shall be liable, on conviction, to a fine not below three million shillings or to imprisonment of not less than three years or to both. In case of corporate bodies their trading licences shall be withdrawn for a period of not less than one year in addition to a fine.

27. The sports tribunal established under the Sports Act shall have jurisdiction to preside over all disputes relating to doping matters.

PART IV

Regulations

28. The Cabinet Secretary may make regulations –

- a. generally for the better carrying into effect the provisions of this act; and
- b. prescribing anything that may be prescribed under this act

Expenditure, Finances and Accountability

Funds of the Agency

The funds and assets of the Agency shall comprise of:-

- a) such moneys as may be appropriated by Parliament for the purposes of the Agency;

- b) such moneys or assets as may accrue to or vest in the Agency in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
- c) such gifts as may be given to the Agency; and
- d) all moneys from any other source provided, donated or lent to the Agency.

Annual estimates

1. At least three months before the commencement of each financial year, the Agency shall cause to be prepared estimates of the revenue and expenditure of the Agency for that financial year.
2. The annual estimates shall make provision for all estimated expenditure of the Agency for the financial year and in particular, shall provide for:-
 - a) the payment of salaries, allowances and other charges in respect of the officers, agents or members of staff of the Agency;
 - b) the payment of pensions, gratuities and other charges in respect of retirement benefits payable to the members of staff of the Agency;
 - c) the proper maintenance, repair and replacement of the equipment and other movable property of the Agency; and
 - d) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Agency may deem appropriate.
3. The annual estimates shall be approved by the Agency before the commencement of the financial year to which they relate and, once approved, shall be submitted to the Cabinet Secretary for approval and, after the Cabinet Secretary's approval, the Agency shall not increase the annual estimates without the consent of the Cabinet Secretary.
4. No expenditure shall be incurred for the purposes of the Agency except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorisation of the Agency given with prior written approval of the Cabinet Secretary, and the Cabinet Secretary for the time being responsible for finance.

Accounts and audit

1. The Agency shall cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities of the Agency.
2. Within a period of three months after the end of each financial year, the Agency shall submit to the **Controller and Auditor-General** the accounts of the Agency in respect of that year together with:-

- a) a statement of the income and expenditure of the Agency during that financial year; and
 - b) a statement of the assets and liabilities of the Agency on the last day of that financial year.
3. The accounts of the Council shall be audited and reported upon by the **Controller and Auditor-General** in accordance with the provisions of the **Public Audit Act, 2003 (No. 12 of 2003)**.

Investment of funds

1. The Agency may invest any of its funds in securities in which the Agency may by law invest trust funds, or in any other securities which the Cabinet Secretary for the time being responsible for finance may, from time to time, approve.
2. The Agency may, subject to the approval of the Cabinet Secretary for the time being responsible for finance, place on deposit with such bank or banks as it may determine, any moneys not immediately required for its purposes.

Registration of Athletes:

29. The sports federations shall register their athletes and submit one copy of such a register to the agency on or before 31st March of any preceding year. Failure to submit the register to the Agency shall lead to the withholding of financial support to the affected federations.

Appendix IV: Correspondence with Athletics Kenya



REPUBLIC OF KENYA

ANTI-DOPING TASKFORCE

NSSF Building, bishop road, 24th Floor, Eastern Wing, Block A, P.O Box 27613-00506, Nairobi, Kenya

Tel: [2727980-4](tel:27279804) Ext 2737 Mobile: 0721 950 489 Email: sarahidieva@gmail.com or njogujw@yahoo.com

OUR REF:

DATE: 25th November, 2013

Mr. Isaiah Kiplagat
President
Athletics Kenya
Riadha House
NAIROBI.

RE: INVITATION TO APPEAR BEFORE THE ANTI-DOPING TASKFORCE

Following media reports on allegations that some Kenyan athletes may be engaged in doping, and following the concerns of the World Anti- Doping Agency (WADA) on the same matter, the Cabinet Secretary for Sports, Culture and the Arts has vide gazette notice no. 14612 contained in Kenya Gazette Vol. CXV—No. 161 NAIROBI, of 15th November, 2013 appointed a Taskforce to investigate the allegations.

The mandate of the taskforce is to: investigate the allegations into abuse of performance enhancing drugs and substance abuse by Kenyan athletes; investigate the involvement of any person or persons in the administering of drugs and performance enhancing substances; assess the prevalence and access to drugs and related substances to athletes within Kenya; identify persons, institutions or organizations linked to the allegation made; assess and make recommendations on the legal structures and other supportive legislation that could stem the use and abuse of drugs and performance enhancing substances; make recommendations on the culpability of any person or persons and recommend appropriate action against such person or persons.

In executing its mandate, the taskforce is desirous to engage and collaborate with key stakeholders and other like-minded persons with a view to making informed findings and recommendations for the benefit of the athletes and the country as a whole.

Owing to your important role, expertise and/or engagement with sports in Kenya, the taskforce has the pleasure to invite you to an interactive forum with a view of getting information of the use and abuse of performance enhancing drugs by Kenyan athletes. **The event shall take place at the County Social Hall – Eldoret County next to the Governor’s Office on Wednesday 27th November, 2013 at 2.00p.m.**

Kindly furnish us with records of sports persons in your association who have been banned or tested positive for the use of prohibited substances [if any].

In case you are unable to attend this important forum, we kindly request you to send a suitable officer to represent your federation.

We look forward to robustly engaging with you on this issue with a view of making informed reports and recommendations on the task.



Sarah Shibutse
FOR: CHAIRMAN



REPUBLIC OF KENYA

ANTI-DOPING TASKFORCE

NSSF Building, bishop road, 24th Floor, Eastern Wing, Block A, P.O Box 27613-00506, Nairobi, Kenya

Tel: [2727980-4](tel:2727980-4) Ext 2737 **Mobile:** 0721.950489 **Email:** antidopingtaskforce@gmail.com

DATE: 06th March, 2014

Mr. Isaiah Kiplagat
President
Athletics Kenya
NAIROBI.

RE: INVITATION TO APPEAR BEFORE THE ANTI-DOPING TASKFORCE

Further to our letter dated 25th November, 2013 and the subsequent postponement of the scheduled interview, the taskforce has the pleasure to invite you [you may bring along any other officials] to an interactive forum with a view of getting information of the use and abuse of performance enhancing drugs by Kenyan athletes. **The event shall take place at Kencom House, 3rd floor, small boardroom, on Wednesday 19th March, 2014 at 9.00a.m.**

Kindly come prepared to discuss the following issues:

1. Existing policy on anti-doping in your federation
2. Anti-Doping strategies that the federation is employing
3. Challenges that the federation faces in its' fight against performance enhancing drugs
4. Recommendations or way forward on how to tackle the challenges
5. Furnish us with records of sports persons in your association who have been banned or tested positive for the use of prohibited substances [if any].

In case you are unable to attend this important forum, we kindly request you to send a suitable officer[s] to represent your federation.

We look forward to robustly engaging with you on this issue with a view of making informed reports and recommendations on the task.

Prof. Dr. Dr. Moni Wekesa
CHAIRMAN



REPUBLIC OF KENYA

ANTI-DOPING TASKFORCE

NSSF Building, bishop road, 24th Floor, Eastern Wing, Block A, P.O Box 27613-00506, Nairobi, Kenya

Tel: [2727980-4](tel:2727980-4) Ext 2737 **Mobile:** 0721.950489 **Email:** antidopingtaskforce@gmail.com

DATE: 19th March, 2014

Mr. Isaiah Kiplagat
President
Athletics Kenya
NAIROBI.

RE: INVITATION TO APPEAR BEFORE THE ANTI-DOPING TASKFORCE

Further to our letter dated 25th November, 2013 and the subsequent letter on 06th March, 2014 and your response dated 11th March, 2014 on the above subject, the taskforce invites you [you may bring along any other officials, including the medical commission] to an interactive forum with a view of getting information of the use and abuse of performance enhancing drugs by Kenyan athletes. **The event shall take place at Kencom House, 3rd floor, small boardroom, on Friday 21st March, 2014 at 2.00p.m.**

Come prepared to discuss the following issues:

1. Existing policy on anti-doping in your federation
2. Anti-Doping strategies that the federation is employing
3. Challenges that the federation faces in its' fight against performance enhancing drugs
4. Recommendations or way forward on how to tackle the challenges
5. Furnish us with records of sports persons in your association who have been banned or tested positive for the use of prohibited substances [if any].

In case you are unable to attend this important forum, we request you to send a suitable officer[s] to represent your federation.

This is the third and final invitation for Athletics Kenya to appear before this Taskforce.

Prof. Dr. Dr. Moni Wekesa
CHAIRMAN

Affiliated to I.A.A.F., A.A.C., N.O.C.K, K.N.S.C.
Riadha House, Aerodrome Road, Nairobi West, P. O. Box 46722-00100 G. P. O. Nairobi, Kenya
Tel: +254 (20)6005021/020 235 9605,+254 (20) 6005020,0736 747217
Email: info@athleticskenya.or.ke



AK/MEDICAL/VOL.2/2014

Tuesday, March 11, 2014

Prof. Dr. Moni Wekesa,
Chairman,
Anti-Doping Task Force,
NSSF Building,
Nairobi.

RE: APPEARANCE BEFORE THE TASK FORCE:

Reference is made to your letter dated March 6th, 2014 on the above subject.

While I appreciate the importance of the Task force, I still feel that inviting me to appear will not give you any material information better than what our medical commission would have done if you met them. We can easily provide you with our policy on anti-doping in writing rather than me coming to discuss and am sure the federation is not on trial. We can discuss some confidential issues on banned athletes only in our offices. We would like to invite you to meet us together with our Medical Commission in our offices where all the matters you have raised will be discussed. On the 19th March, however, I have two Board meetings, for the RDC and the HPTC of which I am the Chairman. Members from Monaco, Nock, Eldoret-County, Sports Commissioner etc will be attending.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Isaiah F. Kiplagat", written over a horizontal line.

ISAIAH F. KIPLAGAT, EBS
PRESIDENT

Appendix V: Athletics Kenya Approved Athletes Representatives for the Year 2014

S/NO	AR Name	Nationality	Telephone	Email
1.	Alexander Hempel	Germany	+4961876131	Alex.Hempel@t-online.de
2.	Brendan Reilly	USA	+13035540597	info@boulderwave.com
3.	Celestine Saigut	Kenya	+4917663711380	c.saigut@tayari-athletes.com
4.	Claudio Arduini	Italy	+393284503583	c.arduini@gmail.com
5.	David Cheromei	Kenya	+254 2380000	david@trainwithkenya.com
6.	Derek Froude	USA	+18136795475	dfroude@possosports.com
7.	Dionisi Enrico	Italy	+390577287677	dioniside@virgilio.it
8.	Federico Rosa	Italy	+393488214790	Federico.rosa@rosassociati.it
9.	Gerard van de Veen	Netherlands	+31622746333	gerardvandeveen@hotmail.com
10.	Gianni Demadonna	Italy	+39461260868	g.demadonna@demadonna.com
11.	James Templeton	Australia	+49171316722	j.templeton@attglobal.net
12.	Jos Hermens	Netherlands	+31653160274	jos@global-sports-comm.nl
13.	Juan Pedro Pineda	Spain	+34625601602	pinedasport@hotmail.com
14.	Jukka Harkonen	Finland	+35814641120	Jh-sportsmanagement@co.inet.fi
15.	Marc Corstjens	Belgium	+32476571225	Marc.corstjens@golazo.com
16.	Michel Boeting	Netherlands	+31641250974	michel@one4onesports.com

17.	Ricky Simms	Ireland	+447818452757	r.simms@pacesportsmanagement.com
18.	Sylvia Abmayr	Germany	+491712605838	info@afro-sport.de
19.	Tom Ratcliffe	USA	+19783711285	kimconcord@aol.com
20.	Yannick Perroteau	France	+33670734101	Yannick.Perroteau@free.fr
21.	Zane Branson	USA	+381638416715	zbranson@hotmail.com
22.	Peter McHugh de Clare	England	+447767810007	Mchugh@Run-Fast.net
23.	Charles Paanakker	Netherlands	+31653967912	worldrunning@hotmail.com
24.	Frans Denissen	Netherlands	+31135360648	masaisports@gmail.com
25.	Lisa Buster	USA	+16109485966	Lbuster.pmi@comcast.net
26.	Thomas Krejci	Austria	+436505331100	Thomas@run2gether.com
27.	Volker Wagner	Germany	+491704422688	VWagner@gmx.ch

Appendix VI: laboratory results of Food Supplements

UON/CHS/DARU/COA /1

DRUG ANALYSIS AND RESEARCH UNIT (DARU)

DEPARTMENT OF PHARMACEUTICAL CHEMISTRY

UNIVERSITY OF NAIROBI

P.O. BOX 19676-00202, NAIROBI

TEL: 020-2314294 Email: daru@uonbi.ac.ke

Preliminary report on tests for prohibited substances in the samples submitted.

DARU No. 533/13, 534/13, 535/13 and 536/13	DATE RECEIVED: 5-12-2013
CLIENT: Anti-Doping Task Force (Prof. Moni Wekesa)	PRODUCT: EVOX [®] Nutritional powders; four in number

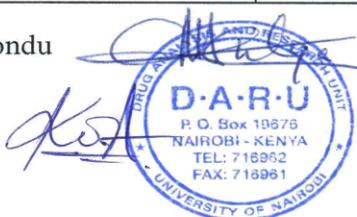
INGREDIENTS: As per label claim
CONTAINER: Plastic Containers
CONTENTS: Powder
MANUFACTURER: Evox PO BOX 1551, Highlands North, 2037.
REQUEST: Test for steroids and amines

ANALYSIS REPORT

Sample Code	Sample	Test for Steroids
Positive control	Betamethasone valerate	Positive
Negative control	Chloroform	Negative
533/13	EVOX [®] Advance Nutrition. BNO: 115513; Mfg: 05/2013 Exp: 05/2015	Positive
534/13	EVOX [®] Advance Nutrition BNO: 161913; Mfg: 09/2013 Exp: 09/2015	Positive
535/13	EVOX [®] Advance Nutrition BNO: 1411113; Mfg: 11/2013 Exp: 11/2015	Positive
536/13	EVOX [®] Advance Nutrition BNO: 206813 Mfg: 08/2013 Exp: 08/2015	Positive

ANALYST (S): Mr. Obed K. King'ondo

CHECKED BY: Dr K. O. Abuga



CORRIGENDA

IN Gazette Notice No. 14018 of 2013, *amend* the expression printed as "Title No. Lamu/Block 1/279" to read "title No. Lamu/Block 1/129".

IN Gazette Notice No. 13363 of 2013, Cause No. 202 of 2013, *amend* the date of death of the deceased printed as "25th October, 2010" to read "1st October, 2008".

GAZETTE NOTICE NO. 14608

THE KENYA REVENUE AUTHORITY ACT

(Cap. 469)

APPOINTMENT

IN EXERCISE of the powers conferred by section 6 (2) (h) of the Kenya Revenue Authority Act, the Cabinet Secretary for the National Treasury appoints—

EVANS KAKAI

to be a member of the Board of the Kenya Revenue Authority, for a period of three (3) years, with effect from the 3rd October, 2013.

Dated the 5th November, 2013.

HENRY K. ROTICH,
Cabinet Secretary for the National Treasury.

GAZETTE NOTICE NO. 14609

THE CIVIL AVIATION ACT

(No. 21 of 2013)

THE CIVIL AVIATION (AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION) REGULATIONS

(L.N. 80 of 2013)

RELEASE OF AIRCRAFTS REPORTS

IN EXERCISE of the powers conferred by regulation 18 of the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2013, the Cabinet Secretary for Transport and Infrastructure releases the aircraft accident report for 5Y-VVQ, 5Y-BHT, 5Y-BLA, 5Y-TOR, 5Y-BOP and GMKJA.

Dated the 25th October, 2013.

M. S. M. KAMAU,
Cabinet Secretary for Transport and Infrastructure.

GAZETTE NOTICE NO. 14610

THE LABOUR RELATIONS ACT

(L.N. 14 of 2007)

REVOCATION

IN EXERCISE of the powers conferred by section 50 (2) (a) of the Labour Relations Act, the Cabinet Secretary for Labour, Social Security and Services, revokes Gazette Notice No. 11987 of 2013.

Dated the 6th November, 2013.

SAMWEL K. KAMBI,
Cabinet Secretary for Labour, Social Security and Services.

GAZETTE NOTICE NO. 14611

THE LABOUR RELATIONS ACT

(No. 14 of 2007)

COLLECTION OF UNION DUES

IN EXERCISE of the powers conferred by section 48 (1) of the Labour Relations Act, the Cabinet Secretary for Labour, Social Security and Services:

(a) Orders every employer who employs any member of Kenya National Union of Nurses—

- (i) to deduct every month the sum specified in the schedule in respect of Trade Union dues from the wages of his employees who acknowledge membership of this Trade Union;
- (ii) to pay within ten (10) days of the date of deduction, the total sums deducted under item 1 of the schedule, by crossed cheque, made payable to Kenya National Union of Nurses account No. 2027765079, Barclays Bank of Kenya Ltd - Queensway Group of Branches;
- (iii) to notify Kenya National Union of Nurses in writing within one(1) month of all payments together with a full schedule of the paying members;
- (iv) to make written returns to the Registrar of Trade Unions at P. O. Box 47606, Nairobi within one month of making all the payments to Kenya National Union of Nurses.

SCHEDULE

1. A sum equal to 1.5% of the employees gross wages per member per month from his/her wages.

Dated the 6th November, 2013.

SAMWEL K. KAMBI,
Cabinet Secretary for Labour,
Social Security and Services.

MR/3351046

GAZETTE NOTICE NO. 14612

ANTI-DOPING TASKFORCE

APPOINTMENT

IT IS notified for information of the general public that following media reports on allegations that some Kenyan athletes may be engaged in doping, and following the concerns of the World Anti-Doping Agency (WADA) on the same matter, the Cabinet Secretary for Sports, Culture and the Arts with effect from the 4th November, 2013 has appointed a Taskforce consisting of the following persons to investigate the allegations:

Moni Wekesa(Prof.)—(Chairperson)
Njeri Onyango
Julius Ogeto (Dr.)
Esther Gitonga – Getambu (Dr.)
Allan Kosgei
Sephen Karinga
Leonard Kariuki
Scholastica Mbilo
Benjamin Kogo
Eddie Ndonga Kaddebe
Sarah Shituse—(Joint Secretary)
John Njogu—(Joint Secretary)

Terms of Reference:

- (a) Investigate the allegations into abuse of performance enhancing drugs and substance abuse by Kenyan athletes.
- (b) Investigate the involvement of any person or persons in the administering of drugs and performance enhancing substances.
- (c) Assess the prevalence and access to drugs and related substances to athletes within Kenya.
- (d) Identify any persons, institutions or organizations linked to the allegation made.
- (e) Assess and make recommendations on the legal structures and other supportive legislation that could stem the use and abuse of drugs and performance enhancing substances.
- (f) Make recommendation on culpability of any person or persons and recommend appropriate action against such person or persons.

The Taskforce shall in the discharge of its mandate—

- (a) receive views from members of the public and receive oral or written submissions from any person with relevant information and may—
 - (i) use official reports of any previous investigations;
 - (ii) use any investigation report by any institution or organization; and

- (iii) carry out or cause to be carried out such studies or research in any relevant area;
- (b) determine its own rules of procedure and develop its own work plan;
- (c) summon any person or persons concerned, to testify on oath and to produce records, books, plans and documents that they deem relevant;
- (d) hold such meetings within Kenya as it may determine;
- (e) hold meetings in public but may hold private hearings whenever it becomes necessary to instill confidence in the people appearing before it or to allay their fears of adversity or reprisal;
- (f) execute the said enquiry with all due diligence and speed and make its report without undue delay; and
- (g) have all the powers necessary or expedient to effectively discharge its mandate including the power to require co-operations from public officers and relevant institutions.

The term of the Task Force shall be sixty (60) days commencing on the 4th November, 2013.

Dated the 4th November, 2013.

HASSAN WARIO ARERO,
Cabinet Secretary for Sports, Culture and the Arts.

Rose Ombata
Sure Daffline Nyaboke
Tobiko Sinkiyian Nkini
Mburu Catherine Wanjugu
Kamau Jane Wambui
Wanyanga J. Helekia Sijenyi
Lynet A. Olel
Mwayuli Sharon Muteitsi
Menya Christine Achieng
Makau Mwendu Nzau Nancy
Cheloti Becky Mulemia
Herbert Inonda Mwendwa
Kiptoo Bamabas Kibet
Mutai Kipkemoi Paul
Outa Wilson Rading

Dated the 30th October, 2013.

WILLY MUTUNGA,
Chief Justice/President Supreme Court of Kenya.

GAZETTE NOTICE No. 14614

THE CHILDREN ACT

(No. 8 of 2001)

APPOINTMENT OF MAGISTRATES

IN EXERCISE of the powers conferred by Section 73 d (ii) of the Children Act, 2001, the Chief Justice appoints the following

Appendix VIII: Pledge of Confidentiality

This is to certify that I, , a member of the Taskforce set up to investigate claims of doping by Kenyan athletes, understand that any information (written, verbal or in any other form) obtained during the performance of my duties must remain confidential at all times. This includes information about members, clients, families, employees and other associate organizations, as well as any other information otherwise marked or known to be confidential.

I understand that any unauthorized release or carelessness in the handling of this confidential information is considered a breach of the duty to maintain confidentiality.

I further understand that any breach to maintain confidentiality could have serious consequences.

.....
Member's signature

.....
Date

.....
Witness (Chairperson)

Appendix IX: Rules of Procedure and Conduct of Business

<p>Meetings of the Task Force, frequency, etc.</p>	<p>1. (1) The Task Force may meet for dispatch of business, adjourn and otherwise regulate its meetings, as it deems necessary.</p> <p>(2) Meetings shall be convened by notice by the Secretary and after consultations with the Chairperson.</p> <p>(3) Notwithstanding the provisions of subparagraph (2), the Chairperson may, and upon requisition in writing by a member convene a special meeting of the Task Force at any time for the transaction of the business of the Task Force and the Secretary shall in that regard give sufficient notice of the requisitioned meeting to all members taking into account the urgency of the proposed agenda.</p> <p>(4) All meetings of the Task Force shall be held at the designated venue within the Ministry of Sports, NSSF Building unless otherwise decided by members.</p>
	<p>(5) Unless three quarters of members of the Task Force otherwise agree, at least twenty four hours' written notice of every meeting of the Task Force shall be given to every member of the Task Force.</p>
<p>Presiding at meetings and quorum.</p>	<p>2. (1) The Chairperson shall preside at every meeting of the Task Force at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.</p> <p>(2) The quorum for the conduct of the business of the Task Force shall be one half of all the members.</p> <p>(3) Subject to paragraph (2), no proceedings of the Task Force shall be invalid by reason only of a</p>

	vacancy among the members thereof.
Decisions to be by consensus.	3. (1) Save for special questions as may be determined by the members, the decisions of the Task Force shall be by negative consensus.
Agenda	4. (1) The provisional agenda shall be prepared by the Task Force Secretariat after consultations with the Chairman of the Task Force and shall be sent out to all members together with the notice convening the meeting. (2) The final agenda shall be adopted by members present at each meeting.
Disposal of matters before the Task Force	5. In resolving a matter the Task Force may— (a) conduct investigations; (b) requisition and obtain information or documents; (c) conduct an inquiry; (e) constitute a hearing panel; (f) invite any person or persons to attend the proceedings of the Task Force. (g) task Force a research study. (h) any other means of gathering information. (i) compilation of a Report with recommendations for action.
Subcommittees.	6. (1) The Task Force may establish committees to examine particular issues arising out of its proceedings.

	<p>(2) The committees may be ad hoc or permanent.</p> <p>(2) Where the Task Force establishes a committee, it may give to such committee such directions as it may deem necessary.</p>
Disclosure of interest by Task Force members.	<p>7. (1) If a member is directly or indirectly interested in any matter before the Task Force and is present at a meeting of the Task Force at which the matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of any questions with respect to the matter, or be counted in the quorum of the meeting during consideration of the matter: Provided that, if the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Task Force may permit the member to participate in the deliberations subject to such restrictions as it may impose.</p>
	<p>(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.</p>
	<p>(3) A member of the Task Force who contravenes subparagraph (1) shall be reported to the Cabinet Secretary who shall take such action as he may deem appropriate.</p>
Prohibitions against undertakings to third parties.	<p>8.The Task Force is an advisory entity and no member may represent to any person that he or she may influence the making of decisions in favour of such persons and such undertakings, if made, shall be declared as conflict of interest under rule 7.</p>
Co-opted members.	<p>9.(1) The Task Force may from time to time co-opt such persons as may possess such expertise necessary for the execution of the mandate of the Task Force.</p>

	<p>(2) The intention to co-opt shall be made upon the submission of the relevant curriculum vitae of the person proposed to be co-opted and an indication of their willingness or availability.</p> <p>(3) A co-opted member shall not count in the determination of the quorum of any meeting of the Force.</p> <p>(4) Any decision to co-opt under this rule shall be communicated to the Cabinet Secretary at the earliest opportunity.</p>
Hearings	<p>10. a) Save as may otherwise be determined by the Task Force, meetings of the Task Force for the purposes of conducting hearings shall take place between 9.00 a.m and 5.00 p.m from Monday to Friday.</p> <p>b) Hearings shall be held in public, but the Task Force may exclude any person or class of persons from all or any part of the proceedings of the inquiry if satisfied that it is desirable so to do:</p> <p>(i) for the preservation of order. (ii) for the due conduct of the inquiry. (iii) for the protection of the person, property or reputation of any witness in the inquiry or any person referred to in the course of the proceedings thereof; or (iv) for the protection of the Security of the State.</p> <p>c) The Task Force may, if satisfied that it is desirable for any of the purposes mentioned above, order that no person shall publish the name, address or photograph of any such witness of person or any evidence or photograph identifying such witness or person or any evidence or information.</p>

- d) Any person who is in any way implicated or concerned in any matter under inquiry shall be entitled-
- i) before being called as a witness to be informed of any allegations which are made against him/her and the substance of the evidence in support of such allegations.
 - ii) to an adequate opportunity to prepare his/her response and to obtain legal representation.
 - iii) to be legally represented at the inquiry at his/her own expense.
 - iv) to have his/her evidence led by his/her legal representative.
 - v) to cross-examine or have his/her legal representative test by cross-examination the evidence of any witness who implicates him/her.
- e) The Task Force may call for any further evidence on any point relating to any matter before them and may recall any witness for further examination.
- f) The Task Force may summon any person or persons to testify on oath and may call for the production of books, plans, materials and documents that the Task Force may require.
- g) All government entities, agencies and officials and all witnesses shall cooperate fully with the Task Force and shall make available all documents and witnesses relevant to the mandate of the Task Force.
- h) Witnesses who testify will give their evidence at a hearing under oath or upon affirmation unless otherwise ordered by

	<p>the Task Force in its discretion.</p> <p>i) The Task Force may issue or serve a hearing notice or summons upon each witness before he/she testifies and witnesses may be called more than once.</p>
Confidentiality undertaking.	<p>11. (1) The Task Force shall require every member and every person in its service to subscribe to an undertaking of confidentiality in respect of matters before the Task Force and in that regard no member or other person in the service of the Task Force may wilfully or negligently divulge any information to third parties,</p> <p>(2) The Task Force may take such measures in respect of a breach of this rule including reporting the same to the Cabinet Secretary for such action as the Task Force may recommend against the offender.</p>
Integrity.	<p>12. Every member shall undertake to observe integrity in respect of matters under consideration by the Task Force and any breach of this rule shall on the resolution of the Task Force be reported to the Cabinet Secretary for his necessary action.</p>
Communication with the Public	<p>The Chairman shall be the spokesperson of the Task Force.</p>
Logistics	<p>The Joint Secretaries shall take full charge of the logistics (including but not limited to Finances, Planning for meetings, inviting required persons to appear before the Task Force, storage of materials, and Travel)</p>
Amendments to the rules of procedure	<p>13. Any member of the Task Force may make proposals on the amendments to the rules of procedure. Any proposal for amendment shall be considered by all the Members and shall come into force upon approval by a meeting of the members.</p>

Appendix X: Work Plan Phase I

ANTI-DOPING TASKFORCE WORK PLAN PHASE I

DATE	PLACE	VENUE	TIME
15 th Nov, 2013	Nairobi	NSSF Building, 24 th Floor	10.00 am – 2.00 pm
22 nd Nov, 2013	Nairobi	NSSF Building, 24 th Floor	9.00 am - 5.00 pm
27 th Nov, 2013	Eldoret	County Hall	8.00 am – 5.00 pm
28 th Nov, 2013	Eldoret	County Hall	8.00 am – 5.00 pm
29 th Nov, 2013	Kapsabet	County Hall	8.00 am – 5.00 pm
30 th Nov, 2013	Iten	County Hall	8.00 am – 5.00 pm
4 th Dec, 2013–6 th Dec, 2013	Nairobi	Kencom House, mini boardroom	8.00 am – 5.00 pm
9 th Dec -11 th Dec, 2013	Mombasa	Coast Development Authority Boardroom	8.00 am – 5.00 pm
16 th Dec – 17 th Dec , 2013	Kakamega	PCs Boardroom	8.00 am – 5.00 pm
18 th Dec – 19 th Dec, 2013	Kisumu	County Hall	8.00 am – 5.00 pm
20 th Dec – 21 st Dec, 2013	Nairobi	Kencom House, small boardroom	8.00 am – 5.00 pm
13 th Jan – 17 th Jan, 2014	Mombasa	Interim report writing	8.00 am – 5.00 pm

Appendix XI: Work Plan Phase II

ANTI-DOPING TASKFORCE WORK PLAN PHASE II

DATE	PLACE	VENUE	TIME
10 th -21 st March, 2014	Nairobi	Kencom House, 3 rd fl, small boardroom	8.00 am – 5.00 pm
24 th -25 th March, 2014	Eldoret/Iten	County Boardroom	8.00 am – 5.00 pm
26 th -29 th March, 2014	Eldoret	Final Report Compiling	8.00 am – 5.00 pm
31 st March – 5 th April, 2014	Nairobi	Kencom House, 3 rd fl, small boardroom	8.00 am – 5.00 pm
7 th -12 th April, 2014	Nairobi	Kencom House, 3 rd fl, small boardroom	8.00 am – 5.00 pm