

**IN THE MATTER OF DISCIPLINARY PROCEEDINGS BROUGHT BY WORLD RUGBY
UNDER REGULATION 21 OF THE WORLD RUGBY ANTI-DOPING RULES**

Before:

Mr. Christopher Quinlan KC (Chair)

Dr Preston Wiley

Gregor Nicholson

BETWEEN:

World Rugby

Anti-Doping Organisation

-and-

Bryceson Agesa Adaka

Player

MINORITY DECISION

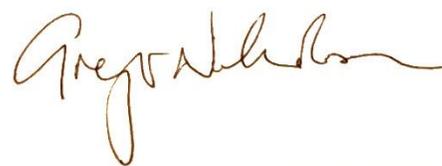
The minority view is that the Player has not discharged the burden upon him to establish that the cannabis Use was Out-of-Competition even though the Player's uncorroborated account of his consumption during the four (4) -day period at home 28 June to 1 July is accepted. The minority view is that:

- 1) The Player's account of his use cannot, on its own, explain the high level of the THC metabolite in his Sample and his evidence on his consumption is incomplete. For whatever reason, he is not admitting to further use of cannabis over and above that stated.
- 2) His credibility as a witness is questionable given how specific he was on some matters (the date and time periods of his consumption when at home) but vague in regard to other important matters such as his previous use of cannabis (which seemed to

contradict his assertion that he did not use cannabis when in camp), who was with him when using cannabis at home (with none called as a witness in corroboration) and how much was consumed. He was economical in response to questions on such matters.

- 3) That there must have been additional use over and above his evidence cannot be in doubt. Dr Kuuranne's expert opinion was that it was "highly unlikely" that the Player's explanation would result in the level of THC metabolite found in the Sample. For the Player's benefit, Dr Kuuranne assumed in her assessment that a top-end strength of cannabis was consumed even though we have no information on the strength of cannabis smoked. She clarified under questioning from the Player's counsel that her "highly unlikely" assessment was a 1 in 10,000 possibility.
- 4) Although Dr Kuuranne could not herself categorically state that the result was due to use In-Competition, cognisance must be taken of the World Anti-Doping Agency ("WADA") guideline which states that the "*presence of carboxy-THC at a concentration above (>) the Decision Limit (DL) (1) of 180 ng/mL should be considered **likely** to correspond to an In-Competition use of cannabis*" (emphasis added).
- 5) This recently reviewed guideline is from WADA's List Expert Advisory Group ("LiEAG"), which is composed of independent experts in pharmacology, forensic toxicology, substances of abuse, analytical science, pharmacy, sports medicine, chemistry, endocrinology, internal medicine, regulatory affairs, peptides and growth factors, and haematology, from nine countries around the world. Such high-level recently reviewed expertise cannot be ignored.
- 6) Whilst the guideline was amended in 2024 from its previous use of "most likely" to "likely", the fact that the level of THC metabolite in the Player's Sample was more than double the adjusted Decision Limit means we can safely revert to In-Competition use being "most likely".
- 7) WADA has stated that the high level of cannabis required to trigger an Adverse Analytical Finding ("AAF") In-Competition would be consistent with a significantly impaired athlete or a frequent user. The Player assures the Judicial Committee he is not a frequent user.

- 8) In the referenced *UKAD v De Luca* case, the athlete admitted to being a frequent user in a country where cannabis has been legalised and his regular use was a factor in the panel concluding that Out-of-Competition Use caused his result. In that case, with a reported level of THC considerably less than the Player, the expert scientific evidence was that it was 50/50 whether there was In-Competition Use.
- 9) To counter the WADA guidance on likely In-Competition use, particularly when the Decision limit is exceeded by so much, I would expect not only that there should be self-confessed evidence of frequent use but that this should be corroborated evidence.
- 10) In this case, the Judicial Committee has neither of these. The Player has denied any use over and above his offered explanation therefore I do not accept that he has satisfied his burden as per Regulation 21.10.4.2.1 to establish that the AAF was a consequence of use Out-of-Competition and the starting point for the Period of Ineligibility must be two (2) years.
- 11) Given that this is a minority view, I have not addressed in detail the issue of Fault, although for a finding of In-Competition Use combined with the absence of any evidence to indicate addictive use, it is difficult to see how the degree of Fault could be anything other than Significant.



Gregor Nicholson

13 January 2026

London, UK