

Decision of the National Anti-Doping Disciplinary Panel.

Case Ref: NADDP 02/2016

Anti-Doping Commission (Malta)

-vs-

**NUR NAFURI (Athlete member of the
Malta Boxing Association Identity Card
No 59715A)**

The National Anti-Doping Disciplinary Panel (hereinafter referred to as the 'Panel') consisting of Dr. Maria Azzopardi as Chairperson, and Dr. Aaron Formosa and Dr. Abigail Sciberras as members.

Before the commencement of this proceeding, Dr. Aaron Formosa M.D. and Dr. Abigail Sciberras LL.D. declared to the Chairperson that they are not subject to any circumstance or conflict that could negatively affect their impartiality in the case under review. The same declaration was made by the Chairperson to the 'Panel'.

1. Preliminaries

Considered the Request by the National Anti-Doping Commission (Ref. No. ITSTNURNAF-15/6) of the 29th of October, 2015 to the Chairperson of the Panel to schedule a sitting for the hearing of a case concerning the alleged breach by Nur Nafuri of the Anti-doping Regulations (Legal Notice 17 of 2015, Sports Act, Chapter 455, Laws of Malta).

Took note and reviewed the following documents that were forwarded to the Panel at the initial stage by the Coordinator of the Anti-Doping Programme, namely:

- (i) The request to the Panel to schedule a hearing dated 29th October, 2015 (16a);
- (ii) The request by NADO to the National Association/Federation of the alleged breach by Nur Nafuri dated 26th October, 2015 (Doc 13a);
- (iii) Letter of Notification by NADO to Nur Nafuri of a possible violation of the Anti-Doping Rules dated 26th October, 2015 (Doc 11b);
- (iv) A copy of the Doping Control Officer Report Form and documents relating to the participation of Nur Nafuri at Cottoned Sports Complex filed by NADO following the doping test on the 25th of September, 2015 (Doc 1 to Doc 6);
- (v) A copy of the Analysis Report dated 23rd October, 2015 (Doc 10);
- (vi) A copy of the Report of Adverse Analytical Finding (Doc 11c & 11d).

Took note of the Notice issued by the Panel to Nur Nafuri to appear before the Panel on the 11th February, 2016 and answer to the accusation based on Article 3(2)(a) and (b) of L.N 17 of 2015 of the Laws of Malta:

" (2) *The following constitute anti-doping rule violations:*

(a) *the presence of a prohibited substance or its metabolites or markers in an athlete's sample:*

(b) *the use or attempted use by an athlete of a prohibited substance or a prohibited method."*

Copy of the Notice of hearing was also forwarded to the Anti-Doping Commission, the Malta Boxing Association and Malta Sports Council.

2. Merits:

2.1 When the case was called, Nur Nafuri did not appear. The Panel was at the premises from 11am until 1.30pm and Nur Nafuri did not show. The secretary of the Panel Mr Jan Camilleri confirmed that he had called Mr Nafuri informing him that the sitting was going to be heard at 11.30am and Mr Nafuri did neither confirm his presence nor inform the secretary that he was not going to present himself at the sitting.

2.2 The substance recorded in the Analysis Report of the urine 'A' sample of Nur Nafuri on the 25th of September 2015, In-Competition, is A9-tetrahydrocannabinol, considered as a prohibited substance classed under S8 according to the 2015 Prohibited List.

3. Considerations:

3.1 The Panel is satisfied that the presence of A9-tetrahydrocannabinol classified as a stimulant which is a Specified Substance prohibited In Competition under Section 8 Cannabinoids of the Prohibited List 2015, in the urine sample (A Sample) of Nur Nafuri was proved in accordance of Article 3 (2) (a).

The Panel took notice of the exhibited documents, of the fact that there was no request on part of the athlete for the testing of the 'B' Sample and his no-show for the sitting.

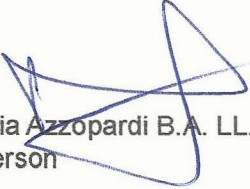
4. Decision:

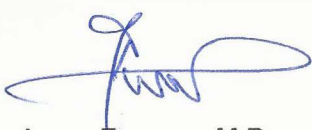
Therefore on the basis of the above considerations, the National Anti-Doping Disciplinary Panel rules that:

4.1 Nur Nafuri has breached the Anti-Doping Regulations, 2015 [Art. 3(2)(a)] and WADA Code Art. 2.1, whereby the presence of a prohibited substance or its metabolites or markers has been found in Nur Nafuri's urine sample A that had been collected from him on the 25th of September, 2015.

4.2 And therefore the National Anti-Doping Disciplinary Panel as provided under Art 11 (2) (a) of the Anti Doping Regulations, 2015 and Art. 10.2.1 of the WADA Code is imposing on the athlete Nur Nafuri a suspension of ineligibility from any sports activities for a period of four (4) years commencing from the date of his provisional suspension if there was one. Otherwise the period of ineligibility is to start running from the date of this decision.

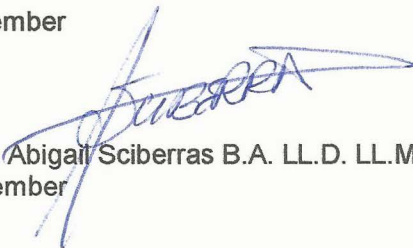
4.3 A copy of this decision is to be forwarded to the Malta Boxing Association.


Dr. Maria Azzopardi B.A. LL.D. LL.M (Sports Law)
Chairperson



Dr. Aaron Formosa M.D.

Member



Dr. Abigail Sciberras B.A. LL.D. LL.M. (Int. Sports Law)

Member

This 2nd day of March 2016

At Cospicua, Malta