

**NATIONAL ANTI-DOPING DISCIPLINARY COMMITTEE  
OF THE REPUBLIC OF SINGAPORE**

**ANTI-DOPING SINGAPORE**

V

[ SG-4683 ]

**DECISION**

**1. Details of Case**

1.1 Members of the Disciplinary Panel (“**Committee**”) appointed from the National Anti-Doping Disciplinary Committee (“**NADC**”):

Chairman: Mr Lim Tat

Member: Dr Chook Kum Kay

Member: Mr Nicholas Fang

1.2 Athlete: Mr [ SG-4683 ] (“**Athlete**”)

1.3 Prosecutor: Mr Hamidul Haq (“**Prosecutor**”)

1.4 Anti-Doping Singapore’s (“**ADS**”) Representative: Ms Yeo Say Po (“**Ms Yeo**”)

1.5 The hearing was held on 21 March 2017 at the offices of Aequitas Law LLP at 1 Raffles Place #43-01 Singapore 048616.

**2. Introduction and Jurisdiction**

2.1 This is the final decision (“**Decision**”) of the NADC in the charge (set out below) brought by ADS against the Athlete under the ADS Anti-Doping Rules (“**ADR**”).

2.2 ADS is the National Anti-Doping Organisation for Singapore. Powerlifting Singapore is the organising body of the “ [...] 2016”, held at the [...] on [...] 2016 (“**Event**”).

2.3 The Athlete is Mr [ SG-4683 ], male, years old (Date of Birth: [...]), a Sri Lankan citizen residing in Sri Lanka. At the material time, the Athlete was participating in the Event, under the Men's [...] powerlifting category of the Event.

2.4 At all material time, the Athlete was subject to the jurisdiction of Powerlifting Singapore and bound to comply with the ADR. Pursuant to the ADR, ADS has the authority to conduct Doping Control (as defined in the ADR) in respect of all Athletes (as defined in the ADR).

### 3. Background and Charge

3.1 On [...] 2016, the Athlete participated in the Men's [...] powerlifting competition of the Event and [...]. Following the competition, a Doping Control Officer ("DCO") collected a urine Sample (as defined in the ADR) from the Athlete at the Event for In-Competition Testing (as defined in the ADR). The urine Sample was collected according to the procedures stipulated in the World Anti-Doping Agency ("WADA") International Standard for Testing and Investigations and securely sealed by the Athlete into two separate bottles, which were given the reference numbers A3886482 ("A Sample") and B3886482 ("B Sample").

3.2 The A Sample provided by the Athlete returned an Adverse Analytical Finding ("AAF") for Methandienone (or Metandienone), which is a non-specified substance and an exogenous anabolic androgenic steroid under Category S1 (Anabolic Agents) of WADA's 2016 Prohibited List.

3.3 ADS subsequently asserted an ADR Violation according to Article 2.1 of the ADS Rules for the Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, and served the Athlete the Notice of Charge via email and postal mail on 11 January 2017 for violating Article 2.1 of the ADR (*viz.* presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample).

- 3.4 On 12 January 2017, Ms Yeo (ADS General Manager) followed up with a Whatsapp message to the Athlete on the Notice of Charge. The Athlete responded to Ms Yeo by providing a new email address ([...] ). Ms Yeo immediately resent the Notice of Charge to the latter email address.
- 3.5 A written response dated 15 January 2017 was received by ADS from the Athlete by postal mail on 24 January 2017. Although the written response was received on 24 January 2017 (*i.e.* after the stipulated deadline), the response was accepted by ADS as the envelope containing the written response was postmarked 15 January 2017 (*i.e.* ADS deemed the delay in the delivery of the Athlete’s written response to be not within his control).
- 3.6 In his reply, the Athlete denied the charge and stated that he was “being accused of something that [he had] not done”. He provided a background of his sporting career and that he works as [...] in Sri Lanka to earn a living. He believes as he has had “years of experience behind [him,] [he] know[s] inherently what works and what does not work, there is no necessity for [him] to indulge in substances that would harm [his] health and the career [he had] worked so hard to build.”
- 3.7 In his written submission, the Athlete did not provide any explanation as to how the Prohibited Substance, Methandienone, was found in his system. Hence, in accordance with Article 7.9.1 of the ADS Rules, the Athlete was provisionally suspended with effect from 18 January 2017 as indicated in the Notice of Charge.
- 3.8 On 25 January 2017, Ms Yeo followed-up with an email to the Athlete to clarify his position with regard to his right to have his B Sample analysed, and also his right to a hearing, which was not mentioned in his written response.
- 3.9 After Ms Yeo followed up with a Whatsapp message to the Athlete, the Athlete provided Ms Yeo with a new email address (email:[...] ). Ms Yeo immediately resent the email to the Athlete at this new email address as well as his earlier email addresses. After Ms Yeo followed up with another Whatsapp message to the Athlete, the Athlete again provided another email address (email:

- [...] ). Ms Yeo immediately resent the email to the Athlete to this new email address and earlier email addresses.
- 3.10 On 2 February 2017, Ms Yeo sent a follow-up email to the Athlete, informing the Athlete that he must respond by the deadline of 6 February 2017 at 23:59 hours (UTC +08:00 hours). The Athlete was informed that in the event the Athlete failed to respond to Ms Yeo's email by the deadline, the Athlete would be deemed to have waived his rights to a hearing and for his B Sample to be analysed.
- 3.11 On the same day (2 February 2017), the Athlete replied via email that he wanted his B Sample analysed as he was not guilty and that he would attend the hearing if sufficient notice was provided.
- 3.12 On 7 February 2017, Ms Yeo informed the Athlete that the Laboratory had proposed the date for the analysis of the Athlete's B Sample to take place on 15 or 16 February 2017 at 10:30 hours, and requested the Athlete's response by 10 February 2017 on whether the Athlete wished to attend the opening and analysis of his B Sample and also the preferred date.
- 3.13 On 10 February 2017, Ms Yeo sent a reminder email to the Athlete. In the reminder, the Athlete was also advised that if a reply was not received by the deadline, the Laboratory would be instructed to carry out the analysis of his B Sample on 15 February 2017 and the Laboratory will appoint an independent third party to be present. Ms Yeo sent a Whatsapp message to the Athlete following the reminder email on 10 February informing him of the same information as in the email reminder. The Athlete acknowledged Ms Yeo's Whatsapp chat message with an "Ok". Thereafter, the Athlete did not reply to Ms Yeo's emails.
- 3.14 The analysis results for the Athlete's B Sample reported by the Laboratory on 20 February 2017 detected the same Prohibited Substance, Methandienone.
- 3.15 On 21 February 2017, Ms Yeo notified the Athlete by e-mail and postal mail of the analysis results of the B Sample and also informed the Athlete of the date of the hearing on the assertion of the ADR violation. Ms Yeo's letter also informed the Athlete of his

rights to the following, with a request to respond by 28 February 2017 at 23:59 hours (UTC +08:00 hours):

- (a) Attend the hearing;
- (b) Respond to the asserted anti-doping rule violation and resulting consequences;
- (c) Be represented at the hearing by a counsel of his own choice, and at his own cost;
- (d) Present evidence, including the right to call and question witness; and
- (e) An interpreter at the hearing, if deemed necessary by the hearing panel.

3.16 On 23 February 2017, the Athlete replied to Ms Yeo's email of 21 February 2017 with an email that did not contain any message. Ms Yeo replied to the Athlete's email on 24 February 2017 and informed him that there was no message in his reply. Ms Yeo also sent a Whatsapp message to the Athlete that same day (24 February 2017) to request him to resend his email with his reply. On 28 February 2017, Ms Yeo sent a Whatsapp message to the Athlete to remind him that 28 February 2017 was the deadline for his reply. However, the Athlete did not respond to either the Whatsapp message or email by the deadline.

3.17 On 3 March 2017, Ms Yeo informed the Athlete by email and registered mail of a change in the venue for the hearing. The Athlete was advised that video / web conferencing could be arranged if he wished but was unable to travel to Singapore to attend the hearing. He was reminded of his rights with regard to the hearing and requested to reply by 23:59 hours (UTC +08:00) on 8 March 2017 on whether he wished to attend the hearing. There was no reply from the Athlete by the deadline.

#### **4. The Hearing**

4.1 The hearing took place on 21 March 2017, as scheduled.

4.2 The Committee waited from 6:00 pm to 6:15 pm before commencing the hearing, in case the Athlete was late in arriving at the hearing.

4.3 At 6:15 pm, the Committee commenced the hearing. The Athlete was absent, and the hearing proceeded in his absence.

4.4 Parties at the hearing, apart from the 3 members of the Committee, were as follows:

- (a) Mr Hamidul Haq (Prosecutor)
- (b) Ms Yeo (ADS Representative)

4.5 The hearing was conducted in the English language.

## 5. ADS's Case

5.1 The evidence presented by ADS at the hearing is based on and supported by the facts set out in the Statement of Facts and the exhibits annexed to the Statement of Facts.

5.2 In summary, the evidence presented by ADS in support of the Charge against the Athlete is as follows:

- (a) The sample collection process for the Athlete was carried out as recorded on the Doping Control Form.
- (b) In the Doping Control Form, the Athlete declared that he had taken Zeos Loratadine 10mg (1 tablet daily) and Lorinol-10 Loratadine 10mg (1 tablet daily) from [...] 2016. [Loratadine, an antihistamine, is not prohibited for use in sport.]
- (c) The DCO Report and the Entry/Exit Log that monitors the movement of individuals in and out of the doping control station were adduced to the Committee.
- (d) At the conclusion of the sample collection process, the Athlete provided his signed confirmation that all information recorded on the Doping Control Form was correct and sample collection was conducted in accordance with procedures for sample collection.

- (e) All the sealed samples (including the Athlete's sample) were transferred from the Doping Control Station by ADS staff to the ADS office at 3 Stadium Drive, Singapore 397630 on [...] 2016 at 01:40 hours and kept in a locked refrigerator. The sealed samples were picked up by the courier service personnel from DHL Express on [...] 2016 for delivery to the Laboratory for analysis.
- (f) The test results for the A Sample reported by the Laboratory on [...] 2016 (Report No: 9428/2016) detected three (3) metabolites of Methandienone (or Metandienone), which is a non-specified substance and an exogenous anabolic androgenic steroid under Category S1 (Anabolic Agents) of the WADA 2016 Prohibited List. The Laboratory also indicated an opinion that the sample showed presumptive analytical finding for Methandienone long term metabolite. On a request for further clarification by ADS, the Laboratory explained: "Four metabolites of Methandienone (anabolic Steroid) are excreted in urine. Fourth metabolite is also known as long term metabolite which is excreted for longer time. In the present case we have confirmed on three metabolites not long term. That is why we have mentioned 4<sup>th</sup> metabolite in opinion. Moreover, presence of one metabolite is sufficient to report adverse analytical finding."
- (g) The Athlete did not have any Therapeutic Use Exemption on file with the Sri Lanka Anti-Doping Agency or ADS for the use of Methandienone.
- (h) The analysis results for the Athlete's B Sample reported by the Laboratory on 20 February 2017 detected the same Prohibited Substance, Methandienone. This confirmed the results of the A Sample.

## 6. Decision

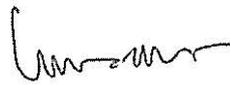
- 6.1 By virtue of the evidence presented by ADS, ADS has discharged its burden of establishing that the Athlete had committed a violation of Article 2.1 of the ADR, to the comfortable satisfaction of the Committee, pursuant to Article 3.1 of the ADR.

- 6.2 As the ADR violation by the Athlete does not involve a Specified Substance (as defined in the ADR), the period of Ineligibility (as prescribed under Article 10.2.1.1) is four (4) years unless the Athlete can establish that the ADR violation was not intentional.
- 6.3 The Athlete did not present to the Committee any evidence or submissions that the ADR violation by him in this case was not intentional.
- 6.4 Consequently, this Committee's decision is as follows:
- (a) In accordance with Article 10.2.1.1 of the ADR, the Athlete is sanctioned with a period of Ineligibility of four (4) years.
  - (b) In accordance with Article 10.11 of the ADR, the period of Ineligibility shall start on 21 March 2017 (being the date of the final hearing decision providing for Ineligibility).
  - (c) As Provision Suspension was imposed on the Athlete from 23:59 hours (UTC +08:00) on 18 January 2017, the Athlete shall in accordance with Article 10.11.3.1 of the ADR receive a credit for the period of Provisional Suspension (*i.e.* total of 62 days, comprising the number of days from 18 January 2017 to 20 March 2017, both dates included) against the period of Ineligibility. Consequently, the period of Ineligibility shall conclude at 23:59 hours (UTC +08:00) on 18 January 2021.
  - (d) In accordance with Article 9 of the ADR, the Athlete's results in the Event, [...] in the Men's [...] powerlifting competition of the Event, are hereby invalidated, with all resulting Consequences (as defined in the ADR) including forfeiture of medals, points and prizes.

Dated this 17<sup>th</sup> day of April 2017



Dr Chook Kum Kay



Lim Tat



Nicholas Fang