

**In the matter of [ SG-4684 ] ,  
Para Athletics**

**Anti-Doping Singapore**

**vs**

**[ SG-4684 ] , Para Athletics**

**Decision of the National Anti- Doping Disciplinary Committee,  
Singapore**

**Parties**

Hamidul Haq – Counsel for Anti-Doping Singapore

Yeo Say Po – Representative of Anti-Doping Singapore

[ Athlete SG-4684 ] – Absent

**1 Introduction**

1.1 This case is based on a court conviction for the offence of possession of a controlled drug for the purpose of trafficking. The drug in question was Methamphetamine which is a banned substance under the World Anti-Doping Agency (WADA) 2015 Prohibited List (S6 – Stimulants). Under Article 2.7 of the Anti-Doping Singapore Anti-Doping Rules (ADR), this offence is an Anti-Doping Rule Violation (ADRV).

1.2 The athlete in question is one Mr [ SG-4684 ] (hereinafter referred to as “the Athlete”). The Athlete is currently serving his imprisonment for the offences of consumption and possession for the purpose of trafficking of Methamphetamine, both of which are offences punishable under Singapore’s Misuse of Drugs Act. At the material time, he was a national athlete from the sport of Para Athletics and was training in preparation for the [...] [...]

## **2 Jurisdiction**

2.1 Anti-Doping Singapore (ADS) is the National Anti-Doping Organization for Singapore. The Singapore Disability Sports Council (SDSC) is the governing body for disability sports in Singapore.

2.1.1 At all material time, the Athlete was subject to the jurisdiction of the SDSC and bound to comply with the ADR that the SDSC had adopted in February 2011.

## **3 Background and Charges**

3.1 The Athlete was arrested by Police Officers on [...] 2015 on suspicion of having committed offences under the Misuse of Drugs Act. He was subsequently charged in court, convicted and sentenced to prison for consumption and possession for the purpose of trafficking in Methamphetamine by Singapore's District Court on [...] 2016. He appealed against the decision in the trafficking charge, but it was dismissed by the Singapore High Court on [...] 2016.

3.2 Methamphetamine (or Metamfetamine(*d-*)) is a non-specified substance under Category S6 (Stimulants) of the WADA 2015 Prohibited List and is prohibited In-Competition.

3.3 Trafficking of Prohibited Substances and Methods is an ADRV. Based on Article 3.2.4 of the ADR, proof of anti-doping rule violations may be determined by using facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal. These facts shall be irrebuttable evidence against the Athlete to whom the decision pertained of those facts unless the Athlete establishes that the decision violated principles of natural justice.

## **4 Procedural Issues and Plea**

### **4.1 Notice of Charge for the violation of Article 2.7 of the ADR**

4.1.1 The requisite Notice of Charge was served on the Athlete on 9 February 2017 through the Superintendent of Prisons by registered mail. The Notice adequately set out the basis of violation of Article 2.7 of the ADR, the consequences of the ADRV, and required action by the Athlete. An additional

14 days were given to him to respond, in view of his imprisonment. As such, he was to reply by 2 March 2017. Between 7 and 13 March 2017, there was an exchange of emails between ADS and the Prisons wherein the latter confirmed that the Athlete had received the documents served earlier and had asked for a letter form to respond. On 14 March 2017 he replied which reply will be referred to below.

- 4.1.2 He was also informed that a hearing panel from the National Anti-Doping Committee (NADC) would be formed to hear his case should he deny the charge. In the event that he admitted the charge, the NADC would proceed to consider the Consequences to be imposed.

## **4.2 The Hearing**

- 4.2.1 On 10 February 2017, ADS referred the case to the Chairman of the National Anti-Doping Disciplinary Committee. On 14 February 2017, the Chairman formed the Committee to hear the case, It comprises the following:

Khoo Oon Soo – Chairman  
Sunil Kumar Sethi – Member  
Naomi Tan – Member

- 4.2.2 The Hearing was fixed on 4 April 2017 at 6.30pm at Sport Singapore. The Athlete was unable to attend the hearing due to his imprisonment and had no representation.
- 4.2.3 In his written letter dated 14 March 2017, the Athlete admitted the charge of Article 2.7 of the ADR and sought for leniency. He asked for the minimum period of ineligibility of 4 years to be imposed. He expressed remorse for his actions and mentioned that he had never refused any doping control test. He asked for a chance to help him reach his goals in the future.

## **5 Evidence**

- 5.1 The evidence presented by the prosecutor in this matter was as follows:
- 5.1.1 The Athlete was arrested by Police Officers on [...] 2015 on suspicion of having committed offences under the Misuse of Drugs Act. In the course of investigations by the Central Narcotics Bureau, the Athlete's urine sample, which was analysed by the Health Sciences of Authority (HSA), showed the presence of Methamphetamine. The Athlete also admitted to consuming "Ice" (a street name for Methamphetamine), and the last he used prior to his arrest

was on [...] 2015 at his home. He also informed the officers that he had consumed "Ice" to accelerate his getting back into shape in time for the [...]

5.1.2 During the arrest, the Police found, in the Athlete's possession, 3 packets of crystalline substance, which was the street drug "Ice". Upon analysis by the HSA, it was found that the 4.03 grams of crystalline substance contained not less than 2.65 grams of Methamphetamine. In his statement to the Police, the Athlete admitted that the 3 packets of "Ice" belonged to him and that he would repack them to 0.1 grams each to sell at the price of S\$20. He did this as a form of income, as he had resigned from his job earlier in [...] 2015.

5.1.3 He was charged with one charge of Consumption of a controlled drug (methamphetamine) and one charge of possession of a controlled drug (methamphetamine) for the purpose of trafficking. He pleaded guilty to the former charge but claimed trial on the latter charge.

5.1.4 At the conclusion of the trial, the learned District Court Judge was satisfied that the Public Prosecutor had proven the case beyond reasonable doubt, and convicted him on the said charge of possession of a controlled drug for the purpose of trafficking. He was subsequently sentenced to 10 months' imprisonment for the Consumption charge and 5 years' imprisonment and 5 strokes of the cane for the possession of Methamphetamine for the purpose of trafficking.

5.1.5 His appeal against his conviction and sentence on the latter charge was subsequently dismissed by the Singapore High Court on [...] 2016.

#### 5.1.6 Findings

The facts clearly showed the Athlete had, in his possession a controlled drug (methamphetamine), for the purpose of trafficking. He was convicted and sentenced for this offence after a trial. His appeal to the High Court on this charge was dismissed. His letter of 14 March 2017 did not dispute the facts. He admitted the ADRV charge and pleaded for leniency regarding his period of ineligibility. In the circumstances the NADC is comfortably satisfied that ADS has proven their case against the Athlete on his ADRV of Article 2.7 of the ADR.

## 6 Sanction

- 6.1 Under Article 10.3.3 of the ADR, the period of ineligibility for an Article 2.7 ADRV is a minimum of 4 years up to lifetime ineligibility, depending on the seriousness of the violation.
- 6.2 This is the Athlete's first violation. The NADC considered his mitigation in his letter of 14 March 2017. The NADC also considered all the facts and circumstances of the case. On the one hand, there is nothing in his defence which would persuade us to impose a lesser period of ineligibility. On the other hand, there is also no persuasive argument to impose a period longer than four years. Accordingly, the Athlete is sanctioned with a period of ineligibility of four (4) years.
- 6.3 Article 10.11.2 of the ADR allows backdating, on account of prompt admission, of the period of ineligibility to the date the ADRV last occurred. In this case, the Athlete was convicted for the offence of possession for the purpose of trafficking on [...] 2016. The proviso is that he must serve at least one half of the ineligibility period.
- 6.4 In his written mitigation of 14 March 2017, he had promptly admitted the Article 2.7 ADRV on the first opportunity given to him to communicate with ADS on the Notice of Charge dated 8 February 2017.
- 6.5 In the premises, the NADC is of the view that it would be just and fair to order that the period of Ineligibility of 4 years shall commence from the date he was convicted in court, namely on [...] 2016.
- 6.6 Under Article 9, there is automatic disqualification of individual results, if any, with all consequences, including forfeiture of all medals points and prizes, except in cases under Article 10.1.1. However, this Article is inapplicable as there is no evidence of no fault or negligence.
- 6.7 During the period of Ineligibility, in accordance with Article 10.12.1, the Athlete shall not be permitted to participate in any capacity in a Competition or other activity (other than authorized anti-doping education or rehabilitation programs) organized, convened or authorized by:
- (a) the SDSC or by anybody that is a member of, or affiliated to, or licensed by the SDSC;
  - (b) any Signatory (as that term is defined in the ADR);

- (c) any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organization; or
- (d) any professional league or any international or national-level Event organization.

6.8 The Athlete is also informed that he has the right to appeal to the National Anti-Doping Appeals Committee under Article 13.2.2.

Dated on 18<sup>th</sup> day of April 2017



Khoo Oon Soo  
Chairman



Sunil Kumar Sethi  
Member



Naomi Tan  
Member