



## Decision

by

the FIBA Disciplinary Panel established in accordance with  
Section H.7.8.3 of the  
Internal Regulations governing Doping Control  
in the matter

**Jabari Owen SAMUEL**  
(born 4 November 1984)

("the Player")  
(Nationality: Virgin Islands)

**Whereas**, the Player underwent a doping test on 31 August 2008 in Cancún (Mexico) after the game of the 2008 Centrobasket Championship between the Men's national teams of Virgin Islands and Puerto Rico;

**Whereas**, the analysis of the Player's sample was conducted at the Laboratory of Laval, Québec (Canada) which is a WADA-accredited laboratory. The sample showed the presence of metabolites of cannabis in excess of 15 ng/ml (level reported: 49+/-4 ng/ml);

**Whereas**, the Player did not request an analysis of the B sample;



**Whereas**, on 2 October 2008 FIBA suspended the Player with immediate effect, both for international and national competitions;

**Whereas**, on 10 November 2008 the Player was invited by FIBA to exercise his right to be heard before the FIBA Disciplinary Panel either in person or via telephone conference. By e-mails dated 19 and 24 November 2008 the Player confirmed his participation in a hearing via telephone conference on 24 November 2008, 4pm (Geneva time). However, and despite numerous attempts between 3.55pm and 4.30pm on 20 November 2008, the Player could not be reached under the telephone number indicated by him. Therefore, the FIBA Disciplinary Panel composed of Mr. Antonio Mizzi, President of FIBA's Legal Commission and of Dr. Heinz Günter, Vice President of FIBA's Medical Commission shall proceed in accordance with Article H.7.8.3.1 of the FIBA Internal Regulations ("IR") and take the following:

## **DECISION**

**A period of two years ineligibility, i.e. from 2 October 2008 to 1 October 2010, is imposed on Mr. Jabari Samuel.**



### **Reasons:**

1. The Player has committed an anti-doping-rule violation pursuant to H.7.2.1.1 of the IR since a prohibited substance (cannabinoids) listed in WADA's Prohibited List (in force since 1 January 2008) under letter S8 was found in his urine sample.
2. WADA's Prohibited List identifies cannabinoids as a Specified Substance, for which, according to H 7.8.2.2 of the IR, the Athlete "can establish that the use of such substances was not intended to enhance his sport performance" in order to have the regular sanction of two years' suspension reduced. With respect to the interpretation of this rule, the (then) FIBA Appeals Commission in the matter FIBA AC 2005-01 stated *inter alia* that for purposes of "establishing" that a player had no intention to enhance his performance the player "must do more than merely "bring forward" or "contend"" that he had no such intention. According to the Appeals Commission, the player is required to demonstrate and – if necessary – prove circumstances which indicate the absence of the intention to enhance his performance.
3. In the present case Mr Samuel failed to bring forward any circumstances required pursuant to the aforementioned Appeals Commission decision in order to demonstrate the absence of an intention to enhance performance. Consequently, based on the above analysis the Disciplinary Panel has no choice but to apply the regular sanction provided for in Section H.7.8.2.1 of the IR and impose a sanction of two years' ineligibility.
4. The Panel deems fair pursuant to Art. H.7.8.2.7 IR that the period of ineligibility is to start on 2 October 2008, when FIBA imposed a provisional suspension against the Player.



5. This decision is subject to an Appeal according to the FIBA Internal Regulations governing Appeals as per the attached "Notice about Appeals Procedure".

Geneva, 3 December 2008

On behalf of the FIBA Disciplinary Panel

A handwritten signature in blue ink, appearing to read 'Mizzi', with a long horizontal stroke extending to the right.

Antonio Mizzi  
President of the Disciplinary Panel