



Decision

by

the FIBA Disciplinary Panel established in accordance with
Article 8.1 of the
FIBA Internal Regulations governing Anti-Doping
in the matter

Grigoris Pantouris
(born 22 July 1982)

hereafter:
(“the Player”)

(Nationality: Cyprus)

Whereas, the Player underwent an in-competition doping test on 5 June 2009 in Nicosia (Cyprus) on the occasion of the XIII Games of the Small States of Europe (the “Games”);

Whereas, on the Doping Control Form the Player noted that he had used on 29 May 2009 “m[e]sterolone”, a prohibited substance under the applicable rules;

Whereas, the analysis of the Player's sample was conducted at the Laboratory of Athens (Greece), which is a WADA-accredited laboratory. On 1 July 2009 the Laboratory informed CYP-NADO that the sample showed the presence of a different substance, metenolone, which is also prohibited under the applicable rules;

Whereas, on 9 July 2009 the Player provided a letter to the National Anti-Doping Organization of Cyprus (the “CYP-NADO”) admitting the “*Use of the Prohibited Substance Methenolone*” and waiving his “*right for the analysis of [the] B sample*”;

Whereas, by letter dated 13 July 2009 FIBA suspended the Player with immediate effect, both for international and national competitions;

Whereas, by letter dated 30 July 2009 (with supporting documentation) the CYP-NADO confirmed that the Player had provided detailed information to the competent Cyprus authorities with respect to the source of the prohibited substance, on the basis of which the Cyprus police (drug enforcement unit) initiated an investigation;

Whereas, on 31 July 2009 the Player exercised his right to be heard via telephone conference by a 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. Ms. Cendrine Guillon, FIBA Anti-Doping Manager, and Dr. Dirk-Reiner Martens, FIBA Legal Advisor, were also in attendance;

Whereas, the Player

- did not contest the result of the test;
- admitted that he used the product “Primobolan” in the period between March and May 2009 upon recommendation of a “friend” in a fitness center;
- admitted that he knew that the “supplement” he was using contained a prohibited substance because he had been instructed by his friend to stop using it one month before the Games, but he did not know that this supplement contained an anabolic steroid;
- stated that he had “*no intention to use a prohibited substance to cheat in sport*” and that he used the supplement recommended to him “*by thoughtlessness*”;



- argued that he had already disclosed “*everything that [he] know[s]*” about the source of the prohibited substance and is ready to provide any further assistance;
- argued that he never used the substance mesterolone and that he declared its use on the doping control form upon recommendation of a member of the team delegation shortly before the doping test;
- affirmed that he had committed no previous anti-doping rule violation;
- stated that since the last game of his national team on 6 June 2009 he had not played professional basketball.

Now, therefore, the Panel takes the following:

DECISION

A period of two years ineligibility, i.e. from 7 June 2009 to 6 June 2011, is imposed on Mr. Grigoris Pantouris.

Reasons:

1. According to Article 4.6.f. of the Doping Control Guide for the Games:

“In the event that the Sample A analysis results are confirmed, the Chairperson of the SESG shall call a meeting of the Organizing Committee of the SESG. The athlete, a maximum of three representatives from his/her delegation, and a representative of the corresponding International Federation will be invited to this hearing. Notwithstanding the aforementioned, the corresponding International Federation has full jurisdiction for results management if the above mentioned hearing cannot be held within the period of the Games.”

(emphasis added by the Panel)

2. In the present case, the laboratory results were announced to the CYP-NADO on 1 July 2009, i.e. after the end of the Games. Therefore, the FIBA Disciplinary Panel has jurisdiction to decide this case in accordance with Article 8 of the FIBA Internal Regulations governing Anti-Doping (the “FIBA ADR”).

3. The Player has committed an anti-doping-rule violation pursuant to Article 2.1 of the FIBA Internal Regulations governing Anti-Doping (the “FIBA ADR”), since metenolone, a prohibited substance listed in WADA's 2009 Prohibited List under letter S.1.1a (Exogenous Anabolic Androgenic Steroids), was found in his urine sample. This fact remained uncontested.

4. Further, as regards the declaration of “m[e]sterolone” on the Doping Control Form, the Panel reviewed the documents on file, including the submissions made by CYP-NADO, and took into account the Player’s statement at the hearing. The Player contends that, as soon as he was notified of the sample collection he panicked knowing that he had been using a prohibited substance until May of this year. Since he was advised by a member of his team delegation that the indication of mesterolone on the Doping Control Form could help him raise a medical-condition-defence before a doping panel in case of a positive result, he wrote down false information about the intake of a substance that he did not know. Considering (a) the level of the Player’s cooperation with the authorities and the veracity of the information released by him during the entire proceedings, (b) that there is no other indication of the Player’s use of mesterolone but his own declaration on the Doping Control Form, (c) that the Player revealed the name and identity of the person who advised him falsely to declare mesterolone, (d) that the Player did not try to explain the findings of metenolone in his sample by the alleged use of mesterolone, and (e) that it is rather unlikely that a use of mesterolone less than a week before the doping test would not be detected in the Player’s sample, the Panel accepts the Player’s explanation and finds that he did not use mesterolone.

5. However, the Panel finds that the Player, at a minimum, provided the anti-doping authorities with false information. He admitted to have given false information on and signed the Doping Control Form personally, upon suggestion by a person from his own delegation. Such behaviour falls well within the scope of Article 2.5 of the FIBA ADR titled “Tampering or Attempted Tampering with any part of Doping Control”. The Panel notes at this point the comment to Article 2.5 of the World Anti-Doping Code which is identical to the FIBA provision and reads as follows:

“This Article prohibits conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For example, [...] providing fraudulent information to an Anti-Doping Organization.”

6. As regards the involvement of other persons, a separate disciplinary procedure must be initiated.
7. In determining the period of ineligibility applicable to this case, the Panel takes note of the following provisions of the FIBA ADR:

“10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods

The period of Ineligibility imposed for a violation of Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), [...] shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met:

First violation: Two (2) years' Ineligibility.

[...]

10.7.4 Additional Rules for Certain Potential Multiple Violations

For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if FIBA (or its Zone or National Federation) can establish that the Player or other Person committed the second



anti-doping rule violation after the Player or other Person received notice pursuant to Article 7 (Results Management), or after FIBA (or its Zone or National Federation) made reasonable efforts to give notice, of the first anti-doping rule violation; if the FIBA (or its Zone or National Federation) cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining Aggravating Circumstances (Article 10.6).

[...]

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

If FIBA, its Zone or a National Federation establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficking) and 2.8 (Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four years unless the Player or other Person can prove to the comfortable satisfaction of the hearing panel that he did not knowingly violate the anti-doping rule. A Player or other Person can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by FIBA, its Zone or a National Federation.

(emphasis added by the Panel)

8. In view of the fact that

- the above violations (paragraphs 3 and 5 above) shall be considered as one single first violation since they occurred in the same period of time;
- the Player admitted both elements (presence of a prohibited substance and tampering) of the anti-doping rule violation shortly after being “confronted” with them,

the Panel finds that the Player is entitled to avoid the application of Articles 10.6 and 10.7 of the FIBA ADR. Therefore, the Panel holds that it is appropriate to impose on the Player a sanction of two years.

9. Upon reviewing whether the Player's admission at the time it was provided could have any further legal consequences on this case, the Panel considered Article 10.9.2 of the FIBA ADR which reads as follows:

"Where the Player promptly (which, in all events, means before the Player competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by FIBA, its Zone or National Federation, the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred."

10. In the present case the Player admitted the anti-doping rule violation a few days after he was informed of the adverse analytical finding. The Panel deems it fair to apply Article 10.9.2 of the FIBA ADR and thus decides that the period of ineligibility is to start on 7 June 2009, i.e. the next day after the last official game in which the Player participated.
11. This decision is subject to an Appeal according to the FIBA Internal Regulations governing Appeals as per the attached "Notice about Appeals Procedure".
12. The Panel reaches the present decision without any prejudice to the FIBA Secretary General's right to suspend part of the sanction under Article 10.5.3 of the FIBA ADR.

Geneva, 4 August 2009

On behalf of the FIBA Disciplinary Panel



Antonio Mizzi
President of the Disciplinary Panel



Decision

by

the **FIBA Secretary General**

in accordance with

Article 10.5.3 of the

FIBA Internal Regulations governing Anti-Doping

in the matter

Grigoris Pantouris

(born 22 July 1982)

hereafter:

(“the Player”)

(Nationality: Cyprus)

Whereas, on 4 August 2009 the FIBA Disciplinary Panel imposed a period of two years' ineligibility, i.e. from 7 June 2009 to 6 June 2011, on the Player (copy attached to the present decision);

Whereas, a few days after the laboratory results were announced to the Player, he voluntarily participated in separate meetings with the Cyprus Police and the National Anti-Doping Organization of Cyprus (the “CYP-NADO”) where he provided detailed information with respect to the source of the prohibited substance, the person(s) implicated etc. On the basis of such information the Cyprus police (drug enforcement unit) initiated a criminal investigation;



Whereas, during the hearing before the FIBA Disciplinary Panel, the Player

- declared his availability to provide any further information available to him with respect to anti-doping rule violations and/or relevant criminal behaviour of third persons;
- provided information (name, identity) concerning the person who allegedly advised him to falsely declare the use of the prohibited substance mesterolone on the Doping Control Form dated 5 June 2009;

Whereas, disciplinary and/or criminal proceedings will be initiated by the competent Cyprus authorities and/or FIBA in that respect;

Whereas, Article 10.5.3 of the FIBA Internal Regulations governing Anti-Doping (the “FIBA ADR”) reads as follows:

“The FIBA Secretary General may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Player or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in the Anti-Doping Organization discovering or establishing an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another Person. After a final appellate decision under Article 13 or the expiration of time to appeal, FIBA may only suspend a part of the applicable period of Ineligibility with the approval of WADA. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than 8 years. If FIBA suspends any part of the period of Ineligibility under this Article, it shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision. If FIBA subsequently reinstates any part of the suspended period of Ineligibility because the Player or other Person



has failed to provide the Substantial Assistance which was anticipated, the Player or other Person may appeal the reinstatement pursuant to Article 13.2.”

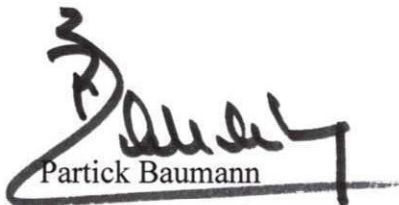
Now, therefore, the FIBA Secretary General takes the following:

DECISION

- (a) a period of six months ineligibility is suspended;**
- (b) the non-suspended period of ineligibility shall start on 7 June 2009 and end on 6 December 2010;**
- (c) FIBA reserves its rights to reinstate the suspended period of ineligibility at any time, if the circumstances so require.**

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

Geneva, 4 August 2009


Partick Baumann
FIBA Secretary General