



## **Decision**

by

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

**Enver Soobzokov**  
**(born 16 May 1978)**

hereafter:  
**(“the Player”)**

(Nationality: Jordan)

**Whereas**, the Player underwent two in-competition doping tests on 23 and 24 September 2011 respectively in Wuhan, China, on the occasion of the 2011 FIBA Asia Championships for Men;

**Whereas**, the analysis of the Player's samples (No. 1974003 and 1974009) was conducted at the WADA-accredited Laboratory in Beijing, China (“Laboratory”). On 24 October 2011 the Laboratory entered into the Anti-Doping Administration & Management System (ADAMS) that the analysis of the samples with the above-mentioned numbers showed the presence of the prohibited substance “*S6, Stimulants/methylhexaneamine (demethylpentylamine)*” established by the 2011 WADA List of prohibited substances;

**Whereas**, FIBA was informed of these results on the same day but was unable to identify the competition at which the samples were collected or the names of the player(s) involved in view of the fact that the "Analysis Result Records" submitted by the Laboratory did not mention the date nor the site of the sample collection;

**Whereas**, after sending several requests and reminders to the Chinese Anti-Doping Agency and to the Chinese Basketball Association, FIBA received documentation enabling it to identify the Player (through copies of the doping control forms) only on 16 February 2012, and immediately initiated the results management process;

**Whereas**, by letter dated 1 March 2012 FIBA informed the Player about the adverse analytical finding and about his right to request the analysis of bottle B;

**Whereas**, by letter dated 1 March 2012 and received by FIBA on 9 March 2012, the Player waived his right to the analysis of bottle B and provided FIBA with his position in writing;

**Whereas**, by letter dated 19 March 2012 FIBA informed the Player that, in accordance with the FIBA Internal Regulations governing Anti-Doping ("FIBA ADR"), the case was submitted to the FIBA Disciplinary Panel and provided to him the option of being heard either in person (for which a hearing in FIBA's headquarters in Geneva would have to be organised) or via telephone conference on 30 March 2012;

**Whereas**, by letter dated 26 March 2012 the Player confirmed his preference for and participation in a hearing by telephone conference;

**Whereas**, by letter dated 27 March 2012 the Jordan Basketball Federation requested that FIBA impose a warning, a reprimand and no period of ineligibility on the Player, confirming that it will

conduct anti-doping education programs requiring the Player to lecture to young athletes about the dangers of doping;

**Whereas**, upon request of the Player's father and legal counsel, Mr. Kazbek Soobzokov, the hearing was postponed to 4 April 2012;

**Whereas**, on 4 April 2012 the Player – assisted by Mr. Kazbek Soobzokov – was heard via telephone conference by a FIBA Disciplinary Panel composed of Dr. Wolfgang Hilgert, member of FIBA's Legal Commission and of Dr. Souheil Sayegh, Deputy-Chairman of FIBA's Medical Commission; Ms. Virginie Alberto, FIBA Anti-Doping Officer as well as Mr. Andreas Zagklis, FIBA Legal Advisor, were in attendance. Upon the Player's request, his personal trainer Mr. Vincent Avitalie ("the Trainer") and the Vice-President of the Jordanian club Fastlink, Mr. Karim Karadsheh, testified as witnesses. The hearing was also attended by Mr. Hilal Barakat, President of the Jordan Basketball Federation and by Mr. Tab Baldwin, head coach of Jordan's Men national team;

**Whereas**, in his written statement and at the hearing the Player:

- did not contest the result of the analysis and admitted the violation;
- apologized towards FIBA and his national federation for the positive finding;
- stated that in summer 2011 he began a training program in Laguna Beach, California under the guidance and supervision of the Trainer, in preparation for the FIBA Asia Championships. As part of the training, he was advised by the Trainer to purchase the energy drink "Lean Revolution Pre Workout" (manufactured by Muscle Sport International) and to use it on a daily basis in order to shed excess fat;
- informed the Panel that, prior to using the supplement he "earnestly attempted to ascertain that the product was safe and not banned" by (a) visiting websites with anti-doping information such as the NCAA sports medical handbook (since he played NCAA basketball in the past) without finding any indication that the supplement was banned, (b)

inquiring with the salesman of the supplement store who pointed to the label and said "Look, it says for Athletes", (c) scrutinized the label on the product where, other than caffeine which used to be banned, all other ingredients seemed to be safe;

- stated that this was the first time in his career to use a nutritional supplement and, having received no anti-doping education, he only knew a few websites to look into;
- asserted that representatives from the Jordan Basketball Federation told the players prior to the FIBA Asia Championships to be careful with "what they put in their bodies" but did not show to them the FIBA Circular Letter of 31 January 2011 containing a warning for the substance methylhexanamine. Similarly, he was not aware of USADA's athlete advisory regarding the same substance, which was issued in mid-June 2011, i.e. at the time he starting using the supplement;
- stated that he took the supplement with him to China and continued to consume it once a day, by ingesting a scoop prior to cardio-vascular exercises such as practices and games. He thought it was harmless and did not discuss it with his coach or the team physiotherapist. In fact, he kept using it until he received the notification of the adverse analytical finding;
- informed the Panel that, after receiving FIBA's letter he researched every single ingredient online and found out that "Geranium Extract" is Dimethylpentylamine, a banned substance;
- asserted that at the time of the drug test he verbally acknowledged that he had been taking energy drinks but has no recollection of whether this was noted on the doping control form;
- acknowledged that he did not have any intention to use a performance enhancing drug and that he was misled by the supplement's label, which contained the words "geranium extract" and "athletes only";
- expressed his regret for the adverse analytical finding and stated that this was his first anti-doping rule violation after having been tested various times in the past;

**Whereas**, at the hearing the Trainer testified that

- some time between 16 and 18 June 2011 he recommended “Lean Revolution Pre Workout” to the Player;
- he had received information from a nutritionist that said supplement can help athletes lose weight and he had recommended it to several other athletes he was training;
- he was not aware that the supplement could contain a prohibited substance;

**Whereas**, at the hearing Mr. Karim Karadsheh testified that

- he has known the Player personally since 2003 and they meet frequently, several times a week;
- he was Secretary General and subsequently Vice-President of the club Fastlink, where the Player played for four (4) seasons after graduating from college in the US;
- the Player does not smoke and does not drink alcohol. He had never used nutritional supplements prior to the summer of 2011;
- he had seen no change in the Player's muscular structure before or after the summer 2011.

Now, therefore, the Panel takes the following:

## **DECISION**

**A period of six (6) months' ineligibility, i.e. from 1 January 2012 to 30 June 2012, is imposed on Mr. Enver Soobzokov.**

### **Reasons:**

1. Article 2.1 of the FIBA ADR reads as follows:

#### *“ARTICLE 2 ANTI-DOPING RULE VIOLATIONS*

*Players and other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.*

*The following constitute anti-doping rule violations:*

*2.1 The presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample.*

*2.1.1 It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping violation under Article 2.1. [...]"*

2. The Player has committed an anti-doping-rule violation pursuant to Article 2.1 of the FIBA ADR since methylhexaneamine (demethylpentylamine), a prohibited substance listed in WADA's 2011 Prohibited List (the "2011 Prohibited List") under letter S.6.b (Specified Stimulants) was found in his urine samples. This fact remained uncontested.
3. In examining whether the two adverse analytical findings constitute one or two anti-doping rule violations the Panel turns to Article 10.7.4 of the FIBA ADR which reads as follows:

*"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)."*

4. In the present case, the Player was tested on two subsequent days (23 and 24 September 2011) and received notice of the two adverse analytical findings through the same single letter from FIBA on 1 March 2011. Therefore, the Panel finds that the two positive findings shall be considered and treated as a single anti-doping rule violation.

5. As regards the applicable sanction, according to Article 10.2 of the FIBA ADR

*“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.”*

6. According to Article 10.4 of the FIBA ADR:

*“Where a Player or other Person can establish how a Specified Substance entered his or her body or came into his or her possession and that such Specified Substance was not intended to enhance the Player's sport performance or mask the use of a performance-enhancing substance, the period of Ineligibility found in Article 10.2 shall be replaced with the following:*

*First violation: At a minimum, a reprimand and no period of Ineligibility from future Events, and at a maximum, two (2) years of Ineligibility.*

*To justify any elimination or reduction, the Player or other Person must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the use of a performance enhancing substance. The Players or other Person's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.”*

7. The Panel notes that the Player admitted the violation and the use of prohibited substance from the outset and has been consistent in his pleadings throughout the proceedings. He was straightforward in his answers to the Panel, in particular how his training scheme was organised, how he was using the supplement in question and how he attempted to research its ingredients for prohibited substances. In addition, key people involved in his training scheme (Trainer) and playing activities for both club (Mr. Karadsheh) and national team (Mr. Barakat, Mr. Baldwin) competitions were made available to the Panel for questioning upon initiative of the Player. The Panel finds that the testimonies mentioned on pp. 4-5 above, corroborate the

Player's version of the facts. In view of the documents on file (which include a copy of the supplement's label), the testimonies at the hearing and the Player's statement, the Panel finds that Article 10.4 of the FIBA ADR is applicable to this case.

8. On the other hand, the Panel finds that the Player, a 34-year professional who has participated with his national team in the highest level of national team competitions (amongst others, the 2010 FIBA World Championships) and has had sufficient exposure to basketball outside Jordan through his NCAA career, was indeed negligent in (a) failing to research the ingredients of the supplement in detail, as he – admittedly – did after receiving notice of the violation, or on a website that provides access to official information in accordance with WADA standards, such as FIBA.com or USADA.org; (b) trusting the assurances of a supplement-store salesman and the label "for athletes" on the supplement, given the numerous warnings by sporting organisations in this respect; and (c) not requesting his national federation personnel, be it a physiotherapist or a doctor, for assistance in determining whether he was allowed to consume the supplements prior to entering a FIBA competition.
9. Further, the Panel does not find that the concurrence of two positive controls in two subsequent days have any bearing in the applicable sanction: the Player was simply taking one scoop before each practice or game and this mere fact does not add anything in the Panel's evaluation of the case nor does it reveal a certain doping pattern. The Player has admitted taking the supplement for a period of approximately 8 months (June 2011 – February 2012) i.e. even at times when the substance was not prohibited (out of competition periods) and therefore testing positive during an event seems to be the logical consequence of his falsely designed fat loss scheme.
10. In view of the circumstances of this case, the Player's degree of fault and the jurisprudence of this Panel in similar cases involving the same substance, the Panel decides that it is appropriate to impose a sanction of six (6) months on the Player.



11. According to Article 10.9.1 of the FIBA ADR:

*“Delays Not Attributable to the Player or other Person*

*Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Player or other Person, the FIBA or Anti-Doping Organization imposing the sanction may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred.”*

12. In the case at hand, the Panel finds that the communication (or lack thereof) among the various authorities involved (FIBA Asia, which organised the competition; Chinese NADO, which conducted the doping controls; the Laboratory, which analysed the samples; Chinese Basketball Association, which hosted the competition; and FIBA, which has results management for FIBA competitions) resulted in having the results management process initiated more than five (5) months after sample collection: FIBA sent its notice to the Player's on 1 March 2012 for tests conducted on 23 and 24 September 2011. At the same time, the Panel notes that the proceedings have been significantly accelerated thereafter by the Player's swift admission of the violation upon being confronted with it and by his waiver of the B sample analysis. Also, after the FIBA Asia Championships the Player remained more than two months off-season and without any activity, unaware of his positive findings.

13. Therefore, there have been long and substantial delays in the doping control process leading to this hearing, which were not attributable to the Player. In view of such exceptional – seemingly unprecedented in basketball – circumstances, and without the intention to provide any guidance for future cases, the Panel decides that the period of ineligibility shall start on 1 January 2012.

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

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Fédération Internationale  
de Basketball



**FIBA**

We Are Basketball

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International Basketball  
Federation

Geneva, 17 April 2012

On behalf of the FIBA Disciplinary Panel

Dr. Wolfgang Hilgert

President of the Disciplinary Panel