

## SAIDS

### DISCIPLINARY HEARING

|                      |   |
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| DISCIPLINARY PANEL   | ADV J LUBBE SC (CHAIR)                  |
|                      | DR JON PATRICIOS                        |
|                      | PROF D HENDRICKS                        |
| ATHLETE              | FRIKKIE VELDSMAN                        |
| LEGAL REPRESENTATIVE | A SCHLUEP                               |
| PROSECUTOR           | ADV N KOCK                              |
| PLACE OF HEARING     | JOHANNESBURG                            |
| DATE OF HEARING      | 26 January and 10 May 2012 (by telecon) |

- [1] Frikkie Veldsman (the Athlete) has been charged with an anti-doping rule violation in terms of Article 2.1 of the 2009 Anti-Doping Rules of the South African Institute for Drug Free Sport (SAIDS).
- [2] On 22 October 2011 he provided a urine sample during an in-competition test. Upon analysis it was found that the sample contained a prohibited substance, namely a metabolite of the Anabolic Agent Drostanolone which is categorized under Class S1. Anabolic Agents on the WADA 2011 Prohibited List International Standard. The B sample was also tested on request of the Athlete and produced the same result.
- [3] Ms Schluep on behalf of the Athlete informed the panel at the start of the hearing on 26 January 2011 that the Athlete pleads guilty to the charge. She requested a postponement of the hearing in order to allow for certain supplements provided by the Athlete to be tested at the South African Doping Control Laboratory in Bloemfontein. The application was not opposed and was granted.
- [4] The Athlete, his representative and Adv. Kock were informed of the results of the testing of the supplements on 14 May 2012. All the tests were negative.
- [5] At the resumption of the hearing by telecon on 10 May 2012 it was agreed between the parties that written heads of argument would be filed and that the panel will then proceed to make a decision on the submissions filed by the parties.
- [6] It is not necessary to deal with all the submissions contained in the heads of argument. The main submission on behalf of the Athlete is that the cause of the adverse analytical finding was the result of the ingestion of a contaminated supplement. In terms of the Anti-Doping Rules of 2009

the Athlete bears the onus to convince the panel on a balance of probability of this fact. The Athlete cannot rely on Article 10.4 of the Anti-Doping Rules as the prohibited substance found in his urine is not a Specified Substance. In terms of Article 10.5 of the said Rules the onus is on the Athlete to establish how the prohibited substance entered his body.

- [7] There is no substance in the submission advanced on behalf of the Athlete and not a single fact to prove, apart from mere speculation, the possibility that he may have taken a contaminated supplement.
- [8] The Athlete has therefore failed to discharge the onus of proof to enable the panel to apply Article 5 of the said Rules.
- [9] The Athlete is a first offender and the prescribed sanction in terms of Article 10.2 of the said Rules is a period of two (2) years of ineligibility.
- [10] The following sanction is imposed:
- 10.1 An anti-doping rule violation in terms of Article 2.1 of the said Rules has been established.
- 10.2 The Athlete shall be subjected to a period of ineligibility of two (2) years from all sport calculated from 16 November 2011 up to and including 15 November 2013.

J Lubbe SC

For and on behalf of the Panel

