

**INTERNATIONAL RUGBY BOARD**

**IN THE MATTER** of the Regulations  
Relating to the Game

**AND**

**IN THE MATTER** of an alleged anti doping rule  
violation by **ALIREZA IRAJ**  
contrary to IRB Regulation 21.

**BEFORE A BOARD JUDICIAL COMMITTEE APPOINTED PURSUANT TO  
REGULATION 21.20 AND 21.21 CONSISTING OF:**

**Judicial Committee**

Tim Gresson (New Zealand, Chairman)  
Dr Ismail Jakoet (South Africa)  
Dr Ichiro Kono (Japan)

**Appearances and Attendances**

For the Board

Susan Ahern  
Tim Ricketts (Anti-Doping Manager)  
Ms Maryaam Khaddem - Translator

For Rugby Federation of Islamic Republic of Iran

Dr Reza Ali, Vice-President of the Rugby Federation of Islamic Republic of Iran  
M Fhamdolahza - Translator

The Player

Alireza Iraj

**Hearing**

6 March 2008 by way of telephone conference

**DECISION OF BOARD JUDICIAL COMMITTEE**

1. Following the Iran vs Pakistan rugby match played on the 6<sup>th</sup> November 2007 at the Asian Rugby Championships 2007 in Colombo, Sri Lanka, during in-competition testing, Alireza Iraj ("the player") provided a urine sample which subsequently returned an adverse analytical finding for the substance 19-norandrosterone at a concentration greater than the threshold level of 2ng/ml.

2. 19-norandrosterone is a prohibited substance listed under S1 Anabolic Androgenic Steroids on the WADA Prohibited List 2007 ("the WADA list") which is incorporated in IRB Regulation 21 as Schedule 2.
3. Following receipt of the analysis of the A sample and after a preliminary review (which confirmed that an anti-doping rule violation may have been committed) conducted in accordance with IRB Regulation 21.20.1, the player was provisionally suspended on the 12<sup>th</sup> December 2007.
4. On the 12<sup>th</sup> January 2008 the player confirmed that he did not require the B sample to be analysed following which a Board Judicial Committee ("BJC") was appointed to hear the case.
5. Prior to the hearing on the 6<sup>th</sup> March 2008 the player, Dr Ali on behalf of the player and the IRB filed documentary material which consisted of evidence and submissions. At the hearing the player gave additional evidence and counsel for the IRB made submissions in relation to the additional evidential issues that had been raised by the player. Dr Ali assisted the BJC by making submissions on behalf of the player. The comments of the player and Dr Ali were translated into English by Ms Khaddem.

#### **Factual Background**

6. At the hearing the player stated he is aged thirty-seven years and has been playing rugby for ten years. He is also a rugby coach and works closely with the Rugby Federation of Iran. He stated that this was the first occasion when, as he stated, he had participated in a "*significant*" competition. Although he had not been subjected to previous doping control testing, he was generally aware of his responsibilities and the dangers to health in relation to illegal substances entering his body whilst actively participating in rugby.
7. Prior to the tournament, the player made no declaration on either his Doping Control Form or to the IRB (pursuant to Regulation 21.5) by way of a request for a therapeutic use exemption in relation to the prescribed substance which is the subject of the certificate submitted on the 1<sup>st</sup> March 2008.
8. During the tournament he signed the Player Consent and Agreement Form thereby agreeing to comply with the IRB's Anti-Doping Regulations. He stated,

that because the form was in English, he did not fully understand its contents. He acknowledged that the IRB has jurisdiction to impose sanctions as provided in the IRB's Anti-Doping Regulations.

9. The player provided explanations in relation to the prohibited substance having entered his body. Firstly, in a letter dated 12<sup>th</sup> January 2008, Dr Ali referred to having spoken to the player and it appeared "...*accidentally ... he used a kind of baron drug in one year ago*". For obvious reasons, clearly the period of time referred to was wrong.

10. Following this, by letter dated 23<sup>rd</sup> January 2008, the player stated:

*"I would like to point out that I have some evidence of my doctor which is relevant in relation to my case and if it possible I will send these document to you. Unfortunately in Iran some doctors don't have any information about doing drugs and use some drugs to us after that we are facing with this problem. Please accept my apologize for this accidentally problem and I hope you help me and im sure this is not repeat again".*

11. On the 1<sup>st</sup> March 2008, on behalf of the player, Dr Ali submitted to the IRB a copy of a document which was described as "*his prescription*". This document is attached to this decision (refer appendix 1). It has been translated by a person appointed by the IRB. At the hearing neither the player nor Dr Ali took any issue with the translation. It is in the form of a copy of a certificate, appears to be unsigned and appears to make no reference to the doctor who made the diagnosis that the player was suffering from "*general weakness*". Furthermore, the certificate appears to make no reference to the symptoms giving rise to the diagnosis of "*general weakness*".

12. During the hearing on the 6<sup>th</sup> March 2008, the player deposed that following his marriage prior to the tournament, he sought medical advice in relation to a sexual problem and as he stated "*quite by accident*" the 19-norandrosterone was given to him by the doctor. He explained that his doctor was "*an ordinary GP*"; not a specialised sports doctor. Indeed, he stressed that he did not seek medical assistance for any difficulty in relation to his sport but because of "*a body weakness*". Essentially, he stated that he was injected with the substance without his knowledge or understanding. He further stated that he was "*very sensitive*" about doping issues.

### **Anti-Doping Rule Violation**

13. The IRB alleges that the player committed an anti-doping rule violation contrary to Regulation 21.2.1 which provides that the presence of a prohibited substance or its metabolites or makers in a player's bodily sample, constitutes an anti-doping rule violation. Pursuant to Regulation 21.3.1 the Board has the burden of establishing an anti-doping rule violation to the comfortable satisfaction of the BJC.
14. The player accepts and does not in any way challenge the analytical findings of the laboratory. Accordingly, the BJC finds that the Board has established to the required standard the anti-doping rule violation; that is the presence of the prohibited substance (19-norandrosterone) in the player's bodily sample.

### **Sanction**

15. In relation to sanction, both the player and Dr Ali on behalf of the player, made strong pleas for leniency on the basis that in the circumstances, the presence of the banned substance was accidental and in any event, the player lacked a specific understanding of the IRB's anti-doping regime. Essentially the BJC was requested to adopt a merciful approach and not impose the mandatory sanction for the player's anti-doping rule infraction.
16. However, both the player's and Dr Ali's arguments overlook the regulatory framework that in imposing the appropriate sanction, the BJC is required to apply the appropriate provisions of Regulation 21 (which are based on the World Anti Doping Code). In this regard the twin principles of personal responsibility and strict liability are at the heart of the Regulations.
17. Regulation 21.6 which addresses the principle of personal responsibility provides:
- "21.6.1. *It is each Player's responsibility to ensure that no Prohibited Substance is found to be present in his body and that Prohibited Methods are not used. It is also the personal responsibility of each Player to ensure that he does not commit any other anti-doping rule violation.*
- 21.6.2 *It is the sole responsibility of each Player and Person to acquaint himself with all of the provisions of these Anti-Doping Regulations*

*including the Guidelines. It is also each Player's sole responsibility to notify Player Support Personnel, including, but not limited to, their doctors of their obligations not to use Prohibited Substances and Prohibited Methods and to ensure that any medical treatment received by them does not violate any of the provisions of these Regulations."*

18. In relation to the principle of strict liability, the sanction for the presence of a prohibited substance including, 19-norandrosterone, is a mandatory sanction of two years for a first offence (Regulation 21.22.1). However, the mandatory sanction is subject to the player establishing the basis for eliminating or reducing the period of ineligibility based on exceptional circumstances as set out in Regulation 21.22.4 which provides:

*"(a) If the Player establishes in an individual case involving an anti-doping rule violation under Regulation 21.2.1 (presence of Prohibited Substance or its Metabolites or Markers) or Use of a Prohibited Substance or Prohibited Method under Regulation 21.2.2 that he bears No Fault or Negligence for the violation, the otherwise applicable period of ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in a Player's specimen in violation of Regulation 21.2.1 (presence of a Prohibited Substance), the Player must also establish how the Prohibited Substance entered his system in order to have the period of ineligibility eliminated. In the event this Regulation is applied and the period of ineligibility otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of ineligibility for multiple violations under Regulation 21.22.1, 21.22.2 and 21.22.5.*

*(b) This Regulation 21.22.4 applies only to anti-doping rule violations involving Use of a Prohibited Substance or Prohibited Method under Regulation 21.2.2, failing to submit to Sample collection under Regulation 21.2.3, or administration of a Prohibited Substance or Prohibited Method under Regulation 21.2.8. If a Player or Person establishes in an individual case involving such violations that he or she bears No Significant Fault or Negligence, then the period of ineligibility may be reduced, but the reduced period of ineligibility may not be less than one-half of the minimum period of ineligibility*

*otherwise applicable. If the otherwise applicable period of ineligibility is a lifetime, the reduced period under this section may be no less than 8 years. When a Prohibited Substance or its Markers or Metabolites is detected in a Player's Specimen in violation of Regulation 21.2.1 (presence of Prohibited Substance), the Player must also establish how the Prohibited substance entered his or her system in order to have the period of ineligibility reduced.*

19. Thus, under paragraph (a), if a player can establish he “*bears no fault or negligence for the violation*” and can establish how the prohibited substance entered his system, the period of ineligibility can be eliminated. Under paragraph (b) where there is no significant fault or negligence on the part of the player then the period of ineligibility may be reduced to a period of not less than one half of the minimum period of ineligibility.
20. Both these provisions require the player to establish how the prohibited substance entered his system and in this respect the BJC is satisfied that the player has discharged that burden by establishing, on a balance of probabilities (refer Regulation 21.3.1) that the prohibited substance entered his system as a result of injections.
21. Regulation 21.22.1 provides that before a period of ineligibility is imposed, the player shall have the opportunity of establishing the basis for eliminating or reducing the sanction as provided in Regulation 21.22.4. Again, the standard of proof required shall be on a balance of probabilities (refer Regulation 21.3.1).
22. During the hearing, the BJC gave both the player and Dr Ali the opportunity of considering whether they wished to submit any further evidence in support of the player's case. In this regard, it was specifically pointed out to them that the additional evidence may not necessarily be restricted to documentary evidence. However, the BJC was advised that it was not intended to tender any additional evidence and they confirmed that their case rested on the basis of the evidential material and submissions that had been provided to the BJC.
23. The IRB was then provided with the opportunity of responding to the additional matters that had been raised during the course of the oral hearing. Essentially Mrs Ahern submitted that the player had failed to prove on a balance of

probabilities that there was any basis for eliminating or reducing the mandatory sanction. Thus, given the anti-doping violation, the BJC had no alternative but to impose the mandatory sanction of two years suspension, effective from the 12<sup>th</sup> December 2007.

24. The BJC upholds the IRB's submission. For the following reasons the BJC has serious reservations as to the credibility of the player's account.

- As noted at paragraph 9 there appear to be serious deficiencies with regard to the copy certificate that has been provided to the BJC for it to have any probative value.
- Other than the "certificate", there is no corroborative or other evidence supporting the player's account. In particular, bearing in mind that the player has the burden of establishing the basis for the elimination or reduction of the sanction, the BJC notes there was no supporting evidence from the doctor confirming the matters referred to in paragraph 9.
- According to the player he consulted the doctor for "*general weakness*". At the hearing he explained this condition further by stating that following his recent marriage, he was experiencing sexual problems. The BJC is unable to accept that the medical general practitioner in these circumstances "*accidentally*" (as the player put it) injected him with 19-norandrosterone for this condition.
- The positive effects of Nandrolone include muscle growth, appetite stimulation, increased blood cell production and bone intensity. Clinical studies have also shown it to be effective in treating anaemia, osteoporosis, some forms of neoplasia including breast cancer and also acts as a progestin-based contraceptive. None of these are consistent with the player's condition for which he stated he needed medical treatment.

25. In summary the BJC finds the player's account that a doctor accidentally injected the player with the banned substance to be implausible and it follows the BJC is not satisfied that the player has established that the mandatory sanction should either be eliminated or reduced.

#### **Decision**

26. For the reasons outlined, the sanction imposed for this anti-doping rule violation is a period of ineligibility of two years commencing from the 12<sup>th</sup> December 2007

(the date upon which the player's provisional suspension commenced) and concluding (but inclusive of) the 12<sup>th</sup> December 2009.

### **Costs**

27. The BJC provisionally considers that there should be no orders for costs but if either of the parties wishes us to exercise our discretion in relation to costs pursuant to Regulation 21.21.9, written submissions should be provided to the BJC via Mr Ricketts by 17.00 Dublin time on the 25<sup>th</sup> March 2008, with any responding written submissions to be provided by no later than 17.00 Dublin time on the 15<sup>th</sup> April 2008.

### **Review**

28. This decision is final, subject to referral to a Post Hearing Review Body (Regulation 21.24.1) and an appeal to the Court of Arbitration for Sport (Regulation 21.27). In this regard attention is also directed to Regulation 21.24.2 which sets out the process for referral to a Post Hearing Review Body, including the time limit within which the process must be initiated.

13<sup>th</sup> March 2008

Tim Gresson (for an on behalf of the Board Judicial Committee)  
Dr Ismail Jakoet  
Dr Ichiro Kono

96091/19 - Decision