

SAIDS

In the matter of Giovanni Joseph

Disciplinary Committee	Adv J Lubbe SC (Chairman) Prof D Hendriks Dr D van Tonder
Player	Giovanni Joseph
Prosecutor	Adv N Kock
For Hockey SA	Mr. F van der Watt
Date of hearing	13 December 2011
Place of hearing	Bloemfontein

[1] Introduction

Giovanni Joseph (the Player) 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). According to a report received from the accredited laboratory of the Free State University dated 8 September 2011 and signed by Dr PJ van der Merwe, the Player tested positive for a metabolite of cannabis. The concentration was 60ng/ml which is above the WADA DL of 18ng/ml.

[2] Pre-hearing

Although there is no specific provision in the rules to convene a pre-hearing meeting, Article 8.4.1 read with Article 8.4.11 can be interpreted to make provision for such a procedure. The Chairman had a telephonic pre-hearing meeting with the Player on Friday 9 December 2011. The Player advised the Chairman that he decided not to make use of a lawyer and that he had no objection to the pre-hearing meeting. He advised the Chairman that he had received the documentation from SAIDS, including the report signed by Dr. van der Merwe and that he concurs with the contents thereof. He further advised that he will attend the hearing in person in Bloemfontein on Tuesday 13 December 2011 and that he intends to plead guilty.

[3] Hearing

At the commencement of the hearing the Player was asked to confirm the facts recorded at the pre-hearing which he did. He pleaded guilty to the charge. As the Player was unrepresented, the procedure was fully explained to him.

The Player decided to testify and give an explanation for the positive test result. The Player is 22 years old and matriculated from the Northern Cape High School in 2008. In 2009 he joined the Eastern Province Cricket Academy at the Nelson Mandela Metropolitan University and enrolled for a management course. He played Hockey for Eastern Province in 2009 and 2010. In 2011 he moved to Free State University and played provincial hockey for Free State. He has also represented SA under 21 in hockey.

According to the Player he went through a period of stress as his grandfather and father passed away in the same month, while and his mother was diagnosed with cancer soon thereafter. During this period he smoked cannabis with friends. Prior to this he used cannabis when he was at school. His mother sent him for counseling then and he overcame the problem. He did not make use of cannabis until the last incident. He is not addicted to cannabis and is not a regular user. The Player confirmed that he had been exposed to anti-doping education by his federation. He is, however, a first-time doping offender and regrets his indiscretion.

[4] Submissions

Mr. Kock submitted that the Player should be suspended for a period of four months taking into account the particular facts of this case and that the period of provisional suspension should be taken into account. That converts into a period of suspension from 28 September up to and including 27 January 2012.

The Player had no objection to the period of suspension suggested by Mr. de Kock

[5] Finding

The Tribunal is comfortably satisfied with the evidence that the Player has established how the said substance entered his body and that Article 10.4 of the SAIDS Rules can be applied.

The period of suspension proposed by Mr. de Kock is also in line with decisions dealing with first-time offenders making use of cannabis in similar circumstances.

The Player is a young man, a first offender who has fully cooperated and has shown remorse.

[6] Conclusion

For the reasons set out above:

- 8.1 an anti-doping rule violation has been established;
- 8.2 the Player shall be subjected to a period of ineligibility from 28 September 2011 up to and including 27 January 2012 from all sports.

The player was advised about the the serious implications of possible future transgressions and encouraged to make the best use of his abundant talents to supplement his less-than-satisfactory career prospects.

ADV J LUBBE SC

For and on behalf of the Committee.