

SAIDS

DISCIPLINARY HEARING

DISCIPLINARY PANEL	ADV J LUBBE SC (CHAIR)
	DR C THERON
	PROF D HENDRICKS
ATHLETE	KAGISHO KUMBANE
LEGAL REPRESENTATIVE	K MOULD
PROSECUTOR	ADV N KOCK
PLACE OF HEARING	BLOEMFONTEIN
DATE OF HEARING	20 JUNE 2012

- [1] Kagisho Kumbane (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 25 February 2012 the Athlete provided a urine sample during an in-competition test. Upon analysis it was found that the sample contained a prohibited substance, namely 19-Norandrosterone and 19-Noreticholanolone, metabolites and/or precursors of the Anabolic Agent Nandrolone. Nandrolone is categorized under Class S1, Anabolic Agents, in specific 1 (a), Exogenous Anabolic Androgenic Steroids on the World Anti-Doping Code 2012 Prohibited List International Standard.
- [3] At the start of the hearing Mr. Mould on behalf of the Athlete informed the panel that the Athlete pleads guilty and admits the correctness of the sample analysis of the Athlete's A sample as recorded in the report submitted by Dr. PJ van der Merwe dated 8 March 2012 and marked Exhibit C in the documentation submitted to the panel. He further submitted that the Athlete will give evidence to the fact that he had taken a supplement purchased from a reliable source with no intention to enhance his performance and that the possibility exists that the supplement was contaminated.
- [4] The Athlete testified as follows. He is a student at Free State University in Human Movement Science. He has been making use of supplements since the age of sixteen. He is sprinter and has competed at national level since school. He has been educated in the danger of the use of prohibited substances and has been tested in and out of competition many times in the past. The supplement he used before the test is a supplement he has used for the first time as his regular supplement was not available from his supplier. On advice from a fellow sprinter he purchased

the supplement from a person known to him only as Gert. The person Gert was phoned by his fellow sprinter and he placed his order which was delivered to him by Gert. He did not consult anybody on the safety of the product. After he tested positive he investigated the possible source of the prohibited substance found in his urine by consulting his doctor but concluded that the only possible source was the supplement purchased from Gert.

[5] Mr. Mould correctly conceded that he cannot rely on Article 10.4 or 10.5.1 of the said Rules. He submitted that in terms of Article 10.5.2 of the said Rules there was no significant fault or negligence by the Athlete.

[6] The submission is rejected. The Athlete, an experienced and educated person, acted recklessly to say the least, by purchasing supplements from an unknown source and without consulting anybody regarding the safe use of the supplement. The submission that the said supplement is the probable cause of the prohibited substance found in his urine is mere speculation.

[7] On the evidence it is clear that an anti-doping rule violation has been established and that there is no basis to apply Article 10.5.2 to reduce the prescribed sanction of two (2) years ineligibility. The Athlete is a first offender.

[8] 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 15 March 2012 up to and including 14 March 2014.

J Lubbe SC

For and on behalf of the Panel

