

On Tuesday, 7 May 2013, a hearing of the Tribunal of the National Olympic and Sport Association of Iceland (ISI) was opened by Sigurdur I. Halldórsson in the ISI Court at Sudurlandsbraut 8, Reykjavik, in

Case No. 3/2013.

ISI Anti-Doping Committee (“the Committee”)

v.

Ómar Örn Sævarsson (“the Player”)

the Tribunal pronounces the following

JUDGMENT

I

The present case was initiated by a charge issued by the ISI Anti-Doping Committee dated 17 March 2013 and received by the ISI Secretariat on 18 March 2013.

The accused Player is Ómar Örn Sævarsson, ID No. 230182-5749, of Norðurvör 4, Grindavík, a registered member of the Basketball Division of UMF Grindavík [UMFG].

Committee's request to the Tribunal:

The Committee calls on the ISI Tribunal to impose on the Player a sanction of six months, beginning as of the start of the provisional suspension imposed on 8 March 2013, during which period the Player shall be ineligible to participate in any activities conducted under the auspices of the ISI, its member associations or clubs or divisions within such clubs.

Sigurdur I. Halldórsson, judge of the ISI Tribunal, received this case for process on the same day that the charges were received by the ISI Secretariat. By a letter dated last 20 March the Player was invited to submit his views / mount a defence in respect of the charges by means of a statement to the Tribunal.

A statement was received from the Player and the board of directors of the Basketball Division of UMFG last 4 April.

By a letter dated last 4 April, the ISI Anti-Doping Committee was granted time until last 11 April to comment on the statement submitted by the Player and the board of directors of the UMFG Basketball Division.

Comments were received from the ISI Anti-Doping Committee last 11 April. By a letter dated last 11 April, the Player was granted an extension until last 17 April to submit further comments on the letter from the ISI Anti-Doping Committee. No further comments were received from the Player.

At the first hearing of the case, last 29 April, the following documents were submitted.

No. 1 Anti-Doping Committee's charges, dated 17/03/2013.

No. 2 Copy of the report of the ISI Doping Control Committee on the case, dated 12/03/2013.

No. 3 Copy of Doping Control Form No. 003258 regarding the doping test in question.

No. 4 Copy of the findings of an analysis of an A-sample, from Huddinge Universitetssjukhus in Sweden, dated 04/03/2013.

No. 5 A copy of the players' roster of the UMFG Basketball Division for the year 2013-2013.

No. 6 Copies of statements made by the Player regarding the results of an analysis of an A-Sample, dated 08/03/2013.

No. 7 A list published by WADA on banned substances and methods in effect for ISI in 2013.

No. 8 Letter from the ISI Tribunal to the Player, dated 20/03/2013.

No. 9 Comments of the Player and the board of directors of UMFG, dated 04/04/2013.

No. 10 Letter from the ISI Tribunal to the ISI Anti-Doping Committee, dated 20/03/2013.

No. 11 Comments from the ISI Anti-Doping Committee, dated 11/04/2013.

No. 12 Letter from the ISI Tribunal to the Player, dated 11/04/2013.

II

The particulars of the case described in the letter of charges are that the Player is a member of the UMFG Basketball Division, as

evidenced by the attached copy of players' list in the year 2012-2013.

On 16 February 2013 the Player was summoned to a doping test following the cup final of the Icelandic Basketball Association in Laugardalshöll. The Player underwent the test and provided urine samples (A and B samples) which were sent for analysis to the Huddinge Universitetssjukhus in Sweden.

The results of analysis of the A sample were received by the ISI Doping Control Committee last 4 March, and the results showed that the sample contained the stimulant Methylhexanamine (also known as DMAA and 1.3 Dimethylamylamine), which is included in Class S6b in the WADA list of prohibited substances ("WADA Prohibited List"). The concentration of Methylhexanamine in the urine sample was 1073ng/ml. The threshold limit of the substance is 100ng/ml.

The Player was informed of the findings of the analysis of the A-sample by telephone on last 06.03 and at the taking of evidence on last 08.03.

The Player was invited to have the B-sample analysed in confirmation of the findings of the A-sample.

The Player did not request analysis of his B-sample. In other respects reference is made to the attached report of the ISI Doping Control Committee as regards particulars.

III

In support of its charges the Committee notes that under Section 4.1.1 of the ISI Doping Code, the WADA Prohibited List is in effect within ISI and applies, *inter alia*, to all registered members of clubs affiliated with federations within ISI, as provided in Section 1.2.1. According to Section 2 of the ISI Doping Code, doping is prohibited and a violation is deemed to have occurred, *inter alia*, if a substance which is banned under the WADA Prohibited List, any metabolites of a banned substance or any other substances that indicate the presence of a banned substance are found in a sample given by an athlete in the course of doping control (Section 2.1). With reference to the description of particulars and submitted evidence, it is the opinion of the ISI Anti-Doping Committee that the Player, by his conduct, was guilty of doping.

As regards sanctions imposed on the Player, the Committee notes that pursuant to Sections 10.2 and 10.4 of the ISI Doping Code the minimum

punishment for a first offence is a reprimand with no loss of eligibility, while the maximum punishment is two years' ineligibility; in the opinion of the Committee this section applies in the present case. With reference to precedents of recent years, the Committee is of the opinion that 6 months' ineligibility is a reasonable sanction.

IV

The comments submitted by the Player and the board of directors of the UMFG Basketball Division reveal that the board regrets the occurrence of this event and that the board does not condone the use by players of prohibited substances, which should be punished. However, in the case of the Player in the present case there was no question of intent and the Player has always been a role model on and off the court. The board also notes its belief that the Player's account that he took two sips containing the substance in question from one of his team-mates is the truth. With reference to the above, it is requested that the Player should only be reprimanded with no loss of eligibility.

V.

It is undisputed that the Player, by his conduct, was guilty of doping, thereby violating the provisions of the ISI Doping Code.

It is the duty of the Tribunal to decide on sanctions in cases that are brought before the Tribunal. Requests made by the Anti Doping Committee are therefore not binding for the Tribunal, but should be taken into account in deciding sanctions.

The reasoning submitted by the Committee included the following: "*The result (of the sampling) came as a surprise to the Player when he was first notified. In the course of testimony, however, the Player reported that he had accepted two sips of a drink prepared for him by one of his team-mates.*" The description of the particulars submitted by the Committee also includes the following: "*According to information from an expert at the laboratory where the sample was analysed the concentration of the substance in the Player's sample was quite high, at ten times the threshold limit.*"

With reference to the fact, *inter alia*, that the concentration of the banned substance was ten times the threshold limit a reprimand alone cannot be regarded as an adequate sanction.

Nothing has emerged in the case which gives the Tribunal reason not to exercise the provisions of Sections 10.2 and 10.4 of the ISI Doping Code in deciding its sanctions.

With reference to the above, the Tribunal accepts the Committee's request to impose on the Player a sanction of six months, beginning as of the start of the provisional suspension imposed on 8 March 2013, during which period the Player will be ineligible to participate in any activities conducted under the auspices of the ISI, its member associations or clubs or divisions within such clubs.

This judgment was pronounced by Sigurdur I. Halldóttsson, judge at the ISI Tribunal. The ISI Secretariat will notify the Player of the judgment.

DECISION

A period of 6 months' ineligibility for participation in any activity conducted under the auspices of ISI, its associations or clubs or divisions within the clubs is imposed on the Player, Ómar Örn Sævarsson, as of 8 March 2013.

Sigurður I. Halldórsson
[Sign.]

All judgments and rulings of the ISI tribunal may be appealed to the ISI Court of Appeals. The time limit for referral to the ISI Court of Appeals is one week from the time that the decision in a case is known to the party in question, but no later than 4 weeks from the decision of the tribunal of lower instance.