

- 1.) MFA 2015 Malta Football Association vs Larson Mallia (18 August 2015)
- 2.) MFA 2015 Larson Mallia vs Malta Football Association - Appeal (19 September 2015)



# MALTA FOOTBALL ASSOCIATION

PATRON: HE Dr. Marie Louise Coleiro Preca, The President of Malta.

## THE CONTROL AND DISCIPLINARY BOARD.

18<sup>th</sup> August 2015

Larson Mallia

[...]

Mr Mallia  
Mr Secretary

St George's FC u Larson Mallia

The Board:

After the board analysed all the exhibited documents including the declaration where it was agreed that this case is to be decided according to the new rules of WADA (2015);

After the Board heard

The statements of Dr Attard and Larson Mallia

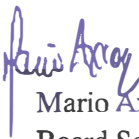
Final verbal submission of Dr Adrian Camilleri and Dr Keith Borg

After the Board took into consideration all of the evidence, it resulted that;

1. There is no doubt that the player Larson Mallia made use of cocaine;
2. Effectively this was evidenced in the tests as shown by Dr Attard in his statement as well as from the admission of the player himself;
3. It appears that there is no evidence that proves that the person made use of the substance as a "*performance enhancement*".
4. The player stated that he made use of the said drug about three days prior to the match socially. He also stated that it was his first time.
5. The Board is of the opinion that the Club was in no way involved in the matter in question.

Therefore the Board:

1. Finds the player Larson Mallia guilty of the charges brought against him;
2. As a punishment the Board decides that due to the circumstances mentioned above, the player is to be suspended for an overall and reduced period of two years from all football activities, and which period is to start from when the player was first suspended therefore from the 4<sup>th</sup> of May 2015 to 3<sup>rd</sup> May 2017. The Board also determines that there is no circumstances which warrant a further reduction.
3. Orders, that for the safeguard of the players reputation and position this decision is not to be broadcasted publicly until the case is closed definitely and this according to Article 14.3 of the WADA 2015 regulations.



Mario Axiaq  
Board Secretary

Cc. St George's FC



**Appell mressaq minn Larson Mallia kontra d-decizjoni mehuda mill-*Control and Disciplinary Board* datata t-Tlieta, 18 ta' Awissu, 2015, li permezz taghha huwa gie sospiz (temporanjament) ghall-perijodu ta' Sentejn**

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Il-Bord zamm Seduta nhar il-Gimgha, 11 ta' Settembru, 2015.

Prezenti l-Avukat Keith A. Borg li deher ghall-appellant li minn naha tieghu ghalkemm formalment infurmat bis-seduta permess ata' ittra datata 31 ta' Awissu 2015 ma deherx.

L-Avukat Dottor Adrian Camilleri ghall-MFA ma setax ikun prezenti u kien skuzat.

Il-Bord

Ra' l-Appell ta' Larson Mallia li ghalkemm data til-Gimgha, 28 ta' Awissu, 2015 gie fil-fatt intavolat gurnata qabel u cjoe l-Hamis, 27 ta' Awissu, 2015.

Ra' d-Decizjonital-*Control and Disciplinary Board* datata t-Tlieta, 18 ta' Awissu, 2015 li biha l-Appellant wara li gie misjub hati tal-akkuza migjuba kontra tieghu gie sospiz ghall-perijodu ridott ta' sentejn (2) minn kull attivita' tal-futbol, liema perijodu beda jiddekorri mill-4 ta' Mejju, 2015 u jintemm fit-3 ta' Mejju, 2017.

L-Avukat Borg ghall-Appellant qal li ma hemmx dubju u mhux kontestat illi f'dan il-kaz dak li sehha huwa finalment kollu tort tal-player, izda fid-dawl tal-fatti huwa invoka lill-Bord li jimmodifika l-piena erogata billi jimponi piena anqas harxa. Huwa qal li dik tal-Appellant ma kienet xejn aktar minn '*bravata bigtime*' rizultat ta' cirkustanzi li sfortunatment f'dawn l-ahhar zmienijiet b'xi mod jew iehor kienu qed jefettwaw zghazagh negattivament. Huwa invita lill-Bord jikkunsidra l-ghemil tal-Appellant bhala wiehed '*fieragh aktar minn doluz u bhala zball aktar minn abbuz*'. L-Appellant li ammetta t-tort tieghu kmieni quddiem il-*Medical Committee* u kkonferma l-istess tort quddiem il-*Control and Disciplinary Board* ma kienx ha l-kokaina bhala '*performance enhancer*' u ghalhekk ma kellux l-intenzjoni ta' *cheating* kif kontemplat fir-Regoli tal-WADA 2015. Huwa sostna li l-piena kienet harxa wisq fl' isfond tac-cirkostanzi u d-*degree of fault* tal-Appellant "kien biss li f'mument partikolari ma gharafx l-ghemil tieghu x'konsegwenzi kien sejjer ikollu fuq hajtu". Fi kliem iehor kien hemm nuqqas ta' gudizzju.

Fil-kunsiderazzjonijiet tieghu tal-fatti u c-cirkostanzi kollha l-Bord nonostante l-punti sollevati mill-abbli difensur tal-Appellant, ma jistax jaqbel mat-talba tad-difiza ghal-riduzzjoni tal-piena emessa mill- *Control and Disciplinary Board*.

L-Artiklu 2.1.1 tal-WADA 2015 jispecifica kjarament illi huwa d-dover **personali** ta' kull atleta li jassigura li "*no Prohibited Substance enters his or her body*" u li ghalhekk l-Atleti huma responsabbli ghal dak li jinstab fil-kampjuni (Samples). L-istess Artiklu jkompli li konsegwentement "*it is not necessary that intent, fault, negligence or knowing use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1*".

Fil-kaz in ezami meta konfrontat bir-rizultat tat-tes tmehud minn Dottor Attard u mix-xhieda sussegwenti tal-istess Dr.Attard, l-Appellant ma kellux alternattiva ohra hlief li jammetti quddiem il-*Medical Committee* (u wara logikament anki quddiem il-*Control and Disciplinary Board*) li hu kien ha l-kokaina (kif qal hu 'socialment') xi tlett tijjem qabel il-partita.

Anki jekk l-Appellant jghid li din kienet l-ewwel darba li ha l-kokaina (u l-Bord warrab dubji ragjonevoli f'dan ir-rigward u kien propens li jaghtih u tah l-beneficcju tad-dubju), l-Bord ma jistax jaqbel li vjolazzjoni simili ta' regola tal-*"anti-doping"* tista b'xi mod tigi definita bhala *'bravata'*, iktar u iktar li ma hemm xejn u l-ebda cirkostanza li tindika u tiggustifika din id-definizzjoni. Din l-azzjoni ma kienetx xi "stunt" jew *"act of bravado"* fis-sens tal-kelma. L-agir tal-Appellant kien wiehed intenzjonat u volut u hu kien jaf li qed jikser r-regolamenti *inmerito*. Oltre pju dan l-agir fl-ahjar ipotezi kien skunsiderat, certament zball volut fil-mod ta' kif wiehed ghandu igib ruhhu (anki u partikolarment socialment) u ghalhekk abbuz lampanti.

Huwa veru li fid-dinja ta' llum hafna zghazagh jaqghu fit-trappola tad-droga, pero'huwa veru wkoll illi l-istra grande maggjoranza taz-zghazagh ma jaqghux. Sfortunatament ghalih l-Appellant ma huwiex wiehed minn dawn tal-ahhar. Kif huwa naturali abbuzi simili jgibu l-konsegwenzi tagghom. F'dan il-kaz l-Appellant qed jappella ghal-klemenza u jikkontendi li *"piena ta' sentejn ser tfisser waqfa prematura fil-karriera ta' player ferm promettenti"*. Il-Bord filwaqt li jaccetta li dan jista jkun jew jista ma jkunx il-kaz, jemmen illi anki kieku ghal grazzja tal-argument kellu verament jkun il-kaz, din l-konsegwenza possibiltarja ma hijiex raguni valida sabiex tiggustifika tnaqqis fil-piena. Il-Bord jemmen li fic-cirkostanzi l-piena mhux biss ma hijiex harxa, izda taghmel ghal-kaz. Id-*degree of fault* tal-Appellant hija tali li fl-opinjoni tal-Bord ma tiggustifikax riduzzjoni fil-piena applikata.

In vista ta' dan ghalhekk il-Bord jichad l-Appell u

- (1) Jikkonferma d-decizjoni tal-*Control and Disciplinary Board* tat- 18 ta' Awissu, 2015, fejn l-Appellant gie sospiz ghal-perijodu ridott ta' sentejn minn kull attivita' tal-futbol, liema perijodu beda jiddekorri minn meta l-player gie sospiz temporanjament u cjoe mill-4 ta' Mejju 2015 u jiskadi fit-3 ta' Mejju, 2017 u
- (2) Jordna illi din d-Decizjoni tigi komunikata lill-Awtoritajiet kompetenti sabiex dawn isegwu l-prassi uzata f'kazi simili u jagixxu ai termini tal-Artiklu 14.3 tar-Regoli tal-WADA 2015.

Id-depozita ta' mitejn u ghoxrin euro (EURO120).jintilef favur l-M.F.A.

Illum, 19 ta' Settembru, 2015.

..... Dr. Ronald D. Cuschieri (Chairman)

..... Is-Sur Victor Scicluna (Membru)

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