

DISCIPLINARY HEARING

IN THE INDEPENDENT DOPING HEARING PANEL

established in terms of rule 8.1 of the Anti-Doping Rules made under
the South African Institute for Drug-Free Sport Act, 1997 (Act 14 of 1997)

HELD ON 8 DECEMBER 2016

AT THE HOLIDAY INN EXPRESS JOHANNESBURG-ROSEBANK

In the matter of:

South African Institute for Drug-Free Sport Complainant

and

Daniel le Grange Respondent

Case number SAIDS/2016/28/P

Before

Prof Steve Cornelius
Dr Sello Motaung
Prof Yoga Coopoo

Chairperson
Panel Member
Panel Member

RULING

1. The Complainant was represented by Mr Farai Razano, who acted as the Prosecutor in this matter.
2. The Respondent was present in person and he was assisted by Mr Carnie van der Linde of the Tuks Dojo.

Facts

3. The following facts were common cause:

3.1 The Respondent is a judoka who has been participating at international level in judo for around thirteen years.

3.2 On 17 March 2015, an Independent Doping Hearing Panel found the Respondent guilty of an anti-doping rules violation and imposed a sanction of ineligibility for a period of two years, effective from 19 February 2015 (*SAIDS v Daniel le Grange* Case no SAIDS/2014/28). The two-year period of ineligibility would have run its course on 18 February 2017.

3.3 Around 7 June 2016, the complainant received anonymous information that the respondent had allegedly trained at the TuksJudo dojo with other judoka who were at the time registered with Judo South Africa. There were photographs that appeared to show the Respondent engaged in such training.

3.4 The TuksJudo dojo is affiliated to the Gauteng North Judo Association, which in turn is affiliated to Judo South Africa. Section 23 of the Judo South Africa Constitution provides that all members of Judo South Africa is subject to the anti-doping policies of the South African Sports Confederation and Olympic Committee.

4. The Respondent gave the following explanation which was not contested by the Complainant.

4.1 The Respondent has taken care to abide by the terms of his suspension. To this end he joined a Virgin Active public gym to ensure that he could continue training without violating the terms of his suspension. The respondent is also very passionate about Judo and has, during his time of suspension, regularly gone to watch Judo competitions and training. The latter he did in part because his fiancé has also taken up Judo and in part to study the techniques of other judoka.

4.2 On 7 June 2016 the Respondent had, as per his custom, gone to watch other judoka train. While he was there, another judoka, Mr Zak Piontek arrived with a photographer as he wished to take some photographs of himself engaged in Judo. The judoka training at the time were all in much lower weight divisions than Mr Piontek and were therefore physically a mismatch for Mr Piontek. Because the respondent was the closest physical match for Mr Piontek, the respondent agreed at the spur of the moment to take part in the photo shoot.

4.3 The respondent explained that his fiancé's judo kit were in the back of his car and since she wears only one size smaller than the respondent, he was able to wear her judo kit for the photo shoot. The photographs were all posed shots and the respondent did not actually engage in any training with Mr Piontek or any other judoka.

Rules applicable

5.1 In terms of rule 10.11.1 of the South African Institute for Drug-free Sport Anti-Doping Rules, an athlete who has been declared ineligible may, during the period of ineligibility, not participate in any capacity in a competition or activity authorised or organised by, *inter alia*, any club or member organisation of a signatory to the of the Anti-Doping Rules. However, in terms of rule 10.11.2, an athlete may return to training at the facilities of a club during the last two months of ineligibility.

5.2 Rule 10.11.3 of the Anti-Doping Rules provides, *inter alia*, that where an athlete violates the prohibition against participation during the period of ineligibility, a new period of ineligibility equal in length to the original period of ineligibility, shall be added to the end of the original period of ineligibility. The new period of ineligibility may be adjusted based on the athlete's degree of fault and other circumstances of the case.

Anti-doping rules violation

6. The Respondent did not dispute that he acted in violation of rule 10.11.3 of the Anti-Doping Rules and the Panel consequently finds the Respondent guilty of an Anti-Doping Rules violation.

Appropriate Sanction

7.1 In terms of rule 10.11.3 of the Anti-Doping Rules, read with the ruling in *SAIDS v Daniel le Grange* (Case no SAIDS/2014/28), a new period of ineligibility of two years must be added to the end of the original period of ineligibility, unless the new period of ineligibility may be adjusted based on the athlete's degree of fault and other circumstances of the case.

7.2 The Panel finds that the Respondent acted in the spur of the moment and showed poor judgment rather than a premeditated wilful disregard for the period of ineligibility imposed on him. As a result, the Panel is of the opinion that the new period of ineligibility should be reduced to reflect the Respondent's lesser degree of fault.

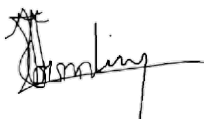
7.3 In addition, the Panel considered the following circumstances of the case which were either common cause or not disputed by the Complainant:

- a) The violation did not involve participation or an attempt to participate in a judo competition.
- b) On the date in question, the Respondent did not in fact train at the facilities of the TuksJudo dojo.
- c) The Respondent merely participated in a photoshoot involving posed photographs.
- d) The Respondent never disputed that he acted in violation of rule 10.11.3 of the Anti-Doping Rules and at all relevant times cooperated with the South African Institute for Drug-free Sport and this Panel.

The Panel is of the view that these circumstances are further justification to reduce the new period of ineligibility to be imposed on the Respondent.

7.4 Mr Razano submitted on behalf of the Complainant that it would be appropriate to impose a new period of ineligibility of one month on the Respondent and, after careful consideration of the facts, the Panel finds no reason to deviate from this submission.

7.5 Therefore, the Panel rules that in terms of rule 10.11.3 of the Anti-Doping Rules, a new period of ineligibility of one month must be added to the end of the original period of ineligibility imposed on the Respondent in the matter of *SAIDS v Daniel le Grange* (Case no SAIDS/2014/28). The new period of ineligibility will commence on 19 February 2017.



Prof Steve Cornelius
Chairperson



Dr Sello Motaung
Panel Member



Prof Yoga
Panel Member

Johannesburg
8 December 2016