

IN THE MATTER BETWEEN:-

SOUTH AFRICAN INSTITUTE FOR DRUG-FREE SPORT

AND

MR PETER NYIDE

JUDGMENT

This matter served before the Tribunal comprised of S Nkanunu (chairperson); Dr Deon-Jaques Pieterse and W Domingo. SAIDS was represented by Ms Ayanda Majozi

The athlete appeared on his own and when asked whether he needed either a code official or lawyer or both, stated that he would conduct his own defence

In our pre-hearing, we pondered over the result of testing as we could not find any prohibited substance in all the ingested substances the athlete indicated.

He was tested for doping in a martial arts competition on the 3rd October 2015

He admitted all communication from SAIDS and the result of the urine test.

The athlete, in his evidence and exhibits of substances brought a sample of waterfall and Adco-Retic. The latter sample was acquired on date of hearing which he claimed to have used, according to him, two or three days before the competition. This substance cleared our concern on the test result.

He was evasive on his explanation as to why he did not disclose same in his letter dated 8th December 2015. This clearly convinced the Tribunal that the athlete knew a lot about prohibited substances or its metabolites or maskers and the adverse analytical finding.

Further, he acquired and ingested the Adco – Retic as a masking substance to ameliorate the likely adverse analytical findings but to his surprise, at the hearing, discovered it contained prohibited substances.

The athlete could, in our view, possibly had benefitted if he had opted to abide by article 7.10.1 quoted fully in SAIDS notice letter dated the 24th November 2015 of the adverse analytical findings.

We found him guilty as charged.

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In mitigation of sanction the athlete merely tried to show that he had no intention to enhance his performance; has never taken banned substances; has been fighting for a long time; pleaded ignorance and/or mistake.

He called witness Oberholzer who testified about his character, dedication level at which he competed, leading up to becoming a professional. He was against substance abuse and believed in more testing to keep sport clean.

Ms Majozi ably took us systematically through the provisions for sanction as set out under article 10 and urged the Tribunal to impose an appropriate sanction.

After deliberating on the sanction, the Tribunal declared the athlete ineligible for four (4) years from the 3rd October 2015.



S NKANUNU (Chairperson)