

**In the matter between:**

**SOUTH AFRICAN INSTITUTE FOR DRUG-FREE SPORT (SAIDS)**

**and**

**RAYDALL WALTERS**

**SAIDS/2016/56**

**In re: ALLEGED VIOLATION OF ANTI-DOPING RULE IN TERMS OF REGULATION 21.2.1 OF  
THE 2016 WORLD RUGBY ANTI-DOPING REGULATIONS**

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**ANTI-DOPING TRIBUNAL FINDINGS AND SANCTION**

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**A INTRODUCTION**

1. The South African Institute for Drug Free Sport (SAIDS) has responsibility and authority in respect of anti-doping measures in South Africa. Mr Raydall Walters is a rugby player who participated in a rugby union competition on 8 October 2016. For rugby players the World Rugby Anti-Doping Code, which has been adopted by the South African Rugby Union (SARU), has direct relevance and application and must be read with the Prohibited List which is promulgated by the World Anti-Doping Agency ("WADA") from time to time. Responsibility for testing and results management has been delegated by SARU to SAIDS. These proceedings are therefore governed by the South African Institute for Drug Free Sport Anti-Doping Rules 2016.
2. An Independent Doping Hearing Panel was convened by SAIDS in terms of Article 8.1 of the Anti-Doping Rules 2016 in order to determine whether, in this case, a doping violation in terms of the SAIDS Rules and as embodied in the charge set out below, was committed by Walters.
3. Walters was advised that a doping hearing would be convened for **Tuesday, 7 March 2017** to hear the charges against him. He was also advised that he was entitled to be legally represented.

4. **The Doping Hearing Panel comprised of:**  
Prof Rian Cloete, Chairperson  
Prof Yoga Coopoo, Sports Administrator Representative  
Dr Dimakatso Ramagole, Medical Doctor

## **B THE HEARING**

5. The hearing was duly convened on **Tuesday, 7 March 2017** at 17h00 at the Holiday Inn Express, the Zone, Oxford Road, Rosebank, Johannesburg, and the hearing was as far as possible conducted in an informal manner.
6. SAIDS was represented at the hearing by Michael Murphy (Prosecutor), who was charged with the duty of prosecuting Walters.
7. Walters was not represented at the hearing.
8. There were no witnesses present at the hearing for either SAIDS or Walters. The hearing proceeded in the presence of the members of the Tribunal, the Prosecutor and Walters.
9. Evidence tabled before the Tribunal consisted of:
  - 9.1 The notification of the adverse analytical finding (sample number 4012800) dated 24 November 2016;
  - 9.2 Adverse Analytical Finding;
  - 9.3 The Doping Control Form dated 8 October 2016;
  - 9.4 Analytical Test Report Urine: A sample Analysis;
  - 9.5 The Chain of Custody Form;
  - 9.6 The exchange of correspondence between Walters, SAIDS and the South African Rugby Union (SARU).

## **C THE CHARGE**

10. On 24 November 2016, Mr Raydall Walters ("Walters"), a rugby player who participated in a rugby union competition held in Brakpan on 8 October 2016, was served a written charge as follows:

*"On the 8<sup>th</sup> October 2016, you provided a urine sample (4012800) during an in-competition test. Upon analysis, the Anti-Doping Laboratory in Doha Qatar reported the presence of prohibited substances in your urine sample. The substance identified in your sample was Hydrochlorothiazide and its metabolite chlorothiazide,4-amino-6-*

*chloro-1-3-benzenedisulfonamide as well as Sibutramine and its metabolite desmethylsibutramine. These substances is categorised under **Class S.5 – Diuretics and Masking Agents and S.6 Stimulants** on the World Anti-Doping Code 2016 Prohibited List International Standard.”*

11. Walters was notified of the adverse analytical finding on 24 November 2016. He was further informed that he was entitled to have his “B” sample analysed and he should indicate this timeously.
12. This notice was also served upon SARU, World Rugby and WADA. The 1<sup>st</sup> of December 2016 was the last day for Mr Walters to request a “B” sample analysis and he failed to do so timeously. However on 25 January 2017 he then did request “another test (Sample B)” as he indicated he was not happy with the laboratory’s findings.
13. On 30 January 2017 Mr Fahmy Galant of SAIDS replied to Mr Walters setting out how the SAIDS administrative processes work. Mr Galant afforded Mr Walters a further opportunity to request a “B” sample analysis, but Mr Walters decided not to proceed with the analysis of the “B” sample and the adverse analytical finding of the “A” sample was not disputed.
14. In order to establish the anti-doping rule violation, it is necessary to set out herein Regulation 21.2.1 which read as follows:

**“21.2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete’s Sample*.**

21.2.1.1 It is each *Athlete’s* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, 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 21.2.1”

15. In order to secure a guilty verdict from the Doping Hearing Panel, the Prosecution needs to discharge the burden of proof as contemplated in Article 3.1 of the Rules [Regulation 21.3.1 of the World Rugby Anti-Doping Regulations]. It states the following:

**“3.1 Burdens and Standards of Proof**

SAIDS shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether SAIDS has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation that is made. The standard of proof in all cases is *greater than a mere balance of probability* but *less than proof beyond a reasonable doubt*.

16. A Doping Control Form (69404) was handed into evidence with test mission code 162/16 by SAIDS for the in-competition testing of Walters. This form was signed by the athlete on the 8th October 2016 acknowledging that he had read the notice, been notified of his selection and gave his consent to provide samples for anti-doping research that was presented into evidence.
17. Mr Walters declared on the Doping Control Form that on 8th October 2016 he consumed a supplement called Hellfire.
18. The Anti-Doping Laboratory in Doha Qatar reported on 3 November 2016 the presence of a prohibited substance in the urine sample (4012800) of Walters. The substance identified in his sample was *Hydrochlorothiazide* and its metabolite *chlorothiazide,4-amino-6-chloro-1-3-benzenedisulfonamide* as well as *Sibutramine* and its metabolite *desmethylsibutramine*. These substances is categorised under **Class S.5 – Diuretics and Masking Agents and S.6 Stimulants** on the World Anti-Doping Code 2016 Prohibited List International Standard. The “A” sample test results is therefore *prima facie* a contravention of Regulation 21.2 of the Anti-Doping Rules.
19. In terms of Regulation 21.3.2.2 it is presumed that WADA accredited laboratories conducted sample analysis and custodial procedures in accordance with the international standard for laboratories.
20. Mr Walters did not pursue his “B” sample analysis request, never suggested that there has been any departure from the prescribed international standard nor challenged or disputed the adverse analytical finding. He is consequently deemed under the SAIDS Anti-Doping Rules and the Regulations to have committed an Anti-Doping Rules Violation.

## **D THE VERDICT**

21. The Doping Hearing Panel is satisfied that Walters is indeed guilty of violating Regulation 21.2.1 of the 2016 World Rugby Anti-Doping Regulations as particularised in the charge sheet served on Walters on 24 November 2016.

## **E THE SANCTION**

22. The remaining question is the nature of the sanction which should be imposed in respect of the violation of Regulation 21.2.1.1 of the Rules.

23. Regulation 21.10.2 of the Rules is headed "***Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance and Prohibited Method***"

The Regulation provides that the period of *Ineligibility* shall be four (4) years where:

21.10.2.1.1 The anti-doping rule violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.

21.10.2.1.2 The anti-doping rule violation involves a Specified Substance and World Rugby can establish that the anti-doping rule violation was intentional.

21.10.2.2 If Regulation 21.10.2.1 does not apply, the period of *Ineligibility* shall be two (2) years.

21.10.2.3 ... the term intentional is meant to identify those Players who cheat. The term therefore requires that the Player or other person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.

24. The substances found to be present are prohibited substances under the 2016 Prohibited List World Anti-Doping Code and are categorised under **Class S.5 – Diuretics and Masking Agents and S.6 Stimulants** on the World Anti-Doping Code 2016 Prohibited List International Standard. The substances identified in his sample was *Hydrochlorothiazide* and its metabolite *chlorothiazide,4-amino-6-chloro-1-3-*

*bezenedisulfonamide* as well as *Sibutramine* and its metabolite *desmethyisibutramine* which are specified substances for purposes of the Anti-Doping Rules in terms of Article 4.2.2 [Regulation 21.4.2.2].

## **F REDUCTION OF THE PERIOD OF INELIGIBILITY: CONSIDERATIONS IN MITIGATION**

### **25. Regulation 21.10.5 is headed “Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence*”**

21.10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Regulation 21.2.1, 21.2.2 or 21.2.6.

21.10.5.1 Specified Substances

Where the anti-doping rule violation involves a Specified Substance, and the Athlete or other person can establish No Significant Fault or Negligence, then the period of ineligibility shall be, at the minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years of Ineligibility, depending on the Athlete’s or other Person’s degree of Fault.

26. On Walters’s own version, he admitted that he was at fault, significantly negligence and reckless by taking a supplement from one of his team mates. Walters should have and must have known that he should be more cautious and to first check that he would not fall foul of the World Rugby/SAIDS Anti-Doping Regulations.

27. Walters clearly violated the World Rugby Regulations and SAIDS Rules as the Rules are applied in terms of strict liability and he engaged in conduct which he knew constituted an anti-doping rule violation or alternatively knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. He has not exercised “the greatest vigilance” or “the utmost caution” and committed a fault. [See CAS 2006/A/1133 *WADA v Stauber & Swiss Olympic* para 37].

28. Walters knew that there was a risk, but nevertheless proceeded to take the supplement and disregarded the risk that his conduct might result in an anti-doping rule violation. He is 34 years old and a seasoned rugby player. On the evidence he clearly acted recklessly and the period of ineligibility mandated under this circumstances is four years and there is no question of any reduction.

**G DECISION**

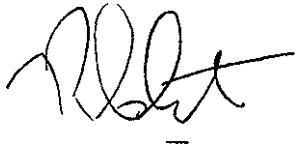
29. After due consideration, the Doping Hearing Panel hereby declares Walters **ineligible for a period of four (4) years with effect from 24 November 2016.**

30. Walters was provisionally suspended on 24 November 2016 and Regulation 21.10.11.3 which provides that the Athlete shall receive a credit for such period of provisional suspension against any period of ineligibility does apply.

**Accordingly the Doping Hearing Panel's sanction is as follows:**

*"Having found the player, Mr Raydall Walters, guilty of an Anti-Doping Rule violation in terms of Article 21.2.1 of the 2016 World Rugby Anti-Doping Regulations as particularised in the charge sheet of 24 November 2016, Walters is hereby declared ineligible to participate in any competition or other activity as contemplated in Regulation 21.10.12.1 for a period of four (4) years with effect from 24 November 2016."*

**DATED at JOHANNESBURG this 15th day of March 2017.**



**PROF RIAN CLOETE**



**PROF YOGA COOPOO**



**DR DIMAKATSO RAMAGOLE**