

31st May 2019

Barend Frederik van Staden

[...]

[...]

[...]

Dear Mr. Van Staden

CHARGES: ANTI-DOPING RULE VIOLATION: CONSEQUENCES: WRITTEN DECISION

Introduction

1. Our previous letters dated 7th May 2019 which we attach refers. The South African Institute for Drug Free Sport (SAIDS) and all participants in sport are required to act in accordance with the South African Institute for Drug Free Sport Anti-Doping Rules 2016 and World Rugby Anti-Doping Regulations (“the Rules”).
2. You have been notified of an Anti-Doping Rule Violation in terms of Article 21.2 of the Rules for the use of Metandienone and its metabolites 17-epi-metandienone and 6 β -OH-metandienone, 1 α -methyl-5 α -androstan-3 α -ol-17-one (mesterolone M1), a metabolite of Mesterolone and methasterone and its metabolite Methasterone M in respect of a sample (sample number 4416343) collected on the 18th March 2019.
3. You did not request that your B sample be analysed or dispute the adverse analytical findings but rather confirmed that you accept the anti-doping rule violation (ADRV), the consequences thereto and do no request a hearing.

BOARD MEMBERS: JUDGE L. MPATI (CHAIRPERSON), MR. G. ABRAHAMS, DR. H. ADAMS, MR. D. BAYEVER, DR. S. MANJRA, DR. M. PEENZE, DR. M. QOBOSE, MR. M. QUINN, PROF. L. SKAAL, DR. P. ZONDI, MR. K. GALANT (CEO)



4. You are consequently deemed to have waived the right to a hearing, and to have accepted the Consequences that are mandated by the Rules.¹

5. SAIDS is required, in circumstances where there is no dispute²:
 - a. to issue a written decision confirming the commission of the Anti-Doping Rule Violation and the Consequences imposed;
 - b. to set out the reasons for the period of Ineligibility imposed and (if applicable) a justification as to why the maximum period of Ineligibility was not imposed;
 - c. to send copies of the decision to other Anti-Doping Organizations, viz. South African Rugby Union (SARU), World Rugby and the World Anti-Doping Agency (WADA) with a right of appeal and to make Public Disclosure.

6. SAIDS has assessed the facts of your case, has arrived at a decision, and this letter sets out that decision and the reasons it has been arrived at.

The Anti-Doping Rule Violation

7. You have committed and are guilty of the Anti-Doping Rule Violation referred to above. In other words of the Anti-Doping Rule Violation set out in point 2.

Consequences

8. The Consequences that the Rules contemplate distinguish between Prohibited Substances that are Specified Substances and those that are not. The Consequences for the use of Prohibited Substances that are not Specified will in most instances include a four (4) year period of ineligibility. Where a substance is Specified, the player can also be ineligible for such a period if SAIDS demonstrates that the Anti-Doping Rule Violation was intentional.

9. Where SAIDS does not demonstrate intentional use then the period of ineligibility the Rules provide for is two (2) years. The period of two (2) years can be reduced in certain specified circumstances which require you to show that you bore no significant fault or negligence here.

¹ Regulation 21.7.10.1 of the Rugby Rules

² Article 7.10.3 SAIDS of the Rules

10. Due to your prompt admission in terms of Article 10.6.3 of the SAIDS Rules, SAIDS considers that in these circumstances the appropriate Consequences should be a period of *Ineligibility* of three years and nine months (3.9) years. You were provisionally suspended. In your conversation with Mrs W. Begg on the 28th of May 2019 and your letter dated 29th May 2019, you admitted to the anti-doping rule violation (ADRV), pleaded guilty to your actions, provided the origin of the prohibited substance, explained why and how you administered the prohibited substance and where you purchased it from.

11. Your period of suspension is effective as of the 7th May 2019.

12. The reasons for the imposition of these Consequences are that: -

- a. the substances in question is Metandienone and its metabolites 17-epi-metandienone and 6 β -OH-metandienone, 1 α -methyl-5 α -androstan-3 α -ol-17-one (mesterolone M1), a metabolite of Mesterolone and methasterone and its metabolite Methasterone M which is a Prohibited and Not a Specified Substance;
- b. SAIDS is not required, in the circumstances, to prove anything more than presence and no factors have been advanced by you that would suggest there is a basis for reducing the period of ineligibility and doing so would be unfairly discriminatory towards other athletes;
- c. there is no basis for SAIDS to conclude that you were not negligent in these circumstances without the matter being placed before an Independent Tribunal.

Sanction Period

13. The period of ineligibility will be applicable as of 7th May 2019 until and including 6th February 2023.

Resolution without a Hearing³

14. Although you have waived your right to a hearing you have made an early admission and are welcome to still make representations and seek assistance and guidance and consequently you are invited to consider these Consequences and decide whether you wish to be afforded a hearing to focus only on the question of the Consequences.
15. Should you elect to have a hearing on this aspect you should notify SAIDS and email me (wafeekah@suids.org.za) by no later than **13h00 on Friday , 5th June 2019** that you wish to have a hearing.
16. Should you elect to have a hearing one will be convened, and you should indicate which of the following Cities I.e. Cape Town, Bloemfontein, Port Elizabeth, East London, Durban, Johannesburg you wish your hearing to be heard in.
17. Should you **not** elect to have a hearing the Consequences will be as set out above.

Request to continue Coaching

18. I wish to direct you to Article 10.12.1. of the World Anti-Doping code. It states that an athlete will not be able to participate in any capacity in a Competition or activity authorized or organized by:

- Any signatory
- Signatory's member organization, or
- A club or other member organization of a Signatory's member organization

Or in competitions authorized or organized by

- Any professional league
- Or any international or national-level Event organization

Or any elite or national-level sporting activity funded by a government agency.

³ Rule 21.7.10.1 A Player or other person against whom an anti-doping rule violation is asserted may admit that the violation at any time, waive a hearing and/or accept the Consequences that are mandated by these Anti-Doping Rules or (where some discretion as to Consequences exist under these Anti-Doping Rules) that have been or are asserted by World Rugby. The Chairman of the Judicial Panel (appointed pursuant to Regulation 13) may appoint either a legal member of the Anti-Doping Judicial Panel set out in Regulation 21.8.2 or a Judicial Committee to review the matter on the papers and impose the Consequences as appropriate. Where the player or other person waives his right to a hearing but wishes to make submissions in relation to sanction he shall have seven days in which to make such submissions in writing. In any case World Rugby shall be entitled to make submissions in writing to the Judicial Panel or Juicial Committee as applicable.

19. That being said, you may coach as long as it is for an **organization or company that does not fit into the above categories and under no circumstances can you coach minors.**

20. Should you have any queries, please feel free to contact me.

Yours faithfully



**Wafeekah Begg
(Legal Manager)**

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