

12<sup>th</sup> February 2020

Athlete: Siminikwe Gege  
Sport Code: Rugby Union

Address: [...]  
[...]

Dear Mr. Gege

## **CHARGES AND CONSEQUENCES: ANTI-DOPING RULE VIOLATION**

### **Introduction**

1. 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.
2. You have been notified (20<sup>th</sup> September 2019) of an Anti-Doping Rule Violation in terms of Article 2.1 of the Rules for the presence of 19-Norandrosterone, **“A” sample (sample number 4455284)**.
3. SAIDS is required, in circumstances where there is no further dispute as to the adverse analytical finding<sup>1</sup>:-
  - a. To issue a written decision confirming the commission of the Anti-Doping Rule Violation and the Consequences that will be imposed should you not elect a hearing.
  - 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 Anti-Doping Organisations, 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.

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<sup>1</sup> Article Rule 7.10.3 of the Rules

4. 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**

5. 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**

6. 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 athlete can also be ineligible for such a period if SAIDS demonstrates that the Anti-Doping Rule Violation was intentional.
7. Where SAIDS does not demonstrate intentional use then the period of ineligibility under the Rules provided 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.
8. In these circumstances the appropriate Consequences without any reduction is a period of *Ineligibility* of four (4) Years for prohibited substances that are not Specified Substances. Taking into consideration your case and the facts before SAIDS, you were notified by SAIDS of your Adverse Analytical Finding on the 20<sup>th</sup> September 2019 in which you responded.
9. In the aforementioned correspondence you have, *inter alia*, confirmed the following:
  - a. That you do not dispute the adverse analytical findings to the sample;
  - b. That you provided SAIDS with a timely admission and co-operated with SAIDS;
  - c. SAIDS in the circumstances have also noted your correspondence that you have received no anti-doping education;
  - d. That you are a minor;
  - e. That you provided SAIDS with the route of ingestion, even so unable to prove origin;
  - f. You have waived your right to a hearing.
10. In this respect, you are eligible for a reduction in terms of Art. 10.6.3 and your total period of ineligibility is three (3) years nine (9) months.
11. You were provisionally suspended from 20<sup>th</sup> September 2019 the day you were notified of your adverse analytical finding.

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

- a. The substances in question in your A sample is a Prohibited Non-Specified Substances.
- 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.

### **Sanction Period**

13. The period of ineligibility will be applicable as of 20<sup>th</sup> September 2019 until and 20<sup>th</sup> June 2023.

14. You have a right to appeal this matter as per the below mentioned and the process is as follows:

- a) You must give notice of your appeal in writing to SAIDS to the SAIDS Legal Manager, Wafeekah Begg at e-mail address [wafeekah@sais.org.za](mailto:wafeekah@sais.org.za) within **21 (twenty-one) days i.e. 21 calendar days as of the date of this notice, therefore should you want to appeal, your Notice of Appeal is due by the 17:00 on the 4<sup>th</sup> March 2020;**
- b) Your notice must incorporate or be accompanied by your grounds of appeal and must include an address (email, fax number, and/or street address) for SAIDS to provide you with an invoice in respect of appeals **(the appeal fee is R1000.00);**
- c) Upon receipt of the notice and grounds SAIDS will provide you an invoice in respect of the appeal and the appeal fee must be paid and proof of payment provided to SAIDS within **seven (7) days** of the date of the invoice;
- d) The failure to comply with these procedural rules will mean the appeal will not proceed.

15. The appeal hearings may be heard in Johannesburg or Cape Town or Durban. You need to confirm with us which of the regions will be suitable for you should the appeal proceed.

16. Please acknowledge receipt of this letter.

**We wish to bring to your attention the below Article 27.3 of the World Anti-Doping Code 2021:**

### **27.3 Application to Decisions Rendered Prior to the 2021 Code**

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)



With respect to cases where a final decision finding an ADRV has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of Ineligibility as of the Effective Date, **the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the 2021 *Code***. Such application must be made before the period of *Ineligibility* has expired. The decision rendered by the *Anti-Doping Organization* may be appealed pursuant to Article 13.2. The 2021 *Code* shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

This means that you are afforded the opportunity to file an application to SAIDS by January 2021 requesting a reduction in your sanction. Depending on the merits of your case, SAIDS will consider your request at what it deems fair and reasonable. SAIDS will then seek endorsement of this reduction from WADA and World Rugby.

Yours sincerely



**Wafeekah Begg**  
**(Legal Manager)**

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I, Simnikiwe Gege accept the decision recorded as rendered by the South African Institute for Drug-Free Sport.

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_