

21st September 2020

Athlete: Tebogo Mamathu

Sport Code: Athletics

Address: [...]

[...]

[...]

Dear Ms Mamathu,

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 (21st May 2020) of an Anti-Doping Rule Violation in terms of Article 2.1 of the Rules for the presence of The analytical report received from the Laboratory confirmed the presence of Oxandrolone Metabolites, Ox M1 (17 β -hydroxymethyl-17 α -methyl-18-nor-2-oxa-5 α -androsta-13-en-3-one) and Ox M2 (17 α -hydroxymethyl-17 β -methyl-18-nor-2-oxa-5 α -androsta-13-en-3-one) in your **“A” sample (sample number 4528894)**. This letter constitutes notification of this finding and alerts you to the potential consequences under the 2019 SAIDS Anti-Doping Rules and highlights your rights and obligations as a result.

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)



3. You have opted for a B- sample analysis which also returned a positive result for the said substance. We received correspondence from you through your legal representatives and you have since been co-operative.
4. SAIDS is required, in circumstances where there is no further dispute as to the adverse analytical finding¹:
 - 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. Athletics South Africa (ASA), World Athletics (WA) and the World Anti-Doping Agency (WADA) with a right of appeal and to make Public Disclosure.
5. Pursuant to Article 14.2.1, SAIDS has assessed the facts of your case and have arrived at a decision. This correspondence sets out the decision and the reasons for it.

FACTS

6. The Athlete is a female South African national elite sprinter, who tested positive for **Oxandrolone** Metabolites, Ox M1 (17 β -hydroxymethyl-17 α -methyl-18-nor-2-oxa-5 α -androst-13-en-3-one) and Ox M2 (17 α -hydroxymethyl-17 β -methyl-18-nor-2-oxa-5 α -androst-13-en-3-one). The Athlete opted for a B- sample analysis which also returned a positive result for the said substance.
7. The Athlete has cooperated with SAIDS since the inception and/ or as soon as he received notification of the AAF. The Athlete promptly admitted the presence. The Athlete is, however, not able to prove the origin of the prohibited substance as she no longer possesses the original containers or proof of purchase of her supplements. The Athlete has allegedly spent large sums of money testing products she ingested prior to providing her urine sample, however, most of the said products are not the same product she used prior to her sampling. Importantly, the

¹ Article Rule 7.10.3 of the Rules

Athlete could not source the product from the same batch and has allegedly consumed the entire compliment of products in her custody. Thus, no further tests could be conducted to show No Significant Fault or Negligence.

8. In this respect, the Athlete was unable to explain the presence for the current aforementioned substance she tested positive for and unsuccessfully established the origin. There is also no evidence to suggest that the Athlete acted unintentionally in the circumstances as she is an international level Athlete who would have been exposed to ample anti-doping education. It is also worth taking note that our APMU in Ghent declared the Steroidal Passport as “Suspicious”, following the test conducted on 23 February 2020 – since the sample was already an AAF for Oxandrolone, we however did not proceed with the IRMS.
9. That being the case the period of ineligibility contemplated in the Rules shall be 4 years if the Athlete fails to establish that the anti-doping rule violation was not intentional. The standard of proof for non-specified substances is on a balance of probabilities.

THE ANTI-DOPING RULE VIOLATION

10. 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

11. 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.

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12. 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.

13. In these circumstances the appropriate Consequences is 4 years.

REASONS

The substances in question in your "A" and "B" sample are Prohibited Non-Specified Substances. SAIDS is not required, in the circumstances, to prove anything more than presence.

The admission was not prompt (it was timely), the seriousness of the ADRV was high and as the athlete could not prove origin, among other reasons, the degree of fault was also high. Further, in at least one of the supplements, the ingredients include traces like, "Anabolic". The Athlete is also an experienced athlete who has competed internationally and been tested before. Therefore, SAIDS cannot grant a reduction under Code Article 10.6.3.

However, we find it appropriate and applicable that timely admission (Code Art. 10.11.2) may be applied, the seriousness of the ADRV was high and as the Athlete could not prove origin, among other reasons, the degree of fault is also high. Therefore, we cannot grant a reduction under Code Article 10.6.3.

This does not warrant a reduction of any means but allows the start date of the period of ineligibility to be backdated as early as the date of sample collection, i.e. 23rd February 2020.

ADDITIONAL REMARKS

In the premise, you have confirmed the following:

- a) That you do not dispute the adverse analytical findings to the A sample;
- b) Immediately co-operated with SAIDS through mail correspondence, telephone calls as well as an admission letter through your lawyer, Barend Kellerman;

- c) You are an elite level athlete with ample anti-doping education;
- d) You have shown remorse and requested leniency from the maximum sanction that could be imposed;
- e) You have waived your right to a hearing.

SANCTION PERIOD

14. Your sanction will commence from the date of sample collection being, 23 February 2020.

15. The period of Ineligibility will be applicable as from 23rd February 2020 until the 23rd February 2024.

We trust the above is in order and request that you please acknowledge receipt of this letter.

Yours sincerely



Wafeekah Begg
(Legal Manager)