

## WORLD RUGBY

### IN THE MATTER OF AN ANTI-DOPING RULE VIOLATION BY JOSE RAMON PIÑA SANJULIAN (VENEZUELA) CONTRARY TO WORLD RUGBY REGULATION 21

#### **Before an independent Judicial Committee composed of:**

The Honourable Graeme Mew (Chairman)

Dr. Preston Wiley

Stephen Drymer

#### **Representatives of World Rugby:**

*David Casserly and Anton Sotir, Attorneys-at-Law in Lausanne, Switzerland*

### **REASONS FOR DECISION**

(Determination of an alleged anti-doping rule violation without a Hearing)

#### Overview

[1] José Ramon Piña (the “Player”) was a member of the Venezuelan National Sevens rugby union team participating in the Sudamérica Rugby Sevens Olympic Qualifier between 29-30 June 2019 held in Santiago de Chile (“the “Tournament”). This was the event by which one of ten Latin American national teams could qualify for the 2020 (now 2021) Summer Olympics in Tokyo.

[2] On 30 June 2019, the Player provided an in-competition urine sample, code number 4380059, following a match against Guatemala in the Tournament (the “Sample”).

[3] On 8 August 2019, the WADA-accredited laboratory Agence Française de Lutte contre le Dopage in Paris, France (the “Paris Laboratory”) analysed the Player’s Sample. The analysis returned an Adverse Analytical Finding (“AAF”) for endogenous anabolic androgenic steroids (Class S1.1B of the 2019 WADA Prohibited List).

[4] The analysis conducted by the Paris Laboratory made findings consistent with:

- a. Exogenous origin of Androsterone;
- b. Exogenous origin of Testosterone and at least one of the Adiol (5 $\alpha$ Adiol and/or 5 $\beta$ Adiol);
- c. Exogenous origin of Etiocholanone;
- d. Exogenous origin of 5 $\alpha$ Adiol; and
- e. Exogenous origin of 5 $\alpha$ Adiol and 5 $\beta$ Adiol.

[5] The endogenous anabolic androgenic steroids of exogenous origin detected by the Paris Laboratory in the Sample are not Specified Substances and their use is prohibited at all times.

### Procedural History

[6] A preliminary review undertaken pursuant to World Rugby Regulation 21.7.2 by Prof. David Gerrard, member of the World Rugby Anti-Doping Advisory Committee, found that there were no apparent departures from the International Standard for Testing and Investigations (“ISTI”) or the International Standard for Laboratories (“ISL”) to invalidate the AAF, resulting in the conclusion that without any valid Therapeutic Use Exemption for use of anabolic androgenic steroids by the Player an Anti-Doping Rule Violation (“ADRV”) may have been committed.

[7] On 13 August 2019, the Anti-Doping Science and Results Manager of World Rugby wrote to the Player via Federación Venezolana de Rugby (“the Union”), advising him of the Adverse Analytical Finding, that he was now Provisionally Suspended from rugby and that he had the opportunity to request his B Sample to be opened and analysed.

[8] Pursuant to World Rugby Regulation 21.8.2.1, the World Rugby Judicial Panel Chairman, Christopher Quinlan QC, appointed this Judicial Committee (“JC”) to determine the Player’s case.

[9] On 27 September 2019, the Chair of the JC issued certain directions to the parties.

[10] On 27 October 2019, the Player provided a submission to the Judicial Officer stating:

“I serve this to inform about the timeline of the hearing on the clarification of the case of misuse of the use of steroids that is being carried out towards me, in the same I hope to discuss the following points in a time not exceeding 60 chronological minutes would be:

- [REDACTED]

- Offer advice on possible strategies to apply greater monitoring on amateur rugby.

- Promote a campaign on the consequences of anabolic abuse and advice for the prevention of such uses.

- Offer a reflection on the type of reasoning used by rugby players who use and abuse prohibited substances.

- Recommend possible penalties and time ineligibility.

With nothing else to refer to and remaining at your entire disposal.”

[11] On 31 October 2019, the Chair of the JC acknowledged receipt of the Player’s submission and requested the Player, by 11 November 2019, to:

- a. Confirm whether he admits that he has committed the anti-doping rule violations that have been alleged; and
- b. If so, provide his explanation for how the anti-doping rule violations occurred (providing full details).

[12] On 8 November 2019, the Player admitted having committed the ADRV and provided the following explanation:

“In response to the point above, it is my obligation to admit that I incurred in the breach of the anti-doping rules (Regulation 21) and state the following details. This inappropriate act took place [REDACTED] on June 22, 2019, when I was injured due to a heavy blow received the previous Saturday (June 15) in a match [REDACTED]. On June 22 I [REDACTED] receive an injection of 5ml of decadurabolin, being that occasion the only time I have received prohibited substances

I have been for more than 7 years a high-performance player and the previous tests can support that testimony. I also confirm my willingness to collaborate with World Rugby and local Rugby to achieve a game free of this type of substances.

[REDACTED] I can also provide advice on possible strategies to apply a greater monitoring on amateur rugby and provide a reflection on the type of thinking that rugby players do to use and abuse prohibited substances in addition to recommending possible sanctions and ineligibility time.”

[13] Following the statement of the Player [REDACTED] the parties requested a suspension of the proceedings.

[14] On 8 December 2019, following a request made on behalf of World Rugby and the Player, the JC suspended this proceeding [REDACTED]

[REDACTED]

[16] On 24 September 2020, World Rugby requested a resumption of the proceeding and filed a Submission in support of its request for rulings that:

- a. The Player committed an anti-doping rule violation; and
- b. The Player should be sanctioned with a four-year period of Ineligibility.

[17] The Chair of the JC provided further directions on 1 October 2020, requiring, *inter alia*, that if the Player wished to provide evidence and/or make submissions in response to the Submission made by World Rugby he should do so by no later than 16 October 2020. The JC also directed that unless the Player or World Rugby requested an oral hearing, the JC would make its decision after consideration of the evidence provided to it and the parties' written submissions.

[18] No further evidence or submissions have been provided by the Player.

#### Anti-Doping Rule Violation Established

[19] An anti-doping rule violation under Regulation 21.2.1 can be established if, to the JC's comfortable satisfaction, a Prohibited Substance was present in the Player's sample.

[20] The Player underwent an in-competition doping control on 30 June 2019. The analysis of the A-Sample revealed the presence of anabolic steroids (Androsterone, Etiocholanolone, Testosterone, 5 $\alpha$ Adiol, and 5 $\beta$ Adiol) (Exhibit 2).

[21] The exogenous origin of these anabolic steroids was further confirmed in accordance with the relevant IRMS analysis. Androsterone, Etiocholanolone, Testosterone, 5 $\alpha$ Adiol, and 5 $\beta$ Adiol, are all non-specified anabolic androgenic steroids prohibited under Class S1.1b of the 2019 WADA Prohibited List.

[22] The Player subsequently admitted receiving an injection of 5 ml of Deca-Durabolin, (the brand name of nandrolone decanoate).

[23] Consequently, the Player has committed an ADRV under Regulation 21.2.1.

#### Sanction

[24] The presumptive sanction for an ADRV that does not involve a Specified Substance is four years Ineligibility<sup>1</sup> unless the Player can establish that the ADRV was not intentional: Regulation 21.10.2.1.

[25] In this case, the Player admitted that he took the prohibited substance intentionally to recover from the injury.

[26] None of the Regulations which might be engaged by a player to obtain a reduced sanction - Regulation 21.10.4 (No Fault or Negligence), Regulation 21.10.5 (No Significant Fault or Negligence), including Contaminated Products, Regulation 21.10.6 (Substantial Assistance) or Regulation 21.10.7 (Admission in the Absence of Other Evidence) - can apply in the circumstances of this case.

[27] Players are strictly liable for their use of Prohibited Substances. There are no mitigating circumstances at all. The Player cheated and was caught.

[28] There is, accordingly, no basis to divert from the presumptive sanction of four years Ineligibility.

[29] The Player is entitled to credit for the provisional suspension he has served since 13 August 2019. Accordingly, the four-year period of Ineligibility will end at 00:00 hours on 13 August 2023.

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<sup>1</sup> **Ineligibility** means the Player is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Regulation 21.10.12.1. The full text of Regulation 21.10.12 and the related commentaries should be consulted.

### Right of Appeal

[30] This decision is final, subject to referral to a Post Hearing Review Body (Regulation 21.13.8) or an appeal, where the circumstances permit, to the Court of Arbitration for Sport (Regulation 21.13.2). The regulation sets out the timelines within which any referral or appeal must be commenced.

### Costs

[31] Should World Rugby wish us to exercise our discretion in relation to costs under Regulation 21.8.2.10 or 21.8.2.11, written submissions should be provided to the JC via Mr. Ho within 10 business days of the receipt by World Rugby of this decision. The Player will then have 10 business days to respond.



**Graeme Mew**

(On Behalf of the Judicial Committee)

16 November 2020