

IN THE DISCIPLINARY HEARING OF:

SOUTH AFRICAN INSTITUTE FOR DRUG-FREE SPORT

and

ALPHONSO ADONIS

**In re: ALLEGED VIOLATION OF ANTI-DOPING RULE IN TERMS OF ARTICLE
2.1 OF THE 2009 ANTI-COPING RULES OF THE SOUTH AFRICAN
INSTITUTE FOR DRUG-FREE SPORT (“SAIDS”)**

DISCIPLINARY COMMITTEE FINDINGS AND SANCTION

A. INTRODUCTION

1. On **2 November 2011**, Mr Alphonso Adonis (“Adonis”) was served a written charge as follows:

“On 06 August 2011, you provided a urine sample (A2632235) during an in-competition test. Upon analysis, the South African Doping Control Laboratory at the University of Free State reported the presence of a prohibited substance in your urine sample. The substance identified was the Stimulant, methylhexaneamine.

*Methylhexaneamine is categorised under **Class S6. "Stimulants"**, in specific (b): **Specified Stimulants** on the World Doping Code 2011 Prohibited List International Standard".*

Adonis was advised that a disciplinary hearing would be convened for **Thursday, 24 November 2011** to hear the charges against him. He was also advised that he was entitled to be legally represented.

2. The disciplinary panel comprised: Adv N M Arendse SC, Chairperson; Mr Leon Fleischer, Sports Administrator representative; and Dr Jon Patricios. Dr Zaid Eshack observed the proceedings as a medical representative.
3. The Committee was made privy to correspondence entered into between Mr Fahmy Galant (the SAIDS Doping Control Manager) and Adonis dated **30 august 2011**, and various other e-mails (marked "**F1 – 14**" in the **bundle**).
4. The Committee wishes to indicate at the outset that in future it is not desirable to make members of the Committee privy to private correspondence entered into between an accused athlete, and SAIDS. The Committee is of the view that it should only be provided with a charge sheet, and that any other information (written or oral) furnished to it should either be by agreement between SAIDS and the athlete, or between SAIDS and/or his or her legal representative, or the code concerned.

5. Indeed, the Committee wishes to indicate that it is not desirable for SAIDS to enter into correspondence directly with an accused athlete other than to deal with purely formal issues such as for example service of the charge sheet, arrangements to be made for further or additional testing, or arrangements relating to the hearing of the matter.

6. The Committee also wishes to express a concern that it would appear that the code concerned, SA Weightlifting (“SAW”) had apparently washed their hands off the athlete who although he had tested positive, and had yet to be found to be charged and/or found guilty of violating the code. In our view, SAIDS must ensure as far as possible that all sporting codes assist athletes who test positive, alternatively, that SAIDS should ensure that those athletes who test positive are legally represented either at their own cost, or at the cost of the code concerned. The reason for this is obvious: more often than not, a positive test can ruin an athlete’s career, and spell the end of any form of participation in the code concerned. Where an athlete does nothing else but participate in the sport concerned, it could also be ruinous for the athlete in that any form of income or future income is terminated as a result. This could ruin the athlete and/or his or her family.

B. THE HEARING

7. The hearing was duly convened on **Thursday, 24 November 2011**, and the athlete (Adonis) was represented by Dr Arnold Tam. SAIDS was represented by Dr Nick Kock who appeared as *“prosecutor”*.
8. The hearing was as far as possible conducted in an informal manner during which the panel members posed a number of questions to Dr Tam and the athlete, and Dr Kok was allowed to ask intervening questions, and to also make further representations on behalf of SAIDS.
9. The informality was made possible by the fact that the athlete and Dr Tam did not contest the outcome of the tests done on the “A” sample, and the subsequent “B” sample.
10. The Committee did however make certain observations which bear repeating:
 - 10.1 The report on the “A” sample received from the University of Free State and the report on the “B” sample both appear to have been signed by the Director of the UFS Institute, Director P J Van der Merwe. There is no indication to the Committee whether or to what extent Van der Merwe played any active role in the analysis. There is no indication on the written report whether he played any role whatsoever.

10.2 There is also no indication on either report who the persons were who conducted the sample analysis, and what tests were conducted.

10.3 There is also no evidence before us on how these reports were compiled, and how they were conveyed to both SAIDS, and other interested parties, if any. In future, the panel expects that these matters will be dealt with on affidavit.

10.4 In this matter, it was common cause that the athlete was guilty of the alleged violation. The Committee is concerned that a high-profile case may well come before it in which there is active participation by legal representatives on both sides, and that in such a case, a guilty athlete may well be found guilty on some or other technicality.

C. THE CHARGE

11. It is common cause that the athlete both personally and through his representative Dr Tam, accepted liability for both positive tests conducted on the sample received.

12. The container with the supplement that the athlete used and which is the source of the methylhexaneamine, with the name "*Berseker*" by Titan Labs was subsequently tested as it contained "*1,3-Dimethylamylamine (geranium stem)*" which is in fact methylhexaneamine.

13. In view of the co-operation of the athlete, and the positive identification of the substance, the Committee is satisfied that the athlete is indeed guilty of violating Article 2.1 of the 2009 Anti-Doping Rule of the South African Institute for Drug-Free Sport (SAIDS) as particularised in the charge sheet served on Mr Alphonso Adonis on **2 November 2011**.
14. Accordingly the Committee finds Alphonso Adonis guilty as charged on **2 November 2011**.

D. THE SANCTION

15. The Committee heard from Mr Adonis himself in relation to his personal circumstances, and his performances as an athlete.
16. The Committee accepts that the athlete ingested the banned stimulant without knowing that it was in violation of the SAIDS Anti-Doping Code. It would appear that he was simply acting on the advice of a person who recommended the supplement concerned. Of course, ignorance of the law is no defence, and as a high-performance athlete, Adonis should have and must have known that he should be more cautious and to first check that he would not fall foul of the SAIDS Anti-Doping Regulations.
17. In this regard, both Adonis and his representative Dr Tam accepted full responsibility.

18. Dr Nick Kock on behalf of SAIDS also accepted the explanation given to the panel by Adonis and his representative, and he expressed his appreciation at the candour and honesty shown by the athlete.
19. As a result of the suspension immediately imposed on the athlete on **30 August 2011**, the athlete forfeited his opportunity to appear for his country at the Youth Commonwealth Games. This was a huge blow to him, and served as a lesson that any attempt to breach the rules of fair play would be visited with a severe sanction in future.
20. The Committee accepted a recommendation made by Dr Kock of a four (4) month suspension with effect from **30 August 2011** which would mean effectively that the suspension would run from **30 August 2011** and would end on **30 December 2011**. Adonis and his representative Dr Tam accepted the recommendation.
21. In the circumstances, the panel also had no reason not to accept the recommendation, and accordingly the Committee's sanction is as follows:

“Having found the athlete, Mr Alphonso Adonis, guilty of Anti-Doping Rule violation in terms of Article 2.1 of the 2009 Anti-Doping Rules of the South African Institute for Drug-Free Sport (SAIDS) as particularised in the charge sheet of 2 November 2011, the athlete is hereby given a sentence of a 4-month suspension with effect from

30 August 2011 which will mean that he is free to participate as an athlete with effect from 1 January 2012”.

DATED at CAPE TOWN and JOHANNESBURG this 15th day of DECEMBER 2011.

NORMAN ARENDSE SC

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