

**SA INSTITUTE FOR DRUG FREE SPORT (SAIDS)
DISCIPLINARY HEARING**

ATHLETE : RICHARD MAVUSO

SPORTS FEDERATION : ATHLETICS SOUTH AFRICA

DATE OF HEARING : 8 SEPTEMBER 2011

PLACE OF HEARING : BIDVEST CONFERENCE CENTRE
OR TAMBO INTERNATIONAL AIRPORT
JOHANNESBURG

DISCIPLINARY PANEL : TONY IRISH (CHAIR)
DR MUZIWAKHE QOBOSE
PROF. YOGA COOPOO

PROSECUTOR : ADV. NICK KOCK

ATHLETE REPRESENTATIVE : SHADRACK HOF

CHARGE : ANTI-DOPING RULE VIOLATION IN
TERMS OF ARTICLE 2.1 OF THE SAIDS
ANTI -DOPING RULES

The Athlete, Mr Richard Mavuso, is a distance runner and appeared at a SAIDS disciplinary hearing on 8th September 2011 charged with a violation of Article 2.1 of the SAIDS Anti-Doping Rules, relating to the presence of prohibited substances in his sample. The prohibited substances identified in the Athlete's sample were Norandrosterone and Norreticholone, which are metabolics and/or precursors of the Anabolic agent, Nandrolone, which is categorised under class S1 (a) "Anabolic Agents" on the World Anti Doping Agency (WADA) Code's 2011 Prohibited List International Standard. The concentration of Norandrosterone was higher than 25ng/ml, the WADA limit being 2,5ng/ml.

The Athlete was assisted at the hearing by Mr Shadrack Hof ("Hof") who is also a distance runner and also a work colleague of the Athlete.

The Athlete requested a test of his B sample and the results of the B sample test confirmed the result of the A sample test, namely the presence of metabolics and/or precursors of the anabolic agent Nandrolone with a concentration of higher than 25ng/ml.

The sample was collected from the Athlete on 22 May 2011 after Athletics South Africa's 10km Championships in Germiston, in which he had placed 5th.

The Athlete has been under provisional suspension since 17 June 2011.

The Athlete confirmed that he was happy for the enquiry to be conducted in English and he would inform the panel should he not understand any aspect. The panel dealt with a number of preliminary matters relating to the documentation before the panel (marked A to I). The Athlete confirmed that he understood and accepted the Doping Control Form (D), the Custody Form (I), A and B Sample Reports (C and H), the letters to him from SAIDS advising him of the test results, suspending him and informing him of the disciplinary hearing (G, A and B), the requests by his representative to test his B sample (F) and the results of the 10km Championships (E). The Athlete did not wish to challenge the contents of any of these documents and they were admitted as evidence.

The prosecutor and the Athlete both swore an oath in respect of the evidence put before the hearing.

The prosecutor explained that the level of Nandralone in the Athlete's sample substantially exceeded that permissible by WADA and that this was consistent with a substance that had either been orally taken or injected. It could not have been produced by the body itself without this. He also explained that it enhances performance by providing temporary increased muscle strength and oxygen. The Athlete confirmed that he could not recall having taken any other substance or medication other than those declared on the Doping Control Form. The herbs mentioned on the form were traditional herbs administered to the Athlete by a sangoma as a result mainly of marital problems experienced by him. The Athlete was unable to say what the herbs consisted of.

The Athlete confirmed that he had undergone anti-doping tests in the past and that as far as he could recall he had used VO2 Max and Recovery Max before and/or at the time of previous tests. He confirmed further that he had not returned a positive test in the past. The Athlete also confirmed that the Vitality was a multi-vitamin and that he had taken Flu Syrup but was unsure of the exact name.

The prosecutor and members of the panel put several questions to the Athlete in relation to the VO2 Max and Recovery Max and in particular relating to whether or not the Athlete still had in his possession any of the same batches of these as he had been taking prior to the anti-doping test on 22nd May 2011. The Athlete could not confirm that he was still in possession of the same batch, or batches, and that it wasn't possible to contact anyone at his home to determine this.

Dr Qobose and Professor Coopoo both explained their view that it was unlikely that the level of Nandrolone present in the Athlete's sample could have come from these supplements, especially in the quantities taken by the Athlete as described by him, but even if it did the Athlete could not in fact show this as he could not produce the actual batches taken. They impressed upon the Athlete the importance of disclosing any other substance or medication exogenously taken by him as this was a critical factor in the panel's decision.

The Athlete was unable to confirm that he had taken any other substance or medication other than that declared on the Doping Control Form. He stated that he had not received any injections since 2008.

The Athlete was relatively happy with his performance in the race on the day of the test. He confirmed that he had run a reasonably good time.

Following a short adjournment the panel reached a finding that the Athlete was guilty of the anti-doping violation as charged. Both the A and B samples confirmed the presence of Nandrolone in the Athlete's sample. This was uncontested by the Athlete.

The panel again requested the Athlete to put forward anything which could assist them to determine where the Nandrolone in the Athlete's system could possibly have come from. The Athlete was unable to put forward anything further in this regard. The

Athlete did not advance any other mitigating factors and the hearing was adjourned for the panel to consider the sanction.

Following consideration of the evidence, documentation and discussions at the hearing the panel concludes that it is unable to establish how the Nandrolone entered the Athlete's body. The Athlete was unable to produce any evidence at all in this regard. The panel further concludes that the excess level of Nandrolone in the Athlete's sample is consistent with it having been taken by him in some substance either orally or by injection. Nandrolone is potentially performance enhancing and may also have long term detrimental physical effects for an Athlete.

In the circumstances the panel has no alternative but to impose a period of ineligibility of two (2) years on the Athlete commencing on the date of these written reasons. The panel is however of the view that the Athletes period of interim suspension should be considered as part of the period ineligibility. The Athlete was under interim suspension from 17 June 2011 to 10 October 2011, a period of 122 days. Accordingly the Athlete's period of ineligibility shall commence on 11th October 2011 and expire on 16th June 2013.

The panel finds the circumstances of this hearing unfortunate but believes its hands are tied in respect of the sanction.

Disciplinary Panel: T. Irish, Dr M Qobose, Prof Y Coopoo

Date: 3 October 2011