

JUDICIAL AWARD BY THE FISA DOPING HEARING PANEL

sitting in the following composition

Members: **John Boulton**
 Donia Koubaa
 Algirdas Raslanas

In the case of Reem Ahmad Hassan Alhassani

The Facts

On 27 October 2017, the National Anti-Doping Agency of Tunisia conducted in-competition anti-doping testing at the Arab Rowing Championships in Tunisia.

The urine Sample collected from the Athlete was numbered 488611 and this was recorded on the Doping Control Form. The Athlete signed this form and received a copy. Reem Ahmad Hassan Alhassani declared on the doping control form that she had taken “compléments alimentaires” (BCA) during the seven days before the test. She made no comments on the doping control procedure. The WADA accredited laboratory in Athens received the “A and B” urine samples on 2 November 2017.

The results from the Athens Laboratory indicate that Sample 488611 showed the presence of boldenone which is classified in the category S1, Endogenous Anabolic Androgenic Steroids. The boldenone IRMS analysis was subcontracted to the Lausanne Laboratory and the results show that GC/C/IRMS results are consistent with the exogenous origin of boldenone.

No departures from the International Standard for Testing (ISTI) or the International Standard for Laboratories (ISL) have been established as having occurred during the testing or analysis procedure.

The Athlete was notified of the positive test result through the United Arab Emirates Sailing and Rowing Federation by the Executive Director of FISA, Matt Smith, in a letter dated 10th January 2018. A provisional suspension from competition under Article 7.9.1 of the FISA Anti-Doping Bye-Laws was applied from that date. The Athlete did not request the analysis of the B sample.

The Athlete completed the FISA questionnaire on 11th November 2018. In the questionnaire she says she took Protein Powder ISO 100, BCAA in May 2017. However following continuing correspondence with the National Federation, FISA received an email on 13th February 2019 from the National Federation stating that they had had a discussion with the Rower, and she said that she had taken equipoise (boldenone), primo (methanolone), testosterone by injection for one month starting on 23 August 2016 and

HGH, Winstrol (stanozolol), Anavar (oxandrolone) and clenbuterol by injection for one month starting on 5 June 2017.

This case was subject to lengthy delays. There was a lot of correspondence and attempts to conduct a hearing by video conference. The hearing by video conference took place with the coach, Mehdi Garidi on 13 July 2019 as the athlete was unavailable, then finally with the athlete by phone on 1st September 2019. The Athlete, the coach and the FISA Panel were present.

Applicable law

The applicable rules

The applicable rules are the FISA Anti-Doping Rules in force at the time of the test, 27th October 2017) These rules are consistent with the World Anti-Doping Code.

The relevant rules

The relevant rules in this case are the FISA Anti-Doping Bye Laws including but not limited to:

- Article 2.1.1 which states it is each Rower's personal duty to ensure no Prohibited Substance enters her body;
- Article 10.2 which sets a period of four years' ineligibility for a first violation for a prohibited substance, unless the anti-doping rule violation involves a specified substance and it can be established that the anti-doping rule violation was not intentional. The athlete shall have the opportunity to establish the basis for eliminating or reducing this sanction as provided in Articles 10.4, 10.5 and 10.6.

Articles 10.4 and 10.5 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances

Article 10.6 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault

Article 10.11.2 Timely Admission where the Athlete or other Person promptly (before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the Anti-Doping Organization, the period of Ineligibility may start as early as the date of Sample collection... the Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.6.3.

Article 10.11.3 Credit for Provisional Suspension or Period of Ineligibility Served

Merits

The Panel is satisfied that an anti-doping rule violation was established by the evidence of the laboratory analysis. There was the presence of exogenous boldenone in the Athlete's sample.

The athlete started rowing in April/May 2017. She trained once a week, increasing that to 2 times per week. She plays other sports as well. She was selected for the UAE team for the Arab Rowing Championships. There were very few females rowing in the UAE, so that is why a beginner was selected.

After testing positive, she told her coach that she was taking supplements, which she got through the gym where she trained for cross fit. She also indicated that she got "normal supplements" from the pharmacy and other shops. In her statement she says she took energetic drink, protein powder ISO100, BCAA and others, and that they were certified no doping products and other athletes in the gym were using them. She stopped taking them approximately two months after she started rowing (so June 2017).

After the testing in October 2017 she says she realised these products she had been taking in the gym must have been contaminated. She told her rowing coach that she had taken what the coach at the gym told her. She went to talk to the coach at the gym and got the list of what she had taken. The UAE Federation indicated in an email to FISA that she then told them that she had taken equipoise, primo, testosterone, injection for one month starting 23 August 2016, HGH Winstrol, Anavar, clenbuterol injection for one month starting 5 June 2017. The injections were by a coach at the gym not by a doctor.

The test in October 2017 was positive for Boldenone, which is not a food supplement but a product often injected into animals. This could be equipoise.

When the rowing coach was asked by the panel if he noticed any change in her appearance and musculature after she had started rowing, he said no really significant changes. He thought her face and voice were different from other rowers, and she was strong and combative and trained hard, including in other sports (jiu-jitsu, cross-fit, weightlifting), so when she tested positive he was not surprised. She works in the police force.

She says in her questionnaire that she received no anti-doping education from the federation, and the coach confirmed this. That was because she was really a beginner, and only got selected in the national team because they only had 2 female athletes. She is still rowing but not competing.

The coach says she was upset and crying when she tested positive. His opinion is that she was trying to do something to improve her rowing, and was not taking drugs on purpose. These two statements are inconsistent. She lacked education about these things.

According to the rowing federation coach, the UAE has a NADO which is very active in testing and also that the federation does provide anti-doping education, but not to beginners like she.

The Panel's View

The Panel is prepared to accept the statement of the Athlete and the National Federation that she was unknowledgeable and naïve about anti-doping responsibilities. Although as she is working in the police force she perhaps has some professional experience in understanding the potential risks of being injected with an unknown substance. She admitted the positive test is because of the injections she had in the gym.

In considering the reduced period of ineligibility appropriate under Article 10.5 of the FISA Anti-Doping Bye-Laws we have balanced the factors that she was uneducated with regards to anti-doping matters and that she was rowing at a beginner level. The doping control form directs athletes to note the substances that they have taken in the last seven days so she may not have thought of the injections at the time of the test. However when she found out that her test was positive for boldenone, the Athlete still maintained in the Athlete's questionnaire that she had only taken a nutritional supplement. She did admit at a later date to her rowing coach and her national federation that she had received injections from a coach at the gym around the time she started rowing. The Athlete of her own volition provided a list of prohibited substances of which one was responsible for the exogenous boldenone finding as well as another five which had not been detected in her sample. Following the hearing on 1st September, we consider that the Athlete was truthful when she provided the list of substances that were injected.

However the Panel believes that the Athlete did not take due care to ensure that any substances administered to her were safe. The Panel reacted with consternation and alarm to the list of substances provided by the Athlete. In addition, the Athlete was not forthcoming at the beginning of the results management procedure, although she did admit to the injections at a later date when she asked the gym coach what the injections had contained.

The period of ineligibility should take into account the provisional suspension which the Athlete has been serving since the 10th January 2018.

FOR THESE REASONS

The FISA Doping Hearing Panel finds:

1. The Panel is satisfied that the requirements of Article 10.2 have been met and the Athlete has committed an Anti-Doping Rule Violation.
2. The period of ineligibility should be for four years. Normally it would commence from the date of the hearing but the Panel notes that the Athlete was provisionally suspended from 10th January 2018, and under Article 10.11.3, the period of ineligibility should commence from that date. The period of ineligibility will therefore extend to 9th January 2022.
3. This award is rendered without costs.

Appeal Route

In accordance with Article 13.2.1 of the FISA Anti-Doping Bye-Laws, the Athlete has the possibility to appeal this decision to the Court of Arbitration of Sport (CAS) as the case has arisen from a competition in an International Event. Article 13.7.1 states that the Athlete has 21 days from the date of receipt of this decision to lodge an appeal with CAS.

Lausanne, 11th September 2019

For the FISA Doping Hearing Panel:

John Boulton

Donia Koubaa

Algirdas Raslanas