

National Anti Doping Agency
J.L.N Stadium, Hall No. 103-104, First Floor,
Lodhi Road, New Delhi 110 003
Telefax: 011-24368274

To,

Date: 14.03.2024

Mr. Russel Andrew Dbritto
Jivhala House, Opp ZP School
Jeladi Vatar, Palghar
Maharashtra
India, 401301
Email id: russeldbrittoo3@gmail.com

Subj: Decision of the Anti-Doping Disciplinary Panel Case No.- 159.ADDP.2023

NADA VS. MR. RUSSEL ANDREW DBRITTO (ADAMS ID – DBRUMA44494)

The order containing the decision of the Anti-Doping Disciplinary Panel dated 11.03.2024 in respect of the final hearing of the above case held on 02.02.2024 is enclosed.

Please note that according to Article 13.2.2 of Anti-Doping Rules of NADA 2021, **the time to file an appeal to the National Anti-Doping Appeal Panel shall be twenty-one (21) days from the date of receipt of this decision by the appealing party.** The appeal may be filed by email at antidoping-panel@gov.in or may be filed directly at the office of the Anti-Doping Panel at J.L.N. Stadium, Ground Floor, Staircase No. 5, Near AICS Office, Lodi Road, New Delhi- 110003.

WADA and the International Federation have a right to appeal against the decision in accordance with Anti-Doping Rules.

Also please note that according to Article 10.7.1- (**Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**)- Any period of Ineligibility imposed may be partially suspended if you assist NADA in uncovering and/or establishing an ADRV by another Athlete or Athlete Support Personnel pursuant to Article 10.7.1 ADR. Further, the athlete is subjected to a doping control test during the ineligibility period, therefore, the athlete is required to update his residential address as and when changed.

Copy of the NADA Anti-Doping Rules 2021 may be downloaded from NADA website at the following link: - <https://nadaindia.yas.gov.in>

The receipt of this communication may be acknowledged.

Encl: 04 Sheets.



(Yasir Arafat)

Sr. Programme Associate (Legal)

Copy forwarded together with the copy of the order containing the decision of the Anti-Doping Disciplinary Panel for information and action deemed necessary:

1. The World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
2. The Secretary General, Indian Body Builders Federation, 280/A, Jawalkar Mansion, Dr. B. Ambedkar Road, Parel, Mumbai- 400 012. Maharashtra. India.
3. The World Bodybuilding And Physique Sports Federation, 32D, Jalan Tani, Singapore 455876.

BEFORE THE ANTI-DOPING DISCIPLINARY PANEL

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

In the matter of Mr. Russel Andrew Dbritto (Sports-Bodybuilding) for violation of Articles 2.1 and 2.2 of National Anti-Doping Rules, 2021.

Quorum: Mr. Vineet Dhanda, Chairperson, ADDP

Dr. Bikash Medhi, Member, ADDP

Mr. Akhil Kumar, Member, ADDP

Present: Mr. Santosh Pandey, Legal aid counsel

Mr. Russel Andrew Dbritto in person

Mr. Yasir Arafat, NADA

JUDGEMENT

11.03.2024

1. The present proceedings before this Anti-Doping Disciplinary Panel (“this Panel”) emanate from the Adverse Analytical Finding (“AAF”) against Mr. Russel Andrew Dbritto (“the athlete”). This athlete is in the sports of “bodybuilding” and his date of birth as stated by him in the Dope Control Form (“DCF”), happens to be 11.10.1996.
2. That the brief facts of the case are as follows:
 - 2.1 On 15.04.2023, NADA Doping Control Officer during Sr. Man & Women Bodybuilding, & 10th Men’s & Women’s Physique Sports National Championship at Haldwani, Uttarakhand collected the urine sample of the Athlete which was marked with a unique reference code of 6503220. The samples were sent for testing in the National Dope Testing Laboratory (NDTL), Delhi, India.
 - 2.2 That A sample bearing code no. 6503220 of the Athlete was tested at NDTL Delhi in accordance with the procedure set out in WADA’s International Standards for Laboratories and was returned with an Adverse Analytical Finding (“AAF”) for the presence of S.1.1 Anabolic Androgenic Steroids (AAS)/Drostanolone metabolite(3alpha-

dydroxy-2alpha-methyl-5alpha-androstan-17-one) S1.1 Anabolic Androgenic Steroids (AAS)/Stanozolol metabolites 3-dydroxy stanozolol and 16 Beta-hydroxy stanozolol S.4 Hormone and Metabolic Modulators/Anastrozole, S6.Stimulants/phentermine, S6. Stimulants/Mephentermine. The said Substance is a Hormone and Metabolic Modulator and is listed under the S1 & S6 category of WADA's 2023 Prohibited List being a non-specified substance.

- 2.3 That pursuant to Article 7.2.1 of ADR, the initial review of sample A showed that the Athlete did not have Therapeutic Use Exemption (TUE); there was no apparent departure from the International Standard for Testing and Investigations ('ISTI') or the International Standard for Laboratories ('ISL') that could undermine the validity of the AAF; and the AAF had not been caused by ingestion of the relevant Prohibited Substance through a permitted route.
- 2.4 The notification was issued to the Athlete on 12.04.2023 informing him about the AAF and that he was provisionally suspended from participating any further sporting events till the conclusion of disciplinary proceeding pending against him. Through the said notification the athlete was informed about his rights and that in case the athlete is unwilling to accept the result of Sample A, he has the right to request for the opening of Sample B at his own cost.
- 2.5 On 18.05.2023, the Athlete requested to get Sample B tested and Sample B was sent for the laboratory examination at the National Dope Testing Laboratory, Delhi. The athlete was informed vide email dated 15.06.2023, 06.07.2023 and 18.07.2023 to witness his B Sample opening, however athlete did not respond. Subsequently, the B Sample of the athlete was opened and analysed in the presence of an independent observer at NDTL which confirmed the findings of A sample vide an analytical report dated 11.08.2023.
- 2.6 The Notice of Charge was issued to the Athlete on 16.08.2023 and the final opportunity to submit an explanation was granted to the Athlete.
- 2.7 The Anti-Doping Disciplinary Panel was constituted to hear the ADRV. The hearing was held on 03.01.2024 in which the ADDP provided a legal aid counsel to the athlete in the interest of justice. The final hearing was held on 02.02.2024 in the matter.

3. Submission made by the Counsel and Athlete:

- 3.1 The counsel of the athlete in his submission dated 30.01.2024 elaborately apprised the Disciplinary Panel that the athlete is in the sports of bodybuilding since 2014 and has

won several medals in national events and achieved good performance by dint of his years of dedication and continuous training.

- 3.2 The Athlete has alleged that he has been stopped by organizers from participating in Champion of Champions. Further said, it was the first time that he has been dope tested and he has not taken anything intentionally to enhance his performance.
- 3.3 That it was submitted that the athlete was suffering from severe muscle cramps/pain and was unable to endure it. The doctor prescribed him certain medicines to enable him to recover from the pain.
- 3.4 The athlete has cited CAS judgment CAS 2013/A/3327 Marlin Cilic v. International Tennis Federation (ITF) & CAS 2013/A/3335 International Tennis Federation (ITF) v. Marlin Cilic in relation to the degree of fault of the athlete.

4. Submissions of NADA

- 4.1 It is submitted by NADA that under Article 2.1.1 of the Rules, it is the personal duty of each Athlete to ensure that no Prohibited Substance enters his/her body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the part of the Athlete is to be demonstrated to establish a case of anti-doping rule violation under Article 2.1.
- 4.2 It is submitted by NADA that the Athlete bears the burden of establishing that the violation was not intentional. A series of CAS cases have held that the Athlete must necessarily establish how the substance entered his/her body (CAS 2016/A/4377, at para. 51; CAS 2016/A/4662, at para. 36; CAS 2016/A/4563, at para. 50; CAS 2016/A/4626; CAS 2016/A/4845). In the above background, it is said that the Athlete has knowingly consumed the doping substance to enhance his performance by prohibited means.
- 4.3 NADA urges that aggravating circumstances be considered in the present case because multiple prohibited substances have been found in the sample of the athlete which has been used to enhance his performance. According to the Rules, the period of ineligibility may be increased by up to two years based on the severity of the violation and the nature of the aggravating circumstances. This could result in a maximum sanction for such violations.

5. Finding of the Panel:

- 5.1 After the perusal of the submissions of both parties, the panel is of the view where a sample testing returns a positive finding, the onus is on the athlete to explain how the

substance entered his/her body. Fault, negligence or knowing use are not relevant considerations that need to be proved while making a case for anti-doping violation. The liability cast on the athlete is thus strict.

5.2 The Athlete has failed to furnish appropriate documents to establish his case of unintentional use. However, in this case, the Athlete has failed to do so, making it difficult to hold that the anti-doping rule violation was not intentional on his part. Furthermore, the Athlete has not been able to satisfy any grounds for elimination or reduction of the period of ineligibility.

5.3 In view of the above facts taken as a whole, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place. Once a violation of anti-doping rules has been established, Sanctions on Individuals as provided under Article 10 of the Anti-Doping Rules 2021 must ensue. In this case, the athlete has been found guilty of using multiple non-specified substances, which calls for an additional penalty of 2 years. Therefore, the athlete is liable for sanctions under Article 10.2.1.1 in conjunction with Article 10.4, resulting in an ineligibility period of 6 years.

6. We hereby hold that the athlete has violated Articles 2.1 & 2.2 of the ADR, 2021, **he is hereby sanctioned with an ineligibility of 6 years as per Article 10.2.1.1 r/w Article 10.4 of ADR. beginning from the date of provisional suspension i.e., 12.05.2023.**

7. The Panel directs that in accordance with Article 10.10 all the competitive results obtained by the athlete from the date of sample collection 15.04.2023 shall stand disqualified with all resulting consequences including forfeiture of medals, points, and prizes.



Vineet Dhanda
(Chairman)



Dr. Bikash Medhi
(Medical Member)



Akhil Kumar
(Sports Member)