

Appeal Inquiry

Decision

In the matter of an appeal from a disciplinary hearing held under the Convention Against Doping in Sport Act No. 33 of 2013

Sri Lanka Anti-Doping Agency, No. 363/12,
Sugathadasa Stadium – Block D, Stadium Parking
Road, Sirimavo Bandaranayaka Mawatha, Colombo
13.

AGENCY

and

Indika Perera

ATHLETE

And now between

Indika Perera

APPELLANT-ATHLETE

and

Sri Lanka Anti-Doping Agency

RESPONDENT-AGENCY

Mr. Sumathi Dharmawardena PC

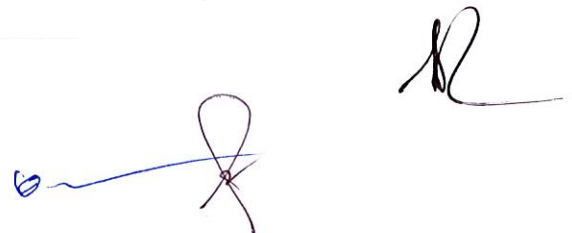
Chairman

Mr. Upali Samaraweera

Member

Dr. Asela Mendis

Member



11/03/2021

Appeal panel head the submission made by the Appellant.

The Appellant submitted the appeal dated 2019/10/03

තහනම් උත්තේජක ගැනීම නීතියෙන් වරදක් බව මා දන්නා නමුත් තරඟාවලියට ආසන්න කාලයේ දී අසනීපයක් සඳහා වෛද්‍ය නිර්දේශ මත ඖෂධ ලබාගත් අතර ඒ තුළ අන්තර්ගත ද්‍රව්‍යයන් පිළිබඳ මා හට දැනුමක් හෝ අවබෝධයක් නොමැති බව සඳහන් කරමි. එම නිසා ප්‍රකාශකොට සිටින්නේ මාගේ හෘද සාක්ෂියට අනුව මම තහනම් උත්තේජක භාවිතාකොට නොමැති අතර මාගේ මුත්‍රා සාම්පලයේ තහනම් උත්තේජක ධනාත්මක වීමේ කරුණ පිළිබඳව ඉදිරිපත් කරන අවමකරණ සාධකයක්ම නැවත සලකාබලා මා වෙත ලබා දී ඇති අවුරුදු 04 ක දඩුවම් කාලය සහනදායී කාල සීමාවකට අවම කර මාගේ ක්‍රීඩා ජීවිතය ඉදිරියට කරගෙන යාමට ඔබතුමාගේ කාරුණික අවධානය යොමු කරන ලෙස යටහත් පහත්ව ඉල්ලා සිටිමි. තවද මාගේ මේ ඉල්ලීම අභියාචනා මණ්ඩය වෙත ඉදිරිපත් කරන ලෙස කාරුණිකව ඉල්ලා සිටිමි.

The Appellant submitted the affidavit dated 3rd October 2019, he has stated that he took Nitrotex and BCAA, food intake

nutrients



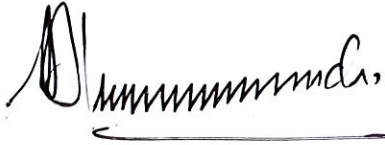
And further he stated that he take ~~nutrients~~ on the recommendation of consultant physician. Further he had been the member of SL Army and thereafter has joined the boxing club Slim Line. The athlete urine sample bearing sample No 428521 to NDTL India and set the sample tested and a report issued 08 February 2019. As per the report of A sample which was positive GC U IRMS result are consist with the exogenous origin of Boldenone and its metabolite. The Appeal panel considered Article 2.1 which state that Athlete personal duty to ensure that no prohibited substance enter to their body.

Athlete submitted above stated affidavit evidence before the disciplinary panel. On careful consideration in said evidence it appears that at various times the athlete had obtained vitamins nutrients and food supplements on a recommendations of a consulted physician.

This Athlete have been taking part in sports from 2008 and the Appeal Panel is of the opinion that he had adequate knowledge about prohibited substance in various vitamins medicines and food supplements.

The WADA suspended National Doping Testing Laboratory (NDTL) with effect from 22nd August 2019. The appellant Athlete sample was tested on 8th February 2019. An issue was raised whether NDTL has conducted their testing prior to August 2019 in accordance with the international standards for laboratory (ISL). The appellant Panel considered the fact that the appellant has taken vitamins medicines and food supplements and due to said reasons appeal Panel of the opinion that the athlete has failed to discharge the burden rested on him on a balance of probability that a departure from the international standards for laboratory could have caused the adverse analytical finding. Due to above reasons the Appeal Panel rejects his appeal.





Sumathi Dharmawardena PC

Chairman

I agree.



Mr. Upali Samaraweera

Member



I agree.

Dr. Asela Mendis

Member

