NATIONAL ANTI-DOPING ORGANISATION

Results Management Committee - Mauritius

RMC
Decision in the Case of the Hearing of Mr. Praful PRITHIPAUL, a weightlifter of the Mauritius Amateurs Weightlifters and Powerlifters Association ("MAWPA")

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3/10/2016
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## List of Abbreviations

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<tr>
<td>AAF</td>
<td>Adverse Analytical Finding</td>
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<tr>
<td>AAS</td>
<td>Anabolic Androgenic Steroids</td>
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<td>ADRV</td>
<td>Anti-Doping Rule Violation</td>
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<td>DCF</td>
<td>Doping Control Form</td>
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<td>DCO</td>
<td>Doping Control Officer</td>
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<td>IOIG</td>
<td>Indian Ocean Islands Games</td>
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<td>IWF</td>
<td>International Weightlifting Federation</td>
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<td>MAWPA</td>
<td>Mauritius Amateurs Weightlifters and Powerlifters Association</td>
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<td>NADO</td>
<td>National Anti-Doping Organisation</td>
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<td>RMC</td>
<td>Results Management Committee</td>
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<td>TUE</td>
<td>Therapeutic Use Exemption</td>
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<td>WADA</td>
<td>World Anti-Doping Agency</td>
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<td>WADC</td>
<td>World Anti-Doping Code</td>
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DECISION
Delivered by the
RESULTS MANAGEMENT COMMITTEE- MAURITIUS

1. Details of the case

1.1 Members of Results Management Committee ("RMC")
   President: Nuvin PROAG, Barrister
   Member: Tapeswar LOLLCHAND, Ministry of Youth and Sports Representative
   Member: Vivian GUNGARAM, Mauritius Olympic Committee Representative
   Secretary: Zameer JANOO

1.2 Name of accused athlete
   Mr. Praful PRITHIPAIL, hereinafter referred to also as the Athlete.

1.3 Sports Federation involved
   Mauritius Amateurs Weightlifters and Powerlifters Association ("MAWPA")

1.4 Name of Athlete Representative
   None but accompanied by Mother

1.5 Name of Prosecutor
   Mr. Pravin DHOOMON, the National Anti-Doping Unit representative

1.6 Venue of Hearing
   The Conference Room of the Ministry of Youth and Sports
   3rd Floor, Emmanuel Anquetil Building,
   Port-Louis

1.7 Dates of hearing
   Hearing dates were:
   I. 17 Sept 2015,
   II. 24 Sept 2015,
   III. 01 Oct 2015,
   IV. 08 Oct 2015,
   V. 12 Oct 2015,
   VI. 22 Oct 2015,
2. Introduction and Jurisdiction

2.1 This is the final decision of the RMC as between the National Anti-Doping Unit and Mr. Praful PRITHIPAUL relating to an Anti-Doping Rule Violation ("ADR") arising from the World Anti-Doping Code 2015 ("WADC").

The RMC has also taken into consideration the Anti-Doping Policy of the International Weightlifting Federation ("IWF") 2015 approved on 5th November 2014 with effect as from 1st January 2015, which is but the implementation of the WADC. The MAWPA is a member of IWF.

2.2 The National Anti-doping Unit is the National Anti-Doping Organisation ("NADO") for Mauritius.

2.3 The Athlete is (in 2015) a 23 year–old competitor in Weightlifting (born on 10 June 1992). At all material times, he was bound to comply with the WADC and the IWF Anti-Doping Policy, pursuant to which the NADO was empowered to conduct doping control.

2.4 Capitalised terms and acronyms used herein have the same definition as in the WADC (Appendix 1), unless otherwise expressly stated.

3. Background and charges

3.1 The Athlete was tested for prohibited substances on 11th June 2015

3.2 Sample was analyzed by the WADA accredited South African Doping Control Laboratory/Department of Pharmacology situate at 205, Nelson Mandela Drive, Park West, Bloemfontein 9300, South Africa.

3.3 Substances identified in Sample number 2949407

3.4 Adverse Analytical Finding ("AAF") reviewed and no departures from the International Standards for Laboratories or International Standards for Testing and Investigations was identified.

• The Athlete complained about the delay in the communication of the AAF and found this to be suspicious.
The Sample was collected on 21st April 2015 and dispatched on 22 April 2015.

As per the Analytical Test Report, the Sample was received on 28 April 2015 and analysis started on 11th May 2015.

The Analytical Test Report showing the results is dated 11 June 2015.

The result was communicated to the NADO on 17th August 2015.

The Athlete was immediately informed of the AAF on 18th August 2015.

We have considered the explanations of Mr. Pravin DHOOMON, the NADO representative and the documents mainly in the nature of reminder mails sent by Mr. Pravin DHOOMON to the Laboratory. We have also understood that the Laboratory was undergoing some administrative reorganization and that the NADO was duly informed that there would be some delay in the dispatch of the results.

The RMC therefore finds that there was nothing irregular in the time taken to dispatch the results. Such a delay, in any event, had no bearing on and did not affect the AAF itself.

3.5 The Athlete does not hold a Therapeutic Use Exemption ("TUE").

3.6 The MAWPA and the Athlete were informed of the AAF by letter dated 18th August 2015. The Athlete was informed of:

a. The AAF i.e that 3’OH-Stanozolol & 16B-OH- Stanozolol-Metabolites of Stanozolol had been identified in his urine sample, according to the Laboratory report, with reference to the WADA Prohibited Substances and Methods List-S.1.1 Anabolic Agents-. The Laboratory report was attached to the letter.
b. His right to have the Sample B analysed at his costs and expense;
c. His provisional suspension from any weightlifting activity
d. His right to a fair hearing.

4. Procedural issues and plea

Procedural steps and choices made by the Athlete with regard to procedure:

4.1 The athlete requested to have a hearing by letter dated 27th August 2015.

4.2 He also requested to have Sample B analysed at the expense of the Federation, (meaning the MAWPA) as he did not have the means. A reply was communicated to
him that the NADO was not empowered, in any event, to ask or compel the MAWPA to incur such an expense and it would be up to him to make necessary arrangements if he wished to have Sample B analysed. He thereafter did not pursue with this request.

4.3 The Athlete was duly informed of his right to be represented by a legal representative or another person of his choice at the opening of the hearing. He chose not to be represented and to conduct his own defence. He was however accompanied at all times by his mother.

4.4 The RMC also requested all parties to refrain from discussing the matter and giving their versions through or in the press, for the proper conduct of the matter before the RMC.

4.5 The Athlete’s plea was as follows: He denied having taken the Prohibited Substance and stated that he did not know how such a substance could have found its way in his system/urine.

5. Evidence

Both parties were requested to submit their Statements of Case/pleadings in writing with a right of reply afforded to each party. It was explained that their Statement of Case should contain their comprehensive respective versions. This would first be of assistance to themselves, as they would have adequate time and opportunity to put their case comprehensively in writing, and secondly, this would also be of assistance to the RMC as well, to fully understand their versions/evidence.

Mr. Pravin DHoomon and Athlete submitted their respective Statement of Case on Thursday 01 October 2015 and Thursday 08 October 2015 respectively which were exchanged between the parties.

Mr. Pravin DHoomon submitted his reply to the Athlete’s Statement of Case on 12 October 2015 which was communicated to the Athlete.

The Athlete submitted his reply to Mr. Pravin DHoomon’s Statement of case on 15 October 2015 which was communicated to Mr. Pravin DHoomon.

Thus both parties were given the opportunity to submit 2 set of pleadings in writing.

The oral hearings then took place on the following dates:

I. 22 October 2015
II. 10 November 2015
III. 24 December 2015

Below is a summary of the relevant facts and allegations based on the parties’ written pleadings and evidence adduced at the hearing. While the RMC has considered all the facts, allegations and evidence submitted by the parties in the present proceedings, it refers in its decision only to the evidence it considers necessary to explain its reasoning.

5.1 The evidence presented by Mr. Pravin DHOOMON, in this matter consisted of:

5.1.1 Details of the testing process were as follows:

A request was received from the Anti-Doping Unit of the Ministry of Youth and Sports in April 2015 to perform 7 doping control procedures -out of competition-for weightlifters in view of the Indian Ocean Island Games ("IOIG") 2015 which were to take place in August 2015 in Reunion Island.

Athlete was in the pre-selection team for the IOIG. On 21 April 2015 at 10 15 hrs, Mr. Pravin DHOOMON who also acted a DCO, located Athlete at his training centre which is in the same complex as the Anti-Doping Control Unit. Mr. Pravin DHOOMON stated that he explained to the Athlete his rights and obligations and proceeded to the collection of the samples of urine as per procedure. Athlete signed the Doping Control Form. He also signed the Exit Form at 11 35 hrs time at which the entire process was completed.

5.1.2 The Doping Control Form indicates that all the boxes were filled except the following boxes in relation to which Athlete had a complaint (other boxes which were not filled, but in relation to which Athlete had no complaint, are not listed below):

a. Form of ID- Box no.5
b. Athlete’s Coach’s name -Box no. 16
c. Partial sample collection-Boxes nos. 22 and 23
d. Urine Sample Witness name, Athlete’s Representative name and Athlete’s Representative signature - Boxes No. 33, 44 and 45
e. Consent to give sample for anti-doping research- Box No. 38
f. Athletes’ Comments-Box no.40

5.1.3 The Chain of Custody Form was duly filled, the samples were kept in the refrigerator of the Anti-Doping Unit under lock. All samples of the 7 athletes
were dispatched by TNT express courier on 22 April 2015; the Chain of Custody documents were filled and signed by TNT representative.

Mr. Pravin DHOOMON also filled in the Doping Control Officer Report Form in which he indicated in Box no. 5 (General comments) that the Athlete did not produce any ID at time of sample collection; Athlete however confirmed his identity as being the person who was to be tested and duly signed on the DCF. Mr. Pravin DHOOMON subsequently asked for an ID from his Federation, the MAWPA, which communicated a copy of Athlete’s passport no. 1441224 on 22nd April 2015 (the following day)

5.1.4 The results for sample A were received on 17th August 2015 and showed an AAF i.e. 3’OH-Stanozolol & 16B-OH- Stanozolol-Metabolites of Stanozolol had been identified in Athlete’s urine sample A, which is on the WADC Prohibited Substances list - S.1.1 Anabolic Agents-

5.2 The evidence presented by the Athlete was as follows:

a. He challenged the collection of urine sample procedure carried out by Mr. Pravin DHOOMON making a series of allegations to the effect that:

i. Mr. Pravin DHOOMON tricked and fooled him when Mr. Pravin DHOOMON carried out the whole process;

ii. Mr. Pravin DHOOMON did not explain to him his rights and took advantage of his ignorance of the process;

iii. Mr Dhoomun caused him to sign a document when he first met him by pulling his hand and pressing him to sign same, which he did blindly, without taking cognizance of same;

iv. Athlete asked to be represented by his coach Mr. Ravi BHOLAH who would also be his witness but Mr. Pravin DHOOMON refused;

v. Mr. Pravin DHOOMON did not produce his accreditation card to show that he is an authorized DCO;

vi. Mr. Pravin DHOOMON manipulated the urine sample and whilst Athlete closed and sealed the bottle containing Sample B, Mr. Pravin DHOOMON took the bottle containing sample A to close and seal same;

vii. Athlete was not given the option to witness the discarding of the residual urine;

viii. Mr. Pravin DHOOMON did not fill many boxes on the DCF namely Boxes Nos 5, 16, 22, 23, 33, 38, 40, 44, 45.

ix. He signed the DCF without having received proper explanations even though he asked for same
The above is the gist of the Athlete’s Statement of Case.

b. In his reply to Mr. Pravin DHOOMON’s Statement of Case, the Athlete came up with a Part 2 of his Statement of Case where he states that:

i. He is not accusing any person nor is he saying that some one given him doping products;

ii. He finds the delay in communicating the results to be irregular—sample collected on 21st April 2015, Analytical Test Report dated 11th June 2015, and results communicated on 17th August 2015 after his selection at the IOIG. Athlete states that the results might have been received around 11th June 2015 and this was purposely then not disclosed to him, making a connection with his selection at the IOIG.

iii. He does not know how this product, which was identified in his urine, found itself in his system;

iv. He only takes whatever his coach Ravi BHOLAH gives him or administers him as supplements;

v. He then made a series of allegations against his National Coach, Mr Ravi BHOLAH who would have or whom he suspects would have singled him out and ensnared him, by giving him the said Prohibited Substance in his food or supplements without his knowledge with a view to sabotaging his career as an athlete, as a result of past conflicts with him. Athlete added that he had such suspicions at the time the food and supplements were being given to him by Mr. Ravi BHOLAH; he asked questions, he did not receive any answers from Mr. Ravi BHOLAH and he nonetheless took what he termed the suspicious food and supplements or what he termed to be abnormal or strange circumstances surrounding the dishing out of his food and supplements.

vi. Athlete also state that Mr Ravi BHOLAH would be conniving with the DCO, Mr DHOOMUN to achieve his oblique objective.

vii. Among others, to substantiate his allegation that Mr. Ravi BHOLAH wanted to boycott or sabotage his sports career, he stated that (x) he also found it strange that Mr. Ravi BHOLAH was not present on the day of the sample collection, (y) he was a reservist for the IOIG and it’s only nearer to departure date to the IOIG that he was selected; (z) he was the only athlete not to have received his equipment for the IOIG.
c. In the circumstances, the RMC invited Mr. Pravin DHOOMON to consider whether he would wish to call Mr. Ravi BHOLAH as his witness, having regard to the allegations, which have been made to his address. Mr. Pravin DHOOMON did call Mr. Ravi BHOLAH to rebut the evidence adduced by Athlete.

Mr BHOLAH denied the allegations made against him and provided the RMC with his explanations, which will be alluded to below in Section 6, to the extent that this is necessary.

6. Assessment of evidence

6.1 We have duly considered all the evidence adduced.

6.2 Challenge of the sample collection process by Athlete:

   a. We find that that Athlete’s version is not credible. If indeed he was tricked or fooled or taken advantage of, forced to sign documents which he did blindly, by Mr. Pravin DHOOMON (as elaborated in paragraph 5.2(a), Athlete would not have waited for the communication of the results (AAF) to him to make such complaints. Athlete would have contemporaneously with such serious acts and doings by Mr. Pravin DHOOMON to make his complaints to his Federation or to the Ministry of Youth and Sports or to the Anti-Doping Unit.

   b. As regards the boxes on the DCF which were not filled, we find as follows:

      **Box no.5: Production of ID.**
      We are satisfied that Athlete did not have an ID on him at the time of the control and the DCO did whatever was reasonably possible to ascertain and confirm the identity of Athlete. Besides, Athlete never contested his identity.

      **Boxes No. 16, 33, 44, 45: Presence of Coach or Witness or Athlete’s representative.**
      Athlete stated that he wanted Mr. Ravi BHOLAH to be present which was refused by Mr. Pravin DHOOMON. But, it had been established that Mr. Ravi BHOLAH was not present and was not available at the material time (As for the reason of Mr BHOLAH’s absence, see 6.3(d) below). Athlete was well aware of this fact. So insistence on his part to wait for his presence was not reasonable. The National Technical Director, Mr. Urdas Constantin was on the other hand present at the training centre and the athlete did not deem it fit to ask for his presence to represent him and to witness the whole process. Besides, having regard to the allegations made against Mr. Ravi BHOLAH by Athlete as being someone who was boycotting and sabotaging his career and who was also conniving with the DCO to
achieve this, we do not believe him when he says he asked for Mr. Ravi BHOLAH, out of all persons, to be present, to represent him and to be his witness.

Box 22 and 23: Urine Partial sample.
The Athlete stated that the sample was collected at 2 different times, whilst Mr. Pravin DHOOMON said that the 100 ml sample was collected once and this is why boxes 22 and 23 were not and did not have to be filled and only boxes 26 and 27 were filled.

Boxes 38: Consent box for the use of sample for research purposes.
Mr. Pravin DHOOMON reports in his Doping Control Officer Report Form dated 22 April 2015 that Athlete could not make up his mind on this matter and this is why it was not filled at all.

Box No.40: Comments.
Mr. Pravin DHOOMON stated that Athlete chose not to make any comments. Athlete stated that he was not given such an opportunity.

We do not believe Athlete. He signed on no less than 2 occasions on the DCF- Box 12 and more importantly at Box 46, which, verifies that Athlete acknowledges having verified the accuracy of the information recorded on the DCF.

Further the manner in which Box No.39, showing Athlete’s declaration in relation to all medication and supplements he was taking, was filled (with no less that 4 items) tends to show that Athlete was asked the necessary questions arising from the DCF, and was given the necessary time and opportunity to reply to same.

We also repeat our finding, that Athlete is not credible when he comes up with all these complaints only after the AAF, and not contemporaneously with the control; and that the non-filling of the boxes identified by Athlete, were not, in any event, so material as to have any impact on the reliability of the entire control or testing process.

6.3 Athlete’s 2nd part of Statement of Case

a. The RMC finds that Athlete’s version is also contradictory. On the one hand he states that he does not accuse anybody nor is he saying that any one gave him the doping products; and on the other hand he makes serious allegations against Mr. Ravi BHOLAH, the national coach, as being the person whom he suspects gave him the prohibited substance consistently without his knowledge to ensnare him.

b. Such a contradictory stand is hardly credible.
c. Further it is not disputed:
   i. that the Athlete underwent a doping control in Reunion island as well during the IOIG in competition. And among others, Ravi BHOLAH objected or contested the right of the DCO in Reunion Island to carry out this exercise on the ground that some other athlete who was also to be tested was not present. Whether Mr BHOLAH was right or not in his objections is not the point here; the fact that he objected is not consonant with the acts and doings of someone who was endeavouring to ensnare the Athlete for the latter to be tested positive.
   
   ii. Mr. Ravi BHOLAH is the one who before departure to Reunion Island, decided to give the Athlete a 2nd chance to be selected from among the reservists. Athlete competed against another athlete in a higher weight category and Mr. Ravi BHOLAH supported Athlete’s selection.

d. It has also been established that:
   i. Mr. Ravi BHOLAH was not present on 21st April 2015, day on which the control was effected, because his leave as a secondary school teacher (to train athletes) had expired and he resumed duty on that day;
   ii. 2 other athletes did not timely receive their equipment due to problems on the transportation of these equipment.


e. The RMC notes that this version (with regards to Ravi BHOLAH) came at a later stage in the proceedings and were not part of the initial Statement of Case.

f. The RMC also finds that the version that Mr. Ravi BHOLAH would have singled the Athlete out to ensnare him over a long period of time by administering him the Prohibited substance, Stanozolol, without his knowledge by hiding the substance in his food and supplements, is not credible or plausible at all. All the athletes were receiving food and supplements by Mr. Ravi BHOLAH.


g. In any event, the RMC also finds that the Athlete decided to take all these foods and supplements even though he said he had suspicions on the food and supplements he was receiving or that the circumstances were suspicious. Therefore, in any event, the Athlete cannot be absolved on the basis of such a version pursuant to Article 2.1 of the WADC.

7. Finding

For the reasons outlined above, the RMC finds:
i. That the NADO has discharged its burden of establishing an ADRV according to the required standard of proof pursuant to Article 3.1 of the WADC;

ii. Therefore that Mr. Praful PRITHIPAUL is guilty under Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample) and 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method) of WADC, the Prohibited Substance being Stanozolol (as per the AAF dated 11th June 2015)-S1.1.a of the Prohibited List- Anabolic Agents, Anabolic Androgenic Steroids ("AAS"), Exogenous AAS. In the matter at hand, the presence of the Prohibited Substance and its Metabolites in the sample and the use of the said Prohibited Substance and its Metabolites, being ADVR, have been established.

8. Evidence and argument on sanction

8.1 The ADVR found in the present matter under Articles 2.1 and 2.2 of the WADC are strict liability violations.

8.2 The Athlete had adopted a stand so as to exonerate himself which was untenable as explained above.

8.3 Under Article 10.2.1 of the WADC, the period of Ineligibility shall therefore be of 4 years since we find that it has not been shown or established that the ADRV was not intentional as this term is apprehended under Article 10.2.3 of the WADC.

8.4 There is no ground for Elimination of the Period of Ineligibility under Article 10.4 of the WADC (No Fault or Negligence) nor for a reduction or suspension of same under the other Articles 10.5 (No Significant Fault or Negligence) and 10.6 of the WADC.

9. Decision on sanction

Ineligibility

9.1 We therefore find that Mr. Praful PRITHIPAUL shall serve a period of Ineligibility of four (4) years. Mr. Praful PRITHIPAUL was provisionally suspended since 18th August 2015, date on which the AAF was communicated to him. The period of Ineligibility shall therefore run as from that date i.e. 18th August 2015 to end on 18th August 2019.

9.2 During the period of Ineligibility, in accordance with Article 10.12 of WADC, Mr. Praful PRITHIPAUL shall not be permitted to participate in any capacity in a
competition or other activity (other than authorized anti-doping education or rehabilitation programs) organized, convened or authorized by:

a. The MAWPA or any body that is a member of, or affiliated to, or licensed by the MAWPA;

b. Any WADC Signatory;

c. Any club or other body that is a member of, or affiliated to, or licensed by a WADC Signatory or a Signatory’s member organisation;

d. Any professional league or any international or national level Event organisation.

Disqualifications of Results

9.3 The relevant part of Article 10.8 of the WADC provides that “all competitive results of the athlete obtained from the date a positive Sample was collected [whether In-Competition or Out-of Competition] ... through the commencement of any Provisional Suspension or Ineligibility period, shall unless, fairness requires otherwise, be Disqualified with all the resulting Consequences, including forfeiture of any medals, points or prizes.” [Emphasis added].

9.4 Sample collection date was on 21st April 2015 and the period of Provisional Suspension and Ineligibility shall run from 18th August 2015.

9.5 The major competition Athlete took part in during that period is the IOIG 2015.

9.6 The Out-of-Competition doping control was effected precisely in connection with the IOIG 2015.

9.7 Mr. Praful PRITHIPAOUL won medals at the IOIG 2015.

9.8 We cannot see any fairness requirement in the present matter that would absolve the Athlete from a disqualification under Article 10.8 of the WADC.

9.9 Therefore any individual results obtained by Mr. Praful PRITHIPAOUL since 21st April 2015, including results obtained in the IOIG 2015, are hereby disqualified, with all resulting Consequences, including forfeiture of any medals, titles, points and prizes.
10. Miscellaneous

10.1 It has been brought to our attention that the President, Mr. Poorun BHOLAH and the National Coach, Mr. Ravi BHOLAH of MAWPA made some adverse declarations to the press against Mr. Praful PRITHIPAUL shortly after 17th August 2015, date on which the AAF was obtained, i.e even before the setting up of the present RMC to hear Mr. Praful PRITHIPAUL.

We state that such declarations to the press made in such circumstances i.e even before the Athlete had an opportunity to present his case to the RMC and before the RMC could adjudicate on the matter were unwarranted and inappropriate.

10.2 In the course of the present proceedings, it has also been brought to our attention, that one athlete of the MAWPA, namely Mr. Félicité Tony VALENTINO, who was the subject of a random doping control on 30 October 2015, allegedly managed to escape same in circumstances that are disturbing and which could at least found a ADRV under Article 2.3 of WADC. Among others, the Ministry of Youth and Sports also received a letter on the same day from MAWPA that the athlete has stopped training. Mr. Ravi BHOLAH testified to say that the circumstances including the circumstances surrounding the receipt of the said letter from MAWPA were strange or “not normal”; but that as National Coach he cannot say anything more on this matter.

We are of course not making and are, in any event, not mandated or empowered to make any pronouncement on the matter, but we feel duty-bound to flag this out (since it arose in the course of the proceedings) for any investigation or action that the NADO may deem fit to make or take in the circumstances.

Dated at Port-Louis this 14th day of March 2016

President: Nuvin PROAG, Barrister

Member: Tapeswar LOLLCHAND

Member: Vivian GUNGARAM