



Tribunal Arbitral du Sport
Court of Arbitration for Sport

CAS 2007/A/1446 WADA v/ Qatar Football Association & Hamad Rakea Humood Alanezi

ARBITRAL AWARD

Pronounced by the

COURT OF ARBITRATION FOR SPORT

Sitting in the following composition:

President: Mr Lars Halgreen, Attorney-at-law, Copenhagen, Denmark

Arbitrators: Mr Quentin Byrne-Sutton, Attorney-at-law, Geneva, Switzerland
Mr Ulrich Haas, Professor, Zurich, Switzerland

Ad hoc Clerk: Mr Nicolas Cottier, Attorney-at-law, Lausanne, Switzerland

in the arbitration between

World Anti-Doping Agency (WADA), Lausanne, Switzerland,

Represented by MM François Kaiser and Claude Ramoni, Attorneys-at-law, Lausanne, Switzerland

As Appellant

and

Qatar Football Association, Doha, Qatar

Represented by Mr Ettore Mazzilli, Attorney-at-law, Doha, Qatar,

As 1st Respondent

and

Hamad Rakea Alanezi, Bahrein,

Represented by Mr Pierre Ochsner, Attorney-at-law, Geneva, Switzerland

As 2nd Respondent

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I. FACTUAL BACKGROUND

1. Parties

- 1.1 The World Anti-Doping Agency (hereinafter "WADA") is the international independent organisation created in 1999 to promote, coordinate and monitor the fight against doping in sport in all its forms. It coordinates the development and implementation of the World Anti-Doping Code ("the WADC"). It is a Swiss private law Foundation with corporate seat in Lausanne, Switzerland and its headquarters in Montréal, Canada.
- 1.2 The Qatar Football Association (hereinafter "the QFA") is the national football federation in Qatar and is affiliated with FIFA since 1970.
- 1.3 The football player Mr Hamad Rakea Alanezi (hereinafter "the Player") was born in Riffa, Bahrain, on 22 April 1984.

2. Facts

- 2.1 The Player signed an employment contract with the Qatari football club "Al-Arabi Sports Club" for the period from March 2007 to May 2007. In consideration for his work with the Al-Arabi Sports Club's first team, the Player received a total amount of 30,000 USD, another 30,000 USD being paid to a third party, namely the Al Refa Club from Bahrein.
- 2.2 On 1 April 2007, on the occasion of an in-competition test performed on an urine sample provided by the Player during a football game between Al-Arabi Sports Club and Al-Ahli Sports Club, the Player tested positive to 19-norandrosterone at a concentration higher than the 2 ng/ml threshold stated in the World Anti-Doping Agency Technical Document.
- 2.3 In a letter dated 3 June 2007, the QFA notified the Player of the presence of a prohibited substance in his bodily specimen and explained that this was in violation "*of the Qatar Football Association Regulations and the Regulations Doping Control for FIFA competitions In and Out of Competitions [sic]. As consequence, you [the Player] could be seriously sanctioned by the competent judicial bodies in accordance with the above-mentioned Regulations.*" In the same letter, the QFA informed the Player of his right to request the analysis of the B-sample, as provided by the QFA and FIFA anti-doping rules. The Player did not request the analysis of the B-sample.
- 2.4 On 6 June 2007, the Player was questioned by the QFA General Secretary, Mr. Saud Al-Mohannadi, the QFA Medical Officer, Dr. Saadalla Mohamed Seemer and the QFA Legal Advisor, Mr. Ettore Mazzilli. During his examination, the Player declared that he had never in his life taken any substance to improve his physical ability or his sports performance and that he had not taken any medicine during the three days preceding the game in which he tested positive. However, he took medicine under medical prescription for about 45 days, from 15 January 2007 until the end of February 2007.