

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR BEREHANU TSEGU

Introduction

1. In April 2017, World Athletics (formerly the IAAF) established the Athletics Integrity Unit ("**AIU**") whose role is to protect the integrity of the sport of Athletics, including fulfilling World Athletics' obligations as a Signatory to the World Anti-Doping Code. World Athletics has delegated implementation of the World Athletics Anti-Doping Rules ("**ADR**") to the AIU, including but not limited to the following activities in relation to International-Level Athletes: Testing, Investigations, Results Management, Hearings, Sanctions and Appeals.
2. Mr Berehanu TSEGU is a 20-year old Ethiopian long-distance runner who is an International-Level Athlete for the purposes of the ADR (the "**Athlete**").
3. This decision is issued by the AIU pursuant to Article 8.4.7 ADR, which provides as follows.

8.4.7 "[i]n the event that [...] the Athlete or Athlete Support Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the Integrity Unit (or is deemed to have done so), a hearing before the Disciplinary Tribunal shall not be required. In such a case, the Integrity Unit [...] shall promptly issue a decision confirming [...] the commission of the Anti-Doping Rule Violation(s) and the imposition of the Specified Consequences [...]."

The Athlete's commission of an Anti-Doping Rule Violation

4. On 15 September 2019, the Athlete was subject to in-competition Testing pursuant to the Testing Authority of World Athletics at the 'Copenhagen Half Marathon' held in Copenhagen, Denmark. The Athlete provided a urine sample numbered 6340807 (the "**Sample**").
5. On 16 October 2019, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Oslo (Norway) reported an Adverse Analytical Finding for the presence of recombinant EPO ("**EPO**") in the Sample ("the **AAF**").
6. EPO is a Prohibited Substance under the WADA 2019 Prohibited List (S2: Peptide Hormones, Growth Factors, Related Substances and Mimetics). It is a Non-Specified substance and is prohibited at all times. The Athlete does not have a TUE permitting the use of EPO.
7. On 17 October 2019, the AIU notified the Athlete through his Authorised Athlete Representative (Mr Malcolm Anderson) of the presence of EPO in the Sample and copied the Athlete's National Anti-Doping Organisation, the Ethiopian National Anti-Doping Office ("**ETH-NADO**") and the Athlete's National Federation, the Ethiopian Athletic Federation ("the **Federation**"). The AIU requested that the Athlete provide an explanation for the AAF by no later than 24 October 2019 and imposed a mandatory provisional suspension on the Athlete effective from 17 October 2019.

8. The Athlete was further notified of the aforementioned correspondence from the AIU by telephone by representatives of the Federation on the evening of 17 October 2019 and attended a meeting with representatives of the Federation and ETH-NADO the following day to have the contents of the correspondence explained to him.
9. On 23 October 2019, the Athlete provided a written response to the correspondence from the AIU stating that he was shocked when he was informed about the AAF and that he was not aware how EPO could have entered his body.
10. The Athlete indicated that he had received medical treatment for a diagnosis of severe gastroenteritis on 19 May 2019 during which he was given several treatments and received two (2) bags of fluid intravenously and tablets that he purchased from a pharmacy.
11. The Athlete also requested analysis of the B Sample.
12. On 8 November 2019, the AIU wrote to the Athlete confirming that analysis of the B Sample had confirmed the presence of EPO in the A Sample and requested that the Athlete provide a formal explanation for the AAF and any supporting documents by no later than 14 November 2019.
13. On 14 November 2019, the Athlete provided his explanation. In particular, the Athlete set out the following information:

“I would like to assure you that I only took power jell [sic] and amino energy sports drink only [sic] which was provided by my manager and the medications prescribed by the physician as mentioned in my previous explanation letter. At the day of the competition I took the power jell [sic] before the competition. The power jell [sic] was given by my manager.”
14. Following a review of the explanations provided by the Athlete, the AIU issued a Notice of Charge to the Athlete on 21 November 2019 (via Mr Anderson and the Federation) and invited the Athlete to confirm how he wished to proceed with the matter by no later than 1 December 2019.
15. The Athlete failed to respond by that deadline.
16. Therefore, the AIU wrote to the Athlete on 2 December 2019 (via Mr Anderson and the Federation) and extended the deadline for the Athlete to respond to the Notice of Charge until no later than 5 December 2019, failing which the Athlete would be considered to have admitted to the Charge and accepted the specified Consequences.
17. On 4 December 2019, the Athlete responded to the Notice of Charge and confirmed that he wished for the matter to be determined by way of a hearing before the Disciplinary Tribunal (“the **Tribunal**”).
18. The AIU responded by e-mail on the same date requesting that the Athlete specify his response to the Charge in accordance with Article 8.4.4 ADR by no later than 11 December 2019.
19. Whereas a Preliminary Meeting was scheduled before the Chairman of the Panel of the Tribunal to take place on 12 December 2019 to set procedural directions for the determination of the matter, that meeting was vacated in order to accommodate the Athlete’s request for *pro-bono* legal advice.
20. On 3 January 2020, the AIU received, via Sport Resolutions, a copy of correspondence from the Athlete in which he confirmed that he denied that he had used a Prohibited Substance.
21. On 10 January 2020, Sport Resolutions confirmed that the Athlete had been provided with *pro-bono* legal assistance.

22. On 28 January 2020, a rescheduled Preliminary Meeting took place and procedural directions were set for the determination of the matter.
23. On 10 March 2020, the Athlete, through his *pro-bono* counsel, wrote to the AIU and confirmed that he admitted the Anti-Doping Rule Violations, accepted the Consequences proposed by the AIU and that he no longer wished for the matter to proceed before the Tribunal.
24. On the same date, the AIU wrote to the Athlete through his *pro-bono* counsel and requested that the Athlete sign and return an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form to the AIU as soon as possible to confirm his admission.
25. On 16 March 2020, the Athlete, through his *pro-bono* counsel, submitted a signed Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form to the AIU, which was forwarded to the Chairman of the Panel of the Tribunal.
26. On the same date, the Chairman of the Panel of the Tribunal agreed to the application made by the AIU for the proceedings before the Disciplinary Tribunal to be terminated.
27. The AIU therefore issues this decision in accordance with Article 8.4.7 ADR.

Consequences

28. This constitutes the Athlete's first Anti-Doping Rule Violation under the ADR.
29. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Article 2.1 ADR and Article 2.2 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
 - 29.1. a period of Ineligibility of four (4) years pursuant to Article 10.2.1(a) commencing on 15 September 2019 pursuant to Article 10.10.2(b) ADR; and
 - 29.2. disqualification of the Athlete's results since 15 September 2019 with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money pursuant to Articles 9 and 10.8 ADR.

Publication

30. In accordance with Article 8.4.7(b) ADR, the AIU shall publicly report this decision on the AIU's website.

Rights of Appeal

31. This decision constitutes the final decision of the AIU pursuant to Article 8.4.7 ADR.
32. Further to Article 13.2.4 ADR, WADA, ETH-NADO and the Athlete have a right of appeal against this decision to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with the procedure set out at Article 13.7.2 ADR.
33. If an appeal is filed against this decision by WADA or ETH-NADO, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Article 13.9.3 ADR.

Monaco, 17 March 2020