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## DECISION OF THE ATHLETICS INTEGRITY UNIT

### IN THE CASE OF MS ETAFERAHU WODAJ

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#### 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 the 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. Ms Etaferahu Wodaj is a 30-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 8.4.5 and Article 8.4.7 of the ADR.
4. Article 8.4.5 ADR provides that:

*"In the event that the Athlete or Athlete Support Person does not respond to the Notice of Charge by the specified deadline, the Athlete or Athlete Support Person will be deemed to have waived his right to request a hearing and to have admitted the Anti-Doping Rule Violation(s) charged, and to have acceded to the Consequences specified in the Notice of Charge, and, in such event, the Integrity Unit shall promptly issue a decision in accordance with Article 8.4.7."*

5. Article 8.4.7 ADR provides that:

*"In 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:*

- (a) shall promptly issue a decision confirming [...] the commission of the Anti-Doping Rule Violation(s) and the imposition of the Specified Consequences [...];*
- (b) shall publicly Report that decision in accordance with Article 14; [...]"*

#### The Athlete's commission of Anti-Doping Rule Violations

6. On 20 October 2019, the Athlete was subject to In-Competition Testing at the Waterfront Marathon<sup>1</sup> in Toronto, Canada and provided a urine sample coded 4463110 (the "**Sample**").
7. On 18 November 2019, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Montreal (the "**Laboratory**") reported an Adverse Analytical Finding ("**AAF**") for the Sample for the presence

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<sup>1</sup> The Waterfront Marathon is a World Athletics Gold Label Road Race and an International Competition for the purposes of Article 1.8 ADR.

of recombinant EPO (“**r-EPO**”) and exogenous Testosterone and its metabolites<sup>2</sup>, the latter confirmed by IRMS analysis.

8. R-EPO is prohibited under category S.2 (Peptide Hormones, Growth Factors, Related Substances and Mimetics) of the 2019 WADA Prohibited List and Testosterone and its metabolites are prohibited under category S.1 (Anabolic Agents). They are both Non-Specified Substances, prohibited at all times. The Athlete did not have a Therapeutic Use Exemption permitting the use of either substance.
9. On 20 November 2019, the AIU notified the Athlete of the AAF and imposed a provisional suspension on her pending resolution of her case. The Athlete was requested to provide an explanation for the presence of rEPO and Testosterone in the Sample and was afforded the opportunity to request the analysis of her B Sample.
10. On 27 November 2019, the Athlete responded to the Notice of Allegation by denying that she had ever doped and requesting the B sample analysis. In support of her explanation, she submitted a medical certificate from the AS Medium Clinic that stated that she had been suffering from a medical condition. The medical certificate appeared to confirm an examination date at the AS Medium Clinic of 2 October 2019.
11. On 28 February 2020, the Laboratory reported that the B sample analysis of the Sample had confirmed the A sample result. The AIU advised the Athlete of the B sample result on 2 March 2020 and gave her an opportunity to provide a final explanation in the matter.
12. On 9 March 2020, the Athlete re-submitted the same medical certificate from AS Medium Clinic, asserting that the prohibited substance was given to her by the doctor to treat her medical condition.
13. On the same day, the AIU asked the Athlete to provide the original medical certificate, the name of the doctor who had issued the certificate and a transcript of the certificate's content.
14. On 24 March 2020, the Athlete sent the AIU a new document in support of her explanation, namely, a case report signed on 18 March 2020 stating that the Athlete was prescribed “*medications for [medical condition] and for the infection*” on 2 October 2019.
15. On 25 March 2020, the Athlete sent a further copy of the case report, together with a further two medical documents, namely, a patient referral record dated 10 October 2019 and a medical certificate from a Tikur Anbessa Specialized Hospital also dated 10 October 2019.
16. The patient referral dated 10 October 2019 was addressed to the Tikur Anbessa Specialized Hospital and cited “*for blood transfusion*” as a reason for the referral.
17. The medical certificate from Tikur Anbessa Specialized Hospital dated 10 October 2019 recorded a diagnosis of [medical condition] and a doctor's recommended treatment to take r-EPO every 4 days for a 3-week period.
18. The AIU decided to investigate the authenticity of the medical records provided by the Athlete and enlisted the assistance of the Ethiopia National Anti-Doping Organisation (“**NADO**”) for that purpose.
19. The NADO established the following in relation to the “AS Medium Clinic”:
  - (i) the Food, Medicine and Health Care Administration and Control Office confirmed that the “AS Medium Clinic” ceased its operations on 9 September 2019, 3 weeks prior to the Athlete’s alleged visit to the clinic on 2 October 2019;

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<sup>2</sup> 5aAdiol and 5bAdiol

- (ii) the telephone number recorded on the "AS Medium" document is not listed and does not work;
  - (iii) the doctor named in the case report and patient referral documents is not a registered doctor and has no authority to issue a patient referral.
20. The NADO further established the following regarding the Athlete's alleged referral to the Tikur Anbessa Specialized Hospital ("**the Hospital**") on 10 October 2019:
- (i) no patient record exists for the Athlete at the Hospital;
  - (ii) the medical certificate submitted is stamped with a stamp that is not used by the Hospital; and
  - (iii) the medical certificate purported to have been issued to the Athlete by the Hospital is false.
21. On 15 May 2020, the AIU charged the Athlete with committing the following anti-doping rule violations:
- 21.1. First Anti-Doping Rule Violation(s):
- Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, pursuant to Article 2.1 ADR, by virtue of the presence of rEPO and Testosterone and its metabolites in the Athlete's Sample; and
  - Use of a Prohibited Substance, namely rEPO and Testosterone, pursuant to Article 2.2 ADR.
- 21.2. Second Anti-Doping Rule Violation(s):
- Tampering with any part of Doping Control, pursuant to Article 2.5 ADR, by providing fraudulent information to the AIU (in the form of forged documents) within the context of a disciplinary proceeding after she had received notice of her alleged First Anti-Doping Rule Violation.
22. The Notice of Charge offered the Athlete the opportunity to admit the First and Second Anti-Doping Rule Violations and to accept a twelve (12) year sanction, or to request a hearing before the Disciplinary Tribunal, by no later than 29 May 2020.
23. The Athlete did not reply to the Notice of Charge within the given deadline of 29 May 2020.
24. On 3 June 2020, the Athlete was given a final opportunity to respond to the Notice of Charge and advised that, if she did not do so by 5 June 2020, she would be deemed to have waived her right to a hearing before the Disciplinary Tribunal, to have admitted the Anti-Doping Rule Violations and to have accepted the Consequences for those Anti-Doping Rule Violations specified in the Notice of Charge.
25. The Athlete failed to respond by the specified deadline of 5 June 2020 or at all, and she is therefore deemed, in accordance with Article 8.4.5 ADR, to have admitted the First and Second Anti-Doping Rule Violations and to have acceded to the Consequences specified in the Notice of Charge.

## Consequences

26. This constitutes the Athlete's First and Second Anti-Doping Rule Violations under the ADR.
27. On the basis that the Athlete is deemed to have admitted the First and Second Anti-Doping Rule Violations as specified above, the AIU confirms by this decision the following Consequences in her case:
  - 27.1. a period of Ineligibility of twelve (12) years<sup>3</sup> commencing on 20 November 2019; and
  - 27.2. disqualification of the Athlete's results since 20 October 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**

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

### **Rights of Appeal**

29. This decision constitutes the final decision of the AIU pursuant to Articles 8.4.5 and 8.4.7 ADR.
30. In accordance with Article 13.2.4 ADR, the Athlete, the Ethiopia NADO and WADA 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 ADR.

**Monaco, 16 June 2020**

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<sup>3</sup> The total period of twelve years' Ineligibility is determined as follows. The sanction for a first anti-doping rule violation involving a Non-Specified Substance is four years in accordance with ADR 10.2.1. The sanction for a second anti-doping rule violation involving Tampering and Complicity is eight years in accordance with Article 10.7.1 ADR (i.e., twice the period of ineligibility of four years that would be applicable for Tampering if it were a first violation). In accordance with Article 10.7.6 ADR, the respective periods of Ineligibility for the first and second anti-doping rule violations run sequentially meaning that the Athlete's total period of Ineligibility is twelve years.