

## DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MS FANTU ETICHA JIMMA

### INTRODUCTION

1. World Athletics has 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 ("the "**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 Fantu Eticha Jimma ("the **Athlete**") is a 35-year-old long-distance runner from Ethiopia<sup>1</sup>.
3. This decision is issued by the AIU pursuant to Rule 8.5.6 ADR, which provides as follows:

*"8.5.6 In the event that the Athlete or other Person either (i) admits the violation and accepts the proposed Consequences or (ii) is deemed to have admitted the violation and accepted the Consequences as per Rule 8.5.2(f), the Integrity Unit will promptly:*

- (a) issue a decision confirming the commission of the violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed);*
- (b) Publicly Report that decision in accordance with Rule 14;*
- (c) send a copy of the decision to the Athlete or other Person and to any other party that has a right, further to Rule 13, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision)."*

### THE ATHLETE'S COMMISSION OF ANTI-DOPING RULE VIOLATIONS

4. Rule 2 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

*"2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample*

*[...]*

*2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method"*

5. On 20 January 2023, the Athlete provided a urine Sample pursuant to Testing conducted under the Testing Authority of the Qatar Anti-Doping Commission ("**QADC**"), In-Competition, in Doha, Qatar, which was given code 7106063 (the "**First Urine Sample**").

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<sup>1</sup> <https://worldathletics.org/athletes/ethiopia/fantu-eticha-14494209>

6. On 12 February 2023, the Athlete provided a urine Sample pursuant to Testing conducted by the AIU on behalf, and under the Test Authority of, World Athletics, in accordance with the World Athletics Anti-Doping Rules, In-Competition, in Hong Kong, which was given code 7083476 (the “**Second Urine Sample**”).
7. On 31 March 2023, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Tokyo, Japan (the “**Laboratory**”) reported an Adverse Analytical Finding in the Second Urine Sample for the presence of recombinant Erythropoietin (“**EPO**”) (the “**Second Sample Adverse Analytical Finding**”).
8. The AIU reviewed the Second Sample Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“**ISRM**”) and determined that:
  - 8.1. the Athlete did not have a Therapeutic Use Exemption (“**TUE**”) that had been granted (or that would be granted) for the EPO found in the Second Urine Sample; and
  - 8.2. there was no apparent departure from the International Standard for Testing and Investigations (“**ISTI**”) or from the International Standard for Laboratories (“**ISL**”) that could reasonably have caused the Second Sample Adverse Analytical Finding.
9. On 4 April 2023, the AIU notified the Athlete of the Second Sample Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the Second Sample Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR, and of the imposition of an immediate Provisional Suspension.
10. The Athlete was informed of her rights, *inter alia*, to request the B Sample analysis, to request copies of the Laboratory Documentation Package supporting the Second Sample Adverse Analytical Finding (“**LDP**”) and to admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR. The AIU also requested that the Athlete provide an explanation for the Second Sample Adverse Analytical Finding.
11. On 26 April 2023, the Athlete sent a letter, via her management company (Ms Rossella Graziotto for Demadonna Athletic Promotions), providing the Athlete’s explanation for the Second Sample Adverse Analytical Finding. In short, the Athlete alleged that she had been treated by a doctor with medicines described to her as “*vitamins*” at a hospital in Ethiopia on 8 February 2023 (i.e., four (4) days prior to the collection of the Second Sample).
12. The AIU reviewed the Athlete’s explanation (including investigating the circumstances alleged by the Athlete with the assistance of the Ethiopian National Anti-Doping Authority) and determined that the explanation failed to explain the Second Sample Adverse Analytical Finding.
13. On 5 June 2023, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Doha, Qatar (the “**Laboratory**”) reported an Adverse Analytical Finding in the First Urine Sample for the presence of recombinant Erythropoietin (“**EPO**”) (the “**First Sample Adverse Analytical Finding**”).
14. In view of the Results Management already conducted by the AIU on behalf of World Athletics concerning the Second Sample Adverse Analytical Finding, on 6 June 2023 the AIU requested

that the QADC agree to transfer responsibility for Results Management in relation to the First Sample Adverse Analytical Finding to the AIU.

15. On 7 June 2023, the QADC confirmed that it agreed to the AIU conducting Results Management in relation to the First Sample.
16. The AIU therefore reviewed the First Sample Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“ISRM”) and determined that:
  - 16.1. the Athlete did not have a Therapeutic Use Exemption (“TUE”) that had been granted (or that would be granted) for the EPO found in the First Urine Sample; and
  - 16.2. there was no apparent departure from the International Standard for Testing and Investigations (“ISTI”) or from the International Standard for Laboratories (“ISL”) that could reasonably have caused the First Sample Adverse Analytical Finding.
17. On 15 June 2023, the AIU notified the Athlete of the First Sample Adverse Analytical Finding in accordance with Article 5.1.2.1 of the ISRM, including that the First Sample Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR, and, for completeness, of the imposition of a Provisional Suspension (in addition to that imposed for the Second Sample Adverse Analytical Finding).
18. The Athlete was informed of her rights, *inter alia*, to request the B Sample analysis, to request copies of the Laboratory Documentation Package supporting the First Sample Adverse Analytical Finding (“LDP”) and to admit the Anti-Doping Rule Violations and potentially benefit from a one-year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR. The AIU also requested that the Athlete provide an explanation for the First Sample Adverse Analytical Finding.
19. On 26 June 2023, the Athlete, through her management company, returned an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form (the “Admission Form”), signed on 19 June 2023, to confirm that she admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Admission Form.

## CONSEQUENCES

20. In accordance with Rule 10.9.3(a), the First Sample Adverse Analytical Finding and Second Sample Adverse Analytical Finding shall be considered together as one single Anti-Doping Rule Violation. This is therefore the Athlete’s first Anti-Doping Rule Violation.
21. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 or Rule 2.2 ADR shall be as follows:

*“10.2.1 Save where Rule 10.2.4 applies, the period of Ineligibility will be four years where:*

- (a) The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.*

(b) *The anti-doping rule violation involves a Specified Substance or a Specified Method and the Integrity Unit can establish that the anti-doping rule violation was intentional.”*

22. EPO is a Prohibited Substance under the WADA 2023 Prohibited List under the category S2 Peptide Hormones, Growth Factors, Related Substances and Mimetics. It is a Non-Specified Substance prohibited at all times.

23. The period of Ineligibility to be imposed is therefore a period of four (4) years, unless the Athlete demonstrates that the Anti-Doping Rule Violations were not intentional.

24. The Athlete has failed to demonstrate that the Anti-Doping Rule Violations were not intentional. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.

25. However, Rule 10.4 ADR specifies that based on Aggravating Circumstances the period of Ineligibility may be increased as follows:

*“10.4 If the Integrity Unit or other prosecuting authority establishes in an individual case involving an anti-doping rule violation other than violations under Rule 2.7 (Trafficking or Attempted Trafficking), Rule 2.8 (Administration or Attempted Administration), Rule 2.9 (Complicity or Attempted Complicity) or Rule 2.11 (Acts by an Athlete or other Person to discourage or retaliate against reporting) that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable will be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that they did not knowingly commit the anti-doping rule violation.”*

26. Aggravating Circumstances are defined in the Rules as follows:

*“**Aggravating Circumstances:** Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.”*

27. The Athlete has provided two urine Samples, more than three weeks apart from each other, which following analysis revealed the presence of EPO. This constitutes clear evidence of the Athlete’s Use of a Prohibited Substance (EPO) on multiple occasions and justifies an increase of the period of Ineligibility based on Aggravating Circumstances.

28. The period of Ineligibility to be imposed is therefore a period of six (6) years, unless the Athlete can establish that she did not knowingly commit the Anti-Doping Rule Violations.
29. The Athlete has failed to establish that she did not knowingly commit the Anti-Doping Rule Violations. Therefore, the period of Ineligibility to be imposed is a period of Ineligibility of six (6) years.
30. However, Rule 10.8.1 ADR provides that an athlete potentially subject to an asserted period of Ineligibility of four (4) or more years may benefit from a one (1)-year reduction in the period of Ineligibility based on an early admission and acceptance of sanction:

*“10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction.*

*Where the Integrity Unit notifies an Athlete or other Person of an anti-doping rule violation charge that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Rule 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Notice of Charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the Integrity Unit. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Rule 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Rule.”*

31. The Notice of Allegation letters were issued to the Athlete on 4 April 2023 and on 15 June 2023, and, on 26 June 2023, the AIU received the Admission Form signed by the Athlete in which the Athlete admitted the Anti-Doping Rule Violations and accepted an asserted period of Ineligibility of six (6) years.
32. The Athlete shall therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 based on an early admission and acceptance of sanction.
33. On the basis that the Athlete has admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR, in accordance with Rule 10.2.1 ADR and the application of Rule 10.8.1 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
  - 33.1. a period of Ineligibility of five (5) years commencing on 15 June 2023 (with credit for the period of Provisional Suspension since 4 April 2023 in accordance with Rule 10.13.2(a) ADR); and
  - 33.2. disqualification of the Athlete’s results on and since 20 January 2023, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points, prizes and appearance money.
34. The Athlete has accepted the above Consequences for her Anti-Doping Rule Violations and has expressly waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## PUBLICATION

35. In accordance with Rule 8.5.6(b) ADR, the AIU shall publicly report this decision on the AIU's website.

## **RIGHTS OF APPEAL**

36. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.

37. Further to Rule 13.2.3 ADR, WADA and the Ethiopian National Anti-Doping Authority 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 Rule 13.6.1 ADR.

38. If an appeal is filed against this decision by WADA or the Ethiopian National Anti-Doping Authority, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 26 July 2023