

DECISION OF THE ATHLETICS INTEGRITY UNIT IN THE CASE OF MR GETAYE FISSEHA GELAW

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. Mr Getaye Fisseha Gelaw is a 31-year-old Ethiopian road runner and is an International Athlete for the purposes of the ADR ("the **Athlete**")¹.
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"

¹ <https://worldathletics.org/athletes/ethiopia/getaye-fisseha-14743677>

5. On 5 September 2021, the Athlete provided a urine Sample In-Competition at the 9 Eylül İzmir Half Marathon, in Izmir, Turkey, which was given code number 4538772 (the “**First Urine Sample**”).
6. On 10 October 2021, the Athlete provided another urine Sample and a blood Sample Out-of-Competition in Ankara, Turkey, which were, respectively, given code number 45824426 (the “**Second Urine Sample**”) and code number 697810 (“the **Blood Sample**”).
7. The presence of recombinant erythropoietin (“**EPO**”) was detected in the First Urine Sample, the Second Urine Sample and the Blood Sample (together, the “**Adverse Analytical Findings**”) following analysis undertaken by the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Lausanne, Switzerland (the “**Laboratory**”).
8. The AIU reviewed the Adverse Analytical Findings 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 First Urine Sample, the Second Urine Sample and the Blood 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 Adverse Analytical Findings.
9. Therefore, in accordance with Article 5.1.2.1 ISRM, the AIU issued the Athlete with a Notice of Allegation of Anti-Doping Rule Violations on 4 February 2022 imposing a Provisional Suspension (effective immediately) and invited the Athlete to provide his detailed written explanation for the Adverse Analytical Findings by no later than 11 February 2022².
10. The Notice of Allegation also confirmed that the AIU considered there to be Aggravating Circumstances present that justified the potential imposition of a period of Ineligibility of six (6) years³.
11. The Athlete was informed of his rights, *inter alia*, to request the B Sample analyses, to request copies of the laboratory documentation supporting the Adverse Analytical Findings 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.
12. On 11 February 2022, the Athlete provided his explanation for the Adverse Analytical Findings, which, in summary, set out that he had been injured in September 2021, but that following medical advice and therapy from a variety of specialists and physiotherapists, the injury had not improved. The Athlete claimed that his ‘colleagues’ advised him to use different substances

² The Athlete was informed in the Notice of Allegation that, in accordance with Rule 10.9.3 ADR, the Adverse Analytical Findings would be treated together as one single first Anti-Doping Rule Violation.

³ Rule 10.4 ADR confirms that if the AIU can establish Aggravating Circumstances for Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR, that the period of Ineligibility otherwise applicable will be increased by an additional period of Ineligibility of up to two years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete can establish that they did not knowingly commit the Anti-Doping Rule Violation.

and that he began taking ‘*painkillers*’ which he had checked with specialists following his receipt of the Notice of Allegation, who informed him that his colleagues had provided him with ‘*wrong substances which contain illegal compounds such as EPO*’. The Athlete claimed that he did not take EPO deliberately, that he had mistrusted his competitors and that they had betrayed him. He accepted the Adverse Analytical Findings and acknowledged his mistake.

13. Between 15 February 2022 and 7 March 2022, the AIU made attempts to speak with the Athlete directly to discuss his explanation in more detail. However, those attempts were unsuccessful. Therefore, on 9 March 2022, the AIU wrote to the Athlete confirming its position relating to Aggravating Circumstances and the potential application of a period of Ineligibility of six (6) years as set out in the Notice of Allegation and invited the Athlete to submit additional information relating to his explanation by no later than 16 March 2022.
14. On 15 March 2022, the Athlete provided further details to the AIU about his explanation for the Adverse Analytical Findings. In summary, the Athlete provided additional details concerning the nature of his injury and confirmed that his ‘*friends*’ had advised him to use painkillers before long training and competitions and that he had ‘*used it [painkillers] by injection three times, twice in September and once in October*’. The Athlete confirmed that he had not injected himself on those occasions, but that his ‘*colleagues*’ had injected him directly into his injured knee and that he did not know when or from where the substance he was injected with had been purchased. The Athlete stated that his focus was on recovery from injury rather than on what substance was being given to him and that he had not acted intentionally.
15. Following a request for additional information by the AIU on 17 March 2022, including that the Athlete confirm the identities of those individuals that had advised him to take painkillers and of those who had injected him, the Athlete responded on 24 March 2022 explaining that he had been in Turkey from August 2021 until the beginning of October 2021 and that this is where he had been injured during training and been injected. He explained that athletes were present, but that he didn’t ‘*have a long time relationship with [the] athletes*’. The Athlete also stated that those who had injected him were not athletes, but persons closely associated with them, and that he did not ‘*know them in detail*’.
16. Following a review of the information provided by the Athlete in explanation for the Adverse Analytical Findings (as summarised above), the AIU remained satisfied that the Athlete had committed Anti-Doping Rule Violations as set out in the Rules and that he had not established through his explanation that he had not done so knowingly.
17. Therefore, on 21 April 2022, the AIU issued a Notice of Charge to the Athlete in accordance with Rule 8.5.1 and Article 7.1 ISRM confirming that he was being charged with Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR (“the **Charge**”) and that those Anti-Doping Rule Violations warranted a six (6) year period of Ineligibility based on the application of Aggravating Circumstances⁴. The AIU invited the Athlete to respond to the Charge confirming how he would like to proceed by no later than 28 April 2022.

⁴ The definition of Aggravating Circumstances in the ADR includes specifically the following conduct “*the Athlete Used or Possessed a Prohibited Substance or prohibited Method on multiple occasions*”. The Athlete has admitted to being injected on three occasions, twice in September 2021 and once in October 2021 (see para. 14). The AIU therefore considers that Aggravating Circumstances are clearly present in this case. Moreover, EPO was detected in the Athlete’s Samples. EPO is a potent doping agent for blood doping purposes

18. However, the Athlete failed to respond to the Charge by that date.
19. Therefore, on 6 May 2022, the AIU wrote to the Athlete confirming that, due to his failure to respond to the Charge by 28 April 2022, it was satisfied that he had accepted that he had committed the Anti-Doping Rule Violations specified in the Charge and that he had waived his right to a hearing in relation to the determination of those Anti-Doping Rule Violations and the Consequences to be imposed.
20. The AIU reminded the Athlete that he had until no later than 11 May 2022 to sign and return an Admission of Anti-Doping Rule Violation and Acceptance of Consequences form (that were enclosed with the Notice of Allegation and the Charge) to benefit from an automatic one (1) year reduction in the period of Ineligibility pursuant to Rule 10.8.1 ADR⁵ and that, if he failed to do so by that date, he would be deemed to have admitted the Anti-Doping Rule Violation and accepted the Consequences set out in the Charge, and the AIU would then issue a final decision in his case.
21. The Athlete failed to respond to the Charge or to submit a signed Admission of Anti-Doping Rule Violation and Acceptance of Consequences form to the AIU by 11 May 2022. The Athlete is therefore deemed to have waived his right to a hearing before the Disciplinary Tribunal, admitted the Anti-Doping Rule Violations and accepted the Consequences specified in the Charge in accordance with Rule 8.5.2(f) ADR.

CONSEQUENCES

22. This is the Athlete's first Anti-Doping Rule Violation.
23. On the basis that the Athlete is deemed to have admitted the Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR and accepted the Consequences set out in the Charge, the AIU confirms by this decision the following Consequences for the Anti-Doping Rule Violations:
 - 23.1. a period of ineligibility of six (6) years commencing on the date of this decision, with credit for the period of Provisional Suspension since 4 February 2022 (i.e., until 3 February 2028); and
 - 23.2. disqualification of the Athlete's results since 5 September 2021, with all resulting Consequences, including the forfeiture of any titles, awards, medals, points prizes and appearance money.

and the AIU therefore also considers the nature of the Athlete's violations to be particularly serious. The otherwise applicable period of Ineligibility of four (4) years shall therefore be increased by an additional period of Ineligibility of two (2) years based on the combination of the seriousness of the Athlete's violation and the nature of the Aggravating Circumstances present.

⁵ Rule 10.8.1 ADR confirms that, where the AIU notifies an Athlete of an Anti-Doping Rule Violation charge that carries an asserted period of Ineligibility of four (4) years or more, then the Athlete may receive a one (1) year reduction in the period of Ineligibility asserted by admitting the violation and accepting the asserted period of Ineligibility no later than 20 days after receiving the Notice of Charge.

PUBLICATION

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

RIGHTS OF APPEAL

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

26. Further to Rule 13.2.3 ADR, the Athlete, the World Anti-Doping Agency (“WADA”) and the Ethiopian Anti-Doping Agency 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.

Monaco, 12 May 2022