

**IN THE MATTER OF DISCIPLINARY PROCEEDINGS
BROUGHT BY THE ATHLETICS INTEGRITY UNIT UNDER
THE IAAF ANTI-DOPING RULES**

BETWEEN:

INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATION (IAAF)

Represented by:

Tony Jackson (AIU)
Ross Wenzel (Counsel)

Claimant

and

MESERET TAYE

Represented by:

Roy Appiah (Solicitor, Clifford Chance LLP, acting pro-bono)

Respondent

FACTS

1. On 1st February 2018 the Claimant, the International Association of Athletics Federations ("**IAAF**"), the international federation governing the sport of Athletics worldwide, issued a Notice of Charge pursuant to Article 8.4.1 of its Anti-Doping Regulations ("**ADR**") against the Respondent, Ms Meseret Taye, a 27-year-old Ethiopian athlete, for committing anti-doping rule violations ("**ADRV**") i.e. the presence of a prohibited substance and its metabolites or markers, pursuant to Article 2.1 ADR, and use of a prohibited substance pursuant to Article 2.2 ADR.
2. The charges were essentially based on the result of the analysis of her sample by the WADA accredited laboratory in Ghent, Belgium (the "**Laboratory**"), following her In-Competition doping control test at the

2017 Cape Town Marathon in South Africa on 17 September 2017 which revealed the presence of testosterone and its metabolites consistent with an exogenous origin.

3. In connection with the proceedings the Respondent volunteered various possible explanations for the admitted ADRV with a view to reducing what might otherwise be her appropriate period of ineligibility under the ADR. It is unnecessary, in view of what next transpired, to delve more deeply into those explanations.
4. On the eve of the date fixed for the hearing, i.e. 21 May 2018, before myself, the Chair of the IAAF Disciplinary Tribunal sitting, by agreement of the parties as a sole arbitrator, the Claimant produced fresh evidence in the form of an investigator's report and documentary attachments. This strongly suggested that a Mr. Dawit Gemechu, the Respondent's fiancée was himself the supplier of testosterone to the Yohanna Drug Store, with which he injected the Respondent, rather than a purchaser from it and had moreover falsified receipts from the store in order to disguise his true role.
5. While there was no allegation that the Respondent was privy to these facts (other than the admitted injection by Mr Gemechu) nonetheless, confronted with this fresh evidence, the Respondent agreed to submit to the request for relief sought by the Claimant - itself appropriate in all the circumstances under the relevant provisions of the ADR - and accordingly I so order as set out below (I should add that, in view of the Respondent's concession, it was also unnecessary to examine the fresh evidence further).
6. While I recognize that such order will deprive the Respondent of what has been in the past her chief source of income, it is right in my view, given the development and outcome of the proceedings, that she make a more than nominal contribution towards the Claimant's legal costs and expenses.
7. I am grateful to both Mr Wenzel and Mr Appiah both for their written arguments (although much, through no fault of theirs, became redundant) and for their succinct oral submissions.

8. I commend in particular the latter for acting pro-bono to ensure that the Respondent has had the benefit of professional representation and advice.

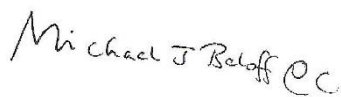
ORDER

(i) A period of ineligibility of four years is imposed upon the Respondent, commencing on the date of the Tribunal Award. The period of provisional suspension imposed on the Respondent from 15 November 2017 until the date of the Tribunal Award shall be credited against the total period of ineligibility.

(ii) The Respondent's results obtained at the 2017 Cape Town Marathon are disqualified with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money.

(iii) All other competitive results obtained by the Respondent from and including 17 September 2017 are disqualified with all resulting consequences including the forfeiture of any titles, awards, medals, points and prize and appearance money.

(iv) The IAAF is awarded £1,500 as a contribution to its legal and other costs.



Michael J. Beloff QC

Michael Beloff QC Chair of the IAAF Disciplinary Tribunal
23 May 2018