
Decision of the Athletics Integrity Unit in the Case of Ms Zerfe Wondemagegn

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 Zerfe Kassa Wondemagegn ("the **Athlete**") is a 21-year-old middle distance runner from Ethiopia.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"

¹ <https://worldathletics.org/athletes/ethiopia/zerfe-wondemagegn-14894854>

[...]

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

5. On 22 August 2023, the Athlete provided a blood Sample Out-of-Competition in Budapest, Hungary, which was given code 1209878 (the "**Blood Sample**").
6. On 27 August 2023, the Athlete provided a urine Sample Out-of-Competition in Budapest, Hungary, which was given code 1208639 (the "**First Urine Sample**").
7. On 24 September 2023, the Athlete provided a urine Sample Out-of-Competition in Oromia/Legetafo, Ethiopia, which was given code 1195177 (the "**Second Urine Sample**").
8. On 10 October 2023, the World Anti-Doping Agency ("**WADA**") accredited laboratory in Siebersdorf, Austria (the "**Laboratory**") reported an Adverse Analytical Finding in the Blood Sample for the presence of recombinant erythropoietin ("**EPO**") (the "**Adverse Analytical Finding**").
9. On 7 November 2023, the Laboratory also reported an Adverse Analytical Finding in the First Urine Sample based on results for 5 α -androstane-3 α ,17 β -diol ("**5 α Adiol**") and 5 β -androstane-3 α ,17 β -diol ("**5 β Adiol**") consistent with exogenous origin (the "**Second Adverse Analytical Finding**").
10. On 8 November 2023, the WADA accredited laboratory in Lausanne, Switzerland reported an Adverse Analytical Finding in the Second Urine Sample based on results for Testosterone, 5 α Adiol, 5 β Adiol, Androsterone and Etiocholanolone consistent with exogenous origin (the "**Third Adverse Analytical Finding**").
11. The AIU reviewed the Adverse Analytical Finding, the Second Adverse Analytical Finding and the Third Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management ("**ISRM**") and determined that:
 - 11.1. the Athlete did not have a Therapeutic Use Exemption ("**TUE**") that had been granted (or that would be granted) for the EPO, Testosterone, 5 α Adiol, 5 β Adiol, Androsterone or Etiocholanolone consistent with exogenous origin that were found in the Blood Sample, the First Urine Sample and the Second Urine Sample (as applicable); and
 - 11.2. 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 any of the Adverse Analytical Finding, the Second Adverse Analytical Finding or the Third Adverse Analytical Finding.
12. 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 20 October 2023 (viz. the Adverse Analytical Finding) and on 15 November 2023 (viz. the Second Adverse Analytical Finding and the Third Adverse Analytical Finding) imposing Provisional Suspensions (effective immediately) and inviting the Athlete to provide her detailed written explanations.

13. Between 23 October 2023 and 27 October 2023, the AIU received several e-mails on the Athlete's behalf from a Dr Asrat in relation to the Adverse Analytical Finding.² In summary, Dr Asrat explained as follows:
 - 13.1. the Athlete had attended a clinic in Ethiopia on several occasions for blood tests and examinations beginning in July 2023 and been diagnosed with severe anemia and pyelonephritis (kidney infection);
 - 13.2. the Athlete was given a single injection of 4000UI of EPO by intramuscular injection on 8 July 2023, 45 days before the Blood Sample was collected from the Athlete on 22 August 2023.
14. The AIU received further e-mails from Dr Asrat on 4 November 2023 including that the Athlete had experienced severe bleeding due to irregular menstruation and a kidney infection and that doctors had administered EPO to the Athlete to save her life. Dr Asrat also explained that the Athlete did not know what medicine she had taken.
15. In addition, on 20 November 2023 (responding to the Notice of Allegation issued on 15 November 2023 viz. the Second Adverse Analytical Finding and the Third Adverse Analytical Finding), the AIU received an e-mail from Dr Asrat stating that the Athlete had not taken any testosterone hormone medicine. Dr Asrat confirmed that the Athlete had taken nothing other than EPO, that testosterone occurred naturally in females and that the Athlete had not used any testosterone.
16. Following review of the Athlete's explanation (including an investigation into the medical documents submitted in support of the Athlete's explanation with the assistance of the Ethiopian Anti-Doping Agency)³, the AIU remained satisfied that the Athlete had committed Anti-Doping Rule Violations as set out in the Rules.
17. Therefore, on 8 April 2024, the AIU issued the Athlete with a Notice of Charge in accordance with Rule 8.5.1 ADR and Article 7.1 ISRM confirming that she was being charged with Anti-Doping Rule Violations under Rule 2.1 ADR and Rule 2.2 ADR ("the **Charge**") and that the Consequences included (i) a period of Ineligibility of six (6) years⁴ and (ii) disqualification of her results on and since 22 August 2023.
18. The AIU invited the Athlete to respond to the Charge confirming how she wished to proceed by no later than 22 April 2024. The letter confirmed that, should the Athlete fail to challenge the AIU's assertion of the Anti-Doping Rule Violations or the Consequences, or fail to request a hearing, then she would be deemed to have waived her right to a hearing, admitted the

² The e-mails also enclosed copies of medical documents in support of the Athlete's explanation.

³ The investigation remains ongoing, and the AIU reserves the right to assert additional Anti-Doping Rule Violations against the Athlete in appropriate circumstances.

⁴ Based on the presence of Aggravating Circumstances in the matter in accordance with Rule 10.4, as set out further below.

Anti-Doping Rule Violations and accepted the Consequences set out in the Charge in accordance with Rule 8.5.2(f) ADR.

19. On 16 April 2024, the AIU received an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete.

Consequences

20. In accordance with Rule 10.9.3(a) ADR, the Anti-Doping Rule Violations that arise from the Blood Sample, the First Urine Sample and the Second Urine Sample shall be considered together as one single first violation, and the sanction imposed will be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances

21. Rule 10.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.1 ADR 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. 5 α Adiol, 5 β Adiol, Androsterone and Etiocholanolone are Metabolites of Testosterone, which is a Prohibited Substance under the WADA 2023 Prohibited List under the category S1.1 Anabolic Androgenic Steroids. It is a Non-Specified Substance prohibited at all times.

24. 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.

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

26. However, Rule 10.4 ADR specifies that the period of Ineligibility may be increased if Aggravating Circumstances are present 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.”

27. Aggravating Circumstances are defined in the Rules as being:

*“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.” (emphasis added)*

28. The analysis of the Blood Sample revealed the presence of EPO. The analysis of the First Urine Sample and the Second Urine Sample revealed the presence of Testosterone and Metabolites of Testosterone of exogenous origin. This constitutes clear evidence of the Athlete’s Use of multiple Prohibited Substances which is expressly identified in the definition of Aggravating Circumstances and therefore justifies an increase of the period of Ineligibility 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) years or more 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 Charge was issued to the Athlete on 8 April 2024. On 16 April 2024, the AIU received an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form signed by the Athlete confirming that she admitted the Anti-Doping Rule Violations and accepted the asserted period of Ineligibility.
32. The Athlete shall therefore receive a one (1) year reduction in the asserted period of Ineligibility pursuant to Rule 10.8.1 ADR 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 10.4 ADR and 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 20 October 2023 (the date of Provisional Suspension); and
 - 33.2. disqualification of the Athlete’s results on and since 22 August 2023, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money 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 Anti-Doping Agency (“**ETH-ADA**”) 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 ETH-ADA, the Athlete will be entitled to exercise her right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 19 April 2024