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# Decision of the Athletics Integrity Unit in the Case of Ms Nazret Weldu

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## 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 Nazret Weldu (“the **Athlete**”) is a 34-year-old marathon runner from Eritrea.<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).”*

## Whereabouts Failures

4. Rule 2.4 ADR sets out that the following shall constitute an Anti-Doping Rule Violation:

*“2.4 Whereabouts Failures by an Athlete in a Registered Testing Pool*

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<sup>1</sup> <https://worldathletics.org/athletes/eritrea/nazret-weldu-14262207>

*Any combination of three missed tests and/or filing failures, as defined in the International Standard for Results Management, within a 12-month period by an Athlete in a Registered Testing Pool.”*

5. A Missed Test and a Filing Failure are defined in the International Standard for Results Management (“**ISRM**”) respectively as follows:

*“**Missed Test:** A failure by the Athlete to be available for Testing at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.*

***Filing Failure:** A failure by the Athlete (or by a third party to whom the Athlete has delegated the task) to make an accurate and complete Whereabouts Filing that enables the Athlete to be located for Testing at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.”*

6. In short, an athlete violates Rule 2.4 of the ADR where he or she has any combination of three Missed Tests and/or Filing Failures within any twelve-month period, that period beginning on the day of the first relevant Missed Test/Filing Failure.

## The Athlete’s Commission of an Anti-Doping Rule Violation

7. In this instance, the Athlete has had three Whereabouts Failures in the twelve-month period beginning on 9 November 2023, specifically:

- (i) a Missed Test and/or a Filing Failure on 9 November 2023;
- (ii) a Missed Test and/or a Filing Failure on 8 December 2023; and
- (iii) a Missed Test and/or a Filing Failure on 22 May 2024.

8. The circumstances of each of these Whereabouts Failures are set out in detail below.

### **I. First Whereabouts Failure – Missed Test/Filing Failure on 9 November 2023**

9. In summary, on 9 November 2023, a Doping Control Officer (“**DCO**”) attended ‘Mereb Setit Sport Training Center’ in Asmara, Eritrea (“the **Training Centre**”) that was indicated in the Athlete’s Whereabouts information for her 60-minute time slot on that date (10:00 – 11:00). The DCO arrived at the Training Centre at the start of the 60-minute time slot and met another athlete who informed the DCO that the Athlete had left the day before and had not returned. The DCO called the Athlete’s coach who told the DCO that on the previous morning (8 November 2023), the Athlete had travelled to meet her brother at a military camp and had not returned from that trip. The DCO remained at the Training Centre for the duration of the Athlete’s 60-minute time slot and concluded the attempt at 11:27.

10. On 16 November 2023, the AIU notified the Athlete of an apparent Whereabouts Failure on 9 November 2023 and requested her explanation by no later than 30 November 2023.
11. No explanation was received by the given deadline.
12. On 7 December 2023, the AIU therefore wrote to the Athlete and confirmed the Whereabouts Failure on 9 November 2023 against her. The Athlete was afforded the right to request an administrative review of that decision by no later than 21 December 2023 and advised that, if she failed to do so, the Whereabouts Failure would be considered as a Whereabouts Failure for the purpose of Rule 2.4 ADR.
13. No request for an administrative review was received by 21 December 2023.
14. Therefore, the AIU recorded a Whereabouts Failure<sup>2</sup> against the Athlete effective 9 November 2023.

## II. Second Whereabouts Failure – Missed Test/Filing Failure on 8 December 2023

15. In summary, on 8 December 2023, a DCO went to the ‘Radisson Blu Hotel’ in Dubai, United Arab Emirates (“the Dubai Hotel Address”) where the Athlete had indicated that she would be for her 60-minute time slot on that date (21:00 – 22:00). The DCO arrived at the Dubai Hotel Address at the start of the 60-minute time slot and told the receptionist that he was looking for the Athlete. The receptionist tried to find any information on the booking system with the Athlete’s name but was unable to do so. The DCO remained at the Dubai Hotel Address for the duration of the 60-minute time slot and concluded the attempt at 22:10.
16. On 19 December 2023, the AIU notified the Athlete of an apparent Whereabouts Failure on 8 December 2023 and requested her explanation by no later than 2 January 2024.
17. No explanation was received by the given deadline.
18. On 9 January 2024, the AIU therefore wrote to the Athlete and confirmed a Whereabouts Failure effective 8 December 2023 against her. The Athlete was afforded the right to request an administrative review of that decision by no later than 23 January 2024 and advised that, if she failed to do so, the Whereabouts Failure would be confirmed against her as her second Whereabouts Failure in the twelve-month period beginning on 9 November 2023 for the purposes of Rule 2.4 ADR.
19. No request for an administrative review was received by 23 January 2024.
20. Therefore, the AIU recorded a second Whereabouts Failure<sup>3</sup> against the Athlete effective 8 December 2023.

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<sup>2</sup> This Whereabouts Failure was confirmed as both a Missed Test and a Filing Failure.

<sup>3</sup> This Whereabouts Failure was confirmed as both a Missed Test and a Filing Failure.

### III. Third Whereabouts Failure – Missed Test/Filing Failure on 22 May 2024

21. In summary, on 22 May 2024, a DCO attended the Training Centre specified as the location for the Athlete's 60-minute time slot between 10:00 and 11:00 for that day but was unable to locate her for Testing. The DCO was informed by another athlete and the Athlete's husband that the Athlete was in Addis Ababa. The DCO remained at the Training Centre until the end of the 60-minute time slot and concluded the attempt at 11:01.
22. On 28 May 2024, the AIU notified the Athlete of an apparent Whereabouts Failure on 22 May 2024 and requested the Athlete's explanation by no later than 4 June 2024.
23. On 5 June 2024, an explanation was submitted to the AIU on the Athlete's behalf by her Authorised Athletes' Representative, who, in summary, explained that:
  - 23.1. he was responsible for making updates to the Athlete's Whereabouts information;
  - 23.2. on 20 May 2024, the Athlete's husband had informed him by WhatsApp message that the Athlete would not return to Asmara on that date, but that she would instead remain in Addis Ababa until 4 June 2024;
  - 23.3. whilst he had received and read that message, he had failed to make the necessary updates to the Athlete's Whereabouts Filing in ADAMS to indicate that she would be in Addis Ababa until 4 June 2024 and therefore not at the Training Centre on 22 May 2024; and
  - 23.4. the Athlete did not dispute that she was not at the Training Centre during her specified 60-minute time slot on 22 May 2024.
24. Also on 5 June 2024, a further explanation was submitted to the AIU by the Athlete's husband. In summary, he explained that there was no internet access at the Training Centre or at their home address and asked for forgiveness for unintentional errors made by the Athlete, the Athlete's representative and himself.
25. On 5 June 2024, the AIU wrote to the Athlete and confirmed the Whereabouts Failure on 22 May 2024 as the third Whereabouts Failure in the twelve-month period beginning on 9 November 2023.
26. The Athlete was afforded the right to request an administrative review of that decision by no later than 7 June 2024 and advised that, if she failed to do so, the Whereabouts Failure would be considered as her third Whereabouts Failure for the purposes of Rule 2.4 ADR.
27. No request for an administrative review was received by 7 June 2024.
28. Therefore, the AIU recorded a third Whereabouts Failure<sup>4</sup> against the Athlete effective 22 May 2024.

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<sup>4</sup> This Whereabouts Failure was confirmed as both a Missed Test and a Filing Failure.

## Disciplinary proceedings

29. On 17 June 2024, the AIU issued a Notice of Allegation to the Athlete for a violation of Rule 2.4 ADR, including the imposition of a Provisional Suspension, and specified that the AIU would seek Consequences including a period of Ineligibility of two (2) years and disqualification of the Athlete's results since 22 May 2024 with all resulting consequences. The Athlete was invited to respond to the Notice of Allegation confirming how she wished to proceed by no later than 24 June 2024.
30. On 21 June 2024, the AIU received an e-mail from the Eritrean National Athletics Federation. In summary, the e-mail explained that:
- 30.1. for the Whereabouts Failures on 8 December 2023 and 22 May 2024, it was the fault of the Athlete's representative that the Whereabouts Filing was not updated;
  - 30.2. the Athlete was obliged, for cultural reasons, to participate in the funeral of her relative and consequently was unable to return to Asmara according to her Whereabouts Filing on 9 November 2023; and
  - 30.3. the Athlete is unable to communicate in English and has to rely on help from others to do so.
31. On 22 June 2024, the AIU received an e-mail from the Athlete's husband. The e-mail repeated the same explanation that the Athlete's husband had submitted on 5 June 2024 as response to the AIU following the notice of an apparent (third) Whereabouts Failure on 28 May 2024 (see para 24).
32. On 22 June 2024, the AIU received several e-mails from the Athlete in response to the Notice of Allegation. In summary, the Athlete stated that:
- 32.1. she had personal challenges with providing her Whereabouts information due to her lack of education and being unable to communicate in English. The Athlete was therefore entirely dependent on her coach and her representative;
  - 32.2. for her first Whereabouts Failure (on 9 November 2023), her husband had tried to inform her representative about the change in her circumstances so that her Whereabouts information could be updated, but the message did not get through because of poor internet connection (and access to internet connectivity generally being severely limited in Eritrea);
  - 32.3. for her second Whereabouts Failure (on 8 December 2023), the Athlete had expected her representative to update her Whereabouts Filing because he had booked the hotel in Dubai for her (and he was responsible for updating her Whereabouts Filings), but he failed to do so; and
  - 32.4. for her third Whereabouts Failure (on 22 May 2024), the Athlete had informed her husband about her change of plans to stay longer in Addis Ababa and to return to Asmara later and asked him to communicate that information to her representative because the Athlete cannot communicate in English. The Athlete's husband informed

her representative so that he could update her Whereabouts Filing, but he forgot to do so.

33. On 24 June 2024, the AIU received e-mails from the Athlete's representative. In summary, he stated that:

33.1. The Athlete's second Whereabouts Failure (on 8 December 2023) was entirely his fault; he had made a booking for a different hotel for the Athlete and her husband and, although he had informed them about the details of the new booking, he had forgotten to update the Athlete's Whereabouts Filing accordingly;

33.2. the Athlete's third Whereabouts Failure (on 22 May 2024) was also entirely his fault, he had received information from the Athlete's husband on 20 May 2024 to update the Athlete's Whereabouts Filing to show that she would be in Addis Ababa until 4 June 2024, but, in the absence of further reminders, he had forgotten to do so; and

33.3. the Athlete wished to discuss an admission of the Anti-Doping Rule Violation and a potential reduction in the period of Ineligibility based on the Athlete's degree of Fault with the AIU on a without prejudice basis.

34. Following without prejudice discussion between the Athlete and the AIU, which included in particular representations made by the Athlete and the Athlete's representative in relation to the Athlete's degree of Fault for the Anti-Doping Rule Violation, the Athlete agreed to resolve the matter on terms specified by the AIU as set out in further detail below.

## Consequences

35. This is the Athlete's first Anti-Doping Rule Violation.

36. Rule 10.3.2 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation under Rule 2.4 ADR shall be as follows:

*"10.3.2 For violations of Rule 2.4, the period of Ineligibility will be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Athlete's degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Rule is not available to Athlete where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing."*

37. The period of Ineligibility is therefore two years, subject to a reduction down to a minimum of one year based on the Athlete's degree of Fault.



38. Before addressing the Athlete's level of Fault in this case, it is necessary to recall the following key principles that have been upheld by the Court of Arbitration for Sport ("CAS") in relation to the whereabouts system<sup>5</sup>.
39. First, the whereabouts regime constitutes the single most important system through which doping can be effectively detected through no advance notice out of competition testing and it is therefore critical to the fight against doping.
40. Second, whilst that system places substantial demands upon Athletes in terms of sacrifice of freedom or privacy, that is the necessary quid pro quo for Athletes to ensure their participation in doping-free sport.
41. Finally, therefore, all Athletes must be held strictly accountable for their failure (for whatever reason) to comply with their duties under the whereabouts regime to maintain the credibility and integrity of the system and to protect clean Athletes.
42. In that context, an assessment of Fault for a Rule 2.4 Anti-Doping Rule Violation also requires consideration of Fault in relation to all three Whereabouts Failures. As set out in CAS 2020/A/7526 World Athletics v. Salwa Eid Naser & CAS 2020/A/7559 WADA v. World Athletics & Salwa Eid Naser (para. 206) "*given that the ADRV is composed of three different Whereabouts Failures that form part of the First Charge, the Panel will have to assess the Athlete's degree of Fault taking into account the circumstances pertaining to all of them.*"
43. In addition, in CAS 2020/A/7528 Christian Coleman v. World Athletics the CAS Panel calibrated the potential reduction of the period of Ineligibility from two years down to one year in relation to a Rule 2.4 Anti-Doping Rule Violation based on levels of Fault ranging from "high" (24-20 months with a midpoint of 22 months), "medium" (16-20 months with a midpoint of 18 months) and "low" (12-16 months with a midpoint of 14 months).
44. Fault is defined as follows in the ADR (emphasis added):

*"Fault: Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete's or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in a career,*

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<sup>5</sup> See CAS 2020/A/7526 World Athletics v. Salwa Eid Naser & CAS 2020/A/7559 WADA v. World Athletics & Salwa Eid Naser.

*or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Rule 10.6.1 or 10.6.2.”*

45. The AIU considers the following factors to be relevant to the consideration of the Athlete's degree of Fault in the circumstances of her case:
- 45.1. the Athlete has had no formal anti-doping education and has no direct experience or understanding of how to use ADAMS to update her Whereabouts information herself;
  - 45.2. the Athlete does not speak English and was therefore unable to communicate directly with her representative. Although the Athlete sought to overcome this obstacle by using her husband (who was able to communicate with her representative on her behalf in English) to communicate details about her whereabouts, the Athlete's language barrier nevertheless represents an impairment which is a relevant consideration in her case;
  - 45.3. internet connectivity in Eritrea is limited<sup>6</sup> and is unreliable generally. In the Athlete's particular circumstances, there is limited connectivity in Asmara where she lives and trains, which presented a further impairment to the Athlete's ability to communicate with her representative (through her husband) to update her Whereabouts information;
  - 45.4. two of the Athlete's three Whereabouts Failures are due to the omissions of her representative and for one of these (the Athlete's third Whereabouts Failure) the Athlete did, in fact, communicate a change in her circumstances to her representative so that her Whereabouts information could be updated two days before the third Whereabouts Failure occurred, but he failed to do so. Whilst that is no defence against the Athlete's liability for the third Whereabouts Failure<sup>7</sup>, it is nonetheless relevant in consideration of the Athlete's degree of Fault for the ADRV.
46. In consideration of the foregoing, the AIU considers that the Athlete's level of Fault for the Rule 2.4 Anti-Doping Rule Violation is at the bottom of the “high” range of Fault (per the calibration of the one-year range as adopted by the CAS Panel in *Coleman*), i.e., a period of 20 months. The Athlete has accepted that period of Ineligibility.
47. On the basis that the Athlete has admitted the Anti-Doping Rule Violation under Rule 2.4 ADR and accepted Consequences specified by the AIU, in accordance with Rule 10.3.2 ADR and the application of Rule 8.5.6 ADR, the AIU confirms by this decision the following Consequences for a first Anti-Doping Rule Violation:
- 47.1. a period of Ineligibility of twenty (20) months commencing on 17 June 2024 (the date of Provisional Suspension); and

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<sup>6</sup> According to data from [datareportal.com](https://datareportal.com), Eritrea's internet penetration rate was 26.6% of the total population as of the start of 2024. The International Telecommunications Union (the United Nations specialized agency for digital technology) also estimates that just 35% of the population are covered by a 3G mobile network (as of 2021) and that there are 25 active mobile-broadband subscriptions per 100 inhabitants (as of 2021).

<sup>7</sup> See Article 4.8.14.4 b) of the WADA International Standard for Testing and Investigations (“[ISTI](#)”).



47.2. disqualification of the Athlete's results on and since 22 May 2024, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.

48. The Athlete has accepted the above Consequences for her Anti-Doping Rule Violation and has expressly waived her right to have those Consequences determined by the Disciplinary Tribunal at a hearing.

## Publication

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

## Rights of Appeal

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

51. Further to Rule 13.2.3 ADR, WADA and the Eritrean National Anti-Doping Organization 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.

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

Monaco, 11 September 2024