
Decision of the Athletics Integrity Unit in the Case of Mr Kibrom Weldemicael

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 Kibrom Weldemicael ("the **Athlete**") is a 37-year-old marathon runner from Eritrea.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/eritrea/kibrom-weldemicael-14635592>

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

5. On 5 May 2024, the Athlete provided a urine Sample In-Competition at the ‘*Generali Genève Marathon*’ in Geneva, Switzerland, which was given code 8087905 (the “**Sample**”).
6. On 7 August 2024, the World Anti-Doping Agency (“**WADA**”) accredited laboratory in Cologne, Germany (the “**Laboratory**”) reported an Adverse Analytical Finding in the Sample for the presence of erythropoietin (“**EPO**”) and furosemide (the “**Adverse Analytical Finding**”).
7. The AIU reviewed the Adverse Analytical Finding in accordance with Article 5 of the International Standard for Results Management (“**ISRM**”) and determined that:
 - 7.1. the Athlete did not have a Therapeutic Use Exemption (“**TUE**”) that had been granted (or that would be granted) for the EPO or the furosemide found in the Sample; and
 - 7.2. 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 Finding.
8. On 8 August 2024, the AIU notified the Athlete of the Adverse Analytical Finding (in-person) in accordance with Article 5.1.2.1 of the ISRM, including that the Adverse Analytical Finding may result in Anti-Doping Rule Violations pursuant to Rule 2.1 ADR and/or Rule 2.2 ADR and gave the Athlete until 9:00 CEST on 9 August 2024 to make a written submission to the AIU showing cause why a Provisional Suspension should not be imposed upon him.
9. The Athlete was also informed of his rights, *inter alia*, to request the B Sample analysis, to request copies of the laboratory documentation supporting the Adverse Analytical Finding 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 Adverse Analytical Finding by no later than 15 August 2024.
10. The Athlete failed to file a written submission showing why a Provisional Suspension should not be imposed upon him by 09:00 CEST on 9 August 2024 (or at all).
11. Therefore, in accordance with Rule 7.4.1 ADR, the AIU issued the Athlete with a Notice of Provisional Suspension and Public Disclosure on 9 August 2024 imposing a Provisional Suspension (effective immediately). The AIU also informed the Athlete that, pursuant to Rule 14.3.1 ADR and in accordance with Rule 14.1.5 ADR, the AIU would immediately Publicly Disclose the details of his Provisional Suspension by way of notice on the AIU website.
12. On 15 August 2024, the Athlete provided his explanation for the Adverse Analytical Finding, which set out (in summary) that he had not taken EPO, had been training in altitude locations his whole career, but had not disclosed this on his Doping Control Form because he did not understand everything, and requested the B Sample analysis.

13. Between 16 August 2024 and 13 September 2024, the AIU and the Athlete engaged in correspondence relating to the Athlete's request for the B Sample analysis and the associated costs (including for analysis for EPO only).
14. The Athlete failed to confirm his request for the B Sample analysis (for EPO only) or to make full payment of the costs of that analysis to the AIU by 13 September 2024 (or at all).
15. Therefore, on 17 September 2024, the AIU informed the Athlete that he was deemed to have irrevocably waived his right to the B Sample analysis in accordance with Article 5.1.2.1(c) of the ISRM.
16. On 19 September 2024, the AIU asked the Athlete to attend an interview by video conference on 30 September in relation to his explanation for the Adverse Analytical Finding.
17. On 30 September 2024, the Athlete attended an interview with AIU representatives by video conference and provided further details for his explanation for the Adverse Analytical Finding and alleged Anti-Doping Rule Violations.
18. In summary, the Athlete stated in interview that he did not know what EPO was, had not taken EPO and was unable to explain the presence of EPO in the Sample.
19. The Athlete also failed to provide any explanation for the presence of furosemide in the Sample.
20. Following review of the Athlete's explanation, the AIU remained satisfied that the Athlete had committed Anti-Doping Rule Violations as set out in the Rules.
21. Therefore, on 23 October 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 he 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) years² and (ii) disqualification of his results on and since 5 May 2024.
22. The AIU invited the Athlete to respond to the Charge confirming how he wished to proceed by no later than 6 November 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 he would be deemed to have waived his right to a hearing, admitted the Anti-Doping Rule Violations and accepted the Consequences set out in the Charge in accordance with Rule 8.5.2(f) ADR.
23. The Athlete failed to respond to the Charge by 6 November 2024.
24. On 8 November 2024, the AIU therefore wrote to the Athlete confirming that, due to his failure to respond to the Charge by 6 November 2024, he was deemed to have (i) waived his right to

² Based on the existence of Aggravating Circumstances in accordance with Rule 10.4, as set out further below.

a hearing, (ii) admitted the Anti-Doping Rule Violations and (iii) accepted the Consequences specified in the Charge.

25. The AIU reminded the Athlete that he had until no later than 12 November 2024 by which to sign and return an Admission of Anti-Doping Rule Violations and Acceptance of Consequences Form (“the **Admission Form**”) (enclosed with the Charge) to benefit from an automatic one (1) year reduction in the period of Ineligibility, pursuant to Rule 10.8.1 ADR.
26. The AIU also informed the Athlete that if he failed to respond, the AIU would issue a final decision in the matter confirming a period of Ineligibility of six (6) years against him.
27. The Athlete failed to sign and return the Admission Form by the 12 November 2024 deadline.

Consequences

28. This is the Athlete’s first Anti-Doping Rule Violation.
29. In accordance with Rule 10.9.3(a) ADR, the Anti-Doping Rule Violations that arise from the Adverse Analytical Findings 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.
30. 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.”*

31. EPO is a Prohibited Substance under the WADA 2024 Prohibited List under the category S2. Peptide Hormones, Growth Factors, Related Substances and Mimetics. It is a Non-Specified Substance prohibited at all times.
32. Furosemide is also a Prohibited Substance under the WADA 2024 Prohibited List under the category S5 Diuretics and Masking Agents. It is a Specified Substance prohibited at all times.

33. 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 (i.e., the presence and/or use of EPO) were not intentional.
34. The Athlete has not demonstrated that the Anti-Doping Rule Violations (i.e., the presence and/or use of EPO) were not intentional. Therefore, the mandatory period of Ineligibility is a period of Ineligibility of four (4) years.
35. However, Rule 10.4 ADR specifies that the period of Ineligibility for an Anti-Doping Rule Violation may be greater than the standard sanction when it is established that Aggravating Circumstances are present:

“10.4 Aggravating Circumstances that may increase the period of Ineligibility

If the Integrity Unit or other prosecuting authority establishes in an individual case involving an anti-doping rule violation [...] 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.”

36. Aggravating Circumstances are defined in ADR 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.”

37. The analysis of the Sample revealed the presence of EPO and furosemide. 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 he did not knowingly commit the Anti-Doping Rule Violations.

38. The Athlete has failed to establish that he did not knowingly commit the Anti-Doping Rule Violations. Therefore, the period of Ineligibility to be imposed is a period of six (6) years.
39. The Athlete failed to admit the Anti-Doping Rule Violations and accept the Consequences specified by the AIU in the Notice of Charge within twenty (20) days in accordance with Rule 10.8.1 ADR. The Athlete cannot therefore benefit from the one (1)-year reduction in the period of Ineligibility in accordance with this provision.
40. 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, in accordance with Rule 10.2.1 ADR and the application of Rule 10.4 ADR, the AIU confirms by this decision the following Consequences for the Athlete's Anti-Doping Rule Violations:
 - 40.1. a period of Ineligibility of six (6) years commencing on 9 August 2024 (the date of Provisional Suspension); and
 - 40.2. disqualification of the Athlete's results on and since 5 May 2024, with all resulting Consequences, including the forfeiture of any medals, titles, awards, points, prizes, prize money and appearance money.

Publication

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

Rights of Appeal

42. This decision constitutes the final decision of the AIU pursuant to Rule 8.5.6 ADR.
43. Further to Rule 13.2.3 ADR, WADA and Eritrean National Anti-Doping Organization ("**ENADO**") 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.
44. If an appeal is filed against this decision by WADA or ENADO, the Athlete will be entitled to exercise his right of cross-appeal in accordance with Rule 13.2.4 ADR.

Monaco, 2 December 2024