

CAS 2025/A/11755 World Athletics v. Ethiopian National Anti-Doping Office and Diribe Welteji Kejelcha

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Ms. Marianne Saroli, Attorney-at-Law in Montreal, Canada

in the arbitration between

World Athletics, Monaco

Represented by Mr. Nicolas Zbinden, Ms. Louise Reilly and Mr. Robert Kerslake, Attorneys-at-Law in Lausanne, Switzerland

Appellant

v.

Ethiopian National Anti-Doping Office, Ethiopia

Represented by Mr. Mekonnen Yidersal Mulusew, Director General and Mr. Nigatu Mekonnen, Doping Result Manager, Addis Ababa, Ethiopia

First Respondent

and

Diribe Welteji Kejelcha, Ethiopia

Represented by Mr. Paul J. Greene and Mr. Ryan P. Lipes, Attorneys-at-Law with Global Sports Advocates, LLC, in Maine, United States of America and Mr. Yigermal Melkam, Attorney-at-Law with Yigermal Melkam Law Office, in Addis Ababa, Ethiopia

Second Respondent

I. PARTIES

1. World Athletics (“WA” or the “Appellant”) is the international federation governing the sport of athletics worldwide, with its headquarters in the Principality of Monaco. It is represented in these proceeding by the Athletics Integrity Unit (“AIU”), which has delegated authority for results management and hearings on behalf of WA pursuant to Rule 1.2 of the World Athletics Anti-Doping Rules in force from 1 January 2024.
2. Ethiopian National Anti-Doping Office (“ETH-NADO” or the “First Respondent”) is the national anti-doping agency in Ethiopia.
3. Mrs. Diribe Welteji Kejelcha (the “Athlete” or the “Second Respondent”) is an Ethiopian elite middle-distance athlete and Olympian. She has achieved podium finishes at World Championships and, at all material times, competed at the highest international level. The Athlete was subject to the Ethiopian National Anti-Doping Office Rules 2021 (“ADR”) and the World Anti-Doping Code 2021 (“WADC”) throughout the relevant period. The Athlete has been in the international Registered Testing Pool (“RTP”) since 1 January 2023.

II. FACTUAL BACKGROUND

A. Introduction

4. This Appeal arises from a decision issued on 27 August 2025 by the independent hearing panel of ETH-NADO (the “Hearing Panel”), which acquitted the Athlete of an alleged anti-doping rule violation (“ADRV”) under Article 2.3 of the ADR for refusing or failing to submit to sample collection. The Hearing Panel found that ETH-NADO had failed to prove that the Athlete’s conduct constituted a clear and unequivocal refusal, that a violation under Article 2.3 requires intentional conduct which had not been demonstrated, and that the Sample Collection Personnel (“SCP”) failed to comply with mandatory documentation and notification procedures, including properly issuing a “*Refusal to Submit to Sample Collection Form*” and clearly warning the Athlete of the possible consequences of non-compliance. It further concluded that the Athlete’s conduct reflected a willingness to cooperate rather than an explicit refusal, and that the charge could therefore not be substantiated.

B. The out-of-competition testing mission of 25 February 2025

5. On 25 February 2025, ETH-NADO initiated an unannounced out-of-competition testing mission involving the Athlete. The purpose of the mission was to collect a blood sample (the “Event”).
6. ETH-NADO assigned three SCP to the mission, namely Mr. A. as lead doping control officer, Dr. B., and Mr. C.
7. At approximately 11:30, the SCP arrived at the Athlete’s residence, which was located within a gated property.
8. Upon arrival, the SCP made contact with the Athlete’s husband, Mr. Tamiru Waqo, and an exchange took place between them. During that time, the Athlete was allegedly asleep inside

the residence.

9. Shortly thereafter, the Athlete emerged from the residence, and a further exchange took place between her and the SCP.
10. The SCP subsequently departed from the Athlete's residence without collecting a sample.
11. No blood sample was collected from the Athlete during this visit, and no written notification form or refusal form was completed or signed on site.
12. Following their departure from the Athlete's residence, the SCP prepared written reports at the ETH-NADO office (the "Report").
13. The Parties disagree as to the duration and content of the exchange between the Athlete and the SCP, including whether the SCP properly identified themselves and presented official identification, whether the Athlete was adequately informed of the consequences of non-compliance, and the circumstances in which the SCP ultimately departed from the residence.

C. The Proceedings before the hearing panels of the ETH-NADO

14. On 10 March 2025, ETH-NADO notified the Athlete of an alleged ADRV pursuant to Article 2.3 of the ADR (Evading, Refusing or Failing to Submit to Sample Collection), and imposed an optional provisional suspension under Article 7.4.2 of the ADR.
15. In its notification letter, ETH-NADO required the Athlete to provide "*a full and detailed written explanation for the alleged facts*" by no later than 15 March 2025. It also stated that the Athlete's "*written explanation for the alleged facts of rule violation*" would constitute her "*opportunity to make written submissions to lift the Provisional Suspension*". ETH-NADO added that, upon review of her explanation, should it remain satisfied that the ADRV had been committed, it would issue a formal notice of charge.
16. On 14 March 2025, the Athlete filed a request for the lifting of the provisional suspension, with her explanations.
17. On the same date, ETH-NADO filed its response to the Athlete's application.
18. On 15 March 2025, a hearing took place before a panel appointed by ETH-NADO (the "Provisional Suspension Panel") to determine whether the provisional suspension should remain in force. At the hearing, the parties addressed not only the question of provisional suspension but also, in summary, the merits of the alleged ADRV. The Athlete, appearing with her lawyer, presented her defense to the substance of the charge as well as her arguments to lift the provisional suspension. ETH-NADO's representative opposed the lifting of the provisional suspension and maintained that the Athlete had committed an ADRV under Article 2.3.
19. By majority decision dated 16 March 2025, the Provisional Suspension Panel ordered that the provisional suspension be lifted (the "Provisional Suspension Decision"), determining that there was "*demonstrable lack of fault or negligence*" on the Athlete's part and that it was "*debatable to prove the refusal*", making it "*clearly unfair to impose provisional suspension*".

prior to the final hearing”.

20. On 21 May 2025, ETH-NADO formally charged the Athlete with an ADRV pursuant to Article 2.3 of the ADR, without imposing a provisional suspension.
21. On 16 June 2025, the Athlete filed her defense to the charge.
22. On 23 June 2025, ETH-NADO filed its reply to the Athlete’s defense, asserting that the alleged ADRV was established.
23. On 15 July 2025, a procedural directions hearing was held before the Hearing Panel¹, which directed that the substantive hearing be scheduled for 30 July 2025. That hearing was subsequently adjourned and rescheduled to 12 August 2025.
24. On 12 August 2025, the substantive hearing took place before the Hearing Panel. The Athlete argued that she had neither refused nor failed to submit to sample collection, and that communication difficulties, including alleged language barriers, together with procedural deficiencies, prevented ETH-NADO from establishing an ADRV under Article 2.3 of the ADR. ETH-NADO relied on the testimony of the SCP to support its assertion that the Athlete had refused and/or failed to submit to sample collection.
25. On the same day, the Hearing Panel announced the Appealed Decision, concluding that there was insufficient evidence to establish that the Athlete had committed an ADRV under Article 2.3 of the ADR.
26. In its written reasons, dated 27 August 2025 and communicated to WA on 30 August 2025, the Hearing Panel held, *inter alia*, that ETH-NADO’s case relied on circumstantial evidence and that mandatory requirements of the International Standard for Testing and Investigations (“ISTI”) had not been complied with, including the absence of a “*Refusal to Submit to Sample Collection Form*” and insufficient evidence that the Athlete had been warned of the consequences of refusal.
27. It is against the Appealed Decision that WA has filed the present Appeal before the Court of Arbitration for Sport (“CAS”).

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

28. On 9 September 2025, WA filed a Statement of Appeal with the CAS against the Appealed Decision, together with a request for provisional measures (the “Request”). In light of the imminent commencement of the World Championships in Tokyo, in which the Athlete was scheduled to participate, WA sought in its Request a decision by 11 September 2025.
29. On the same day, the CAS Court Office notified the Statement of Appeal and the Request to

¹For the merits proceedings, a new panel was constituted. Mr. Yirsaw Zewdie, who had chaired the Provisional Suspension Panel, appointed Mr. Million Alemu as Chairperson, together with Professor Tefera Abula (who had served on the Provisional Suspension Panel) and Mr. Samuel Seleshi as panel members, collectively, the Hearing Panel.

the Respondents and invited them to submit their position on the Request by 11 September 2025 at 10:00 CEST.

30. On 11 September 2025, the Athlete filed her comments on the Request. The ETH-NADO did not submit any comments.
31. On 12 September 2025, the President of the CAS Appeals Arbitration Division upheld the Request and suspended the Athlete “*for the duration of this arbitration procedure*”, considering, *inter alia*, that there were “*strong prospects that the Appeal will ultimately succeed*” (the “CAS Order”).
32. On 10 October 2025, the Parties informed the CAS Court Office that they had agreed on the appointment of Ms. Marianne Saroli as sole arbitrator, whereas WA and the Athlete indicated their availability for an in-person hearing in Lausanne on 15 and 16 January 2026.
33. On 31 October 2025, pursuant to Article R54 of the Code of Sports-related Arbitration (the “Code”), and on behalf of the President of the CAS Appeals Arbitration Division, the CAS Court Office confirmed the appointment of the Sole Arbitrator as follows:

Sole Arbitrator: Ms. Marianne Saroli, Attorney-at-Law in Montreal, Canada
34. On 11 November 2025, following an agreed-upon extension of time, WA filed its Appeal Brief, in accordance with Article R51 of the Code.
35. On 17 November 2025, the CAS Court Office acknowledged that WA and the Athlete expressed a preference for an in-person hearing in Lausanne, while ETH-NADO requested that the hearing be held virtually, without objecting to the other parties attending in person.
36. On 25 November 2025, the CAS Court Office, on behalf of the Sole Arbitrator, informed the Parties that a hearing would be held on 16 January 2026 in person in Lausanne, with ETH-NADO attending by videoconference.
37. On 27 November 2025, ETH-NADO filed its Answer, in accordance with Article R55 of the Code.
38. On 15 December 2025, following an agreed-upon extension of time, the Athlete filed her Answer, in accordance with Article R55 of the Code.
39. On 16 December 2025, the CAS Court Office acknowledged receipt of the Respondents’ respective Answers. The Parties were further reminded that, pursuant to Article R56 of the Code, unless otherwise agreed by them or ordered by the Sole Arbitrator due to exceptional circumstances, they would no longer be authorized to supplement or amend their requests or arguments, nor to produce new exhibits or specify additional evidence following the submission of the Appeal Brief and the Answers.
40. On 1 January 2026, the Athlete signed and returned the Order of Procedure in this Appeal.
41. On 6 January 2026, ETH-NADO signed and returned the Order of Procedure in this Appeal.

42. On 9 January 2026, WA signed and returned the Order of Procedure in this Appeal.
43. On 16 January 2026, a hybrid hearing took place in person in Lausanne and by videoconference. The Sole Arbitrator was assisted by Ms. Amelia Moore, Counsel to the CAS, and joined by the following:

For WA:

- Mr. Nicolas Zbinden, Counsel
- Ms. Louise Reilly SC, Counsel
- Mr. Robert Kerslake, Counsel
- Ms. Laura Gallo, AIU
- Mr. A., Witness (by videoconference)
- Dr. B., Witness (by videoconference)
- Mr. C., Witness (by videoconference)
- Ms. X., Witness (by videoconference)
- Mr. Y., Witness (by videoconference)
- Mr. Z., Interpreter.

For ETH-NADO:

- Mr. Nigatu Mekonnen, RM Law Implementation and Enforcement Lead Executive (by videoconference)
- Mr. Mekonnen Yidersal, Director General of ETH-NADO (by videoconference)
- Ms. Fantaye Gezahegn, Deputy Director General of ETH-NADO (by videoconference)
- Mr. Wondale G/Hana, Legal Service Head (by videoconference)

For the Athlete:

- Mr. Paul Greene, Attorney
 - Mr. Ryan Lipes, Attorney
 - Ms. Diribe Welteji Kejelcha, Second Respondent
 - Mr. Yigermal Melkam, Attorney (by videoconference)
 - Mr. Tamiru Waqo, Witness (by videoconference)
 - Mr. Kibru Birisso, Witness (by videoconference)
 - Ms. Kume Welteji, Witness (by videoconference)
44. At the outset of the hearing, the Parties confirmed that they had no objection to the constitution of the Panel and the way the proceedings had been conducted thus far. At the conclusion of the hearing, the Parties confirmed that their right to be heard had been fully respected.
 45. The Sole Arbitrator clarifies that Mr. Yonas Mekonnen had initially been listed as a witness to testify at the hearing. However, during the hearing, the Parties informed the Sole Arbitrator that they had agreed that his testimony was not necessary and, in the interest of procedural economy and time, decided not to call him.

IV. SUBMISSIONS OF THE PARTIES

A. WA

46. In its Appeal Brief, WA sought the following relief:

“World Athletics respectfully requests the CAS to rule as follows:

- 1. The Appeal of World Athletics is admissible.*
- 2. The Decision dated 27 August 2025 rendered by the Ethiopian Anti-Doping Agency Hearing Panel is set aside.*
- 3. Diribe Welteji Kejelcha is found to have committed an anti-doping rule violation under Article 2.3 of the Ethiopian Anti-Doping Agency Anti-Doping Rules 2021.*
- 4. Diribe Welteji Kejelcha is sanctioned with a period of ineligibility of four (4) years, starting on the date on which the CAS award enters into force, with credit for any period of provisional suspension effectively served.*
- 5. All competitive results obtained by Diribe Welteji Kejelcha from and including 25 February 2025 (i.e. the date of the anti-doping rule violation) until the date of the CAS award are disqualified, with all resulting consequences (including forfeiture of medals, points and prizes).*
- 6. The arbitration costs shall be borne by the Ethiopian Anti-Doping Agency or, in the alternative, by the Respondents jointly and severally.*
- 7. World Athletics is granted a significant contribution to its legal and other costs”.*

47. WA’s submissions, in essence, may be summarized as follows:

a. The Appealed Decision is wrong

- WA challenges the Appealed Decision, which acquitted the Athlete of an ADRV under Article 2.3 of the ADR for refusing or failing to submit to sample collection. WA submits that this Appealed Decision is wrong and should be set aside, with a four-year period of ineligibility imposed on the Athlete.

b. WA’s account of the Event

- On 25 February 2025, at approximately 11:30, three SCP arrived at the Athlete’s residence pursuant to a routine out-of-competition testing mission ordered by ETH-NADO.
- The SCP were met at the property gate by Mr. Tamiru Waqo, who informed them that the Athlete was sleeping and complained that they had arrived outside her designated 60-minute testing window indicated in ADAMS. The SCP identified themselves as DCOs of ETH-NADO, explained their authority to test at any time and at any place under the ADR and ISTI, and insisted on speaking directly with the Athlete. They warned Mr. Tamiru Waqo that refusal

to allow access would have serious consequences. After approximately eight minutes of discussion, during which Mr. Tamiru Waqo continued to object on the basis of the timing, he permitted the SCP to enter the property grounds.

- The Athlete then emerged from the residence, and the SCP introduced themselves and explained the purpose of their visit. The interaction with the Athlete herself lasted approximately two minutes. The Athlete immediately echoed her husband's complaints, stating that the SCP had come outside her designated timeslot and therefore could not test her. The SCP explained that testing could occur at any time and warned her of the consequences of refusal. Despite these explanations, the Athlete maintained her position and refused to comply.
- The conversations occurred primarily in Amharic, with Dr. B., also speaking in Oromiffa, the Athlete's native language. At no point did the Athlete or Mr. Tamiru Waqo express difficulty understanding the communications.
- Given the Athlete's refusal and the increasingly hostile atmosphere, the SCP determined there was no purpose in remaining further and departed without collecting a sample. The total time spent on the property was approximately ten minutes. Upon returning to ETH-NADO offices, the SCP prepared the Report documenting the refusal.

c. Article 2.3 ADRV is established

- An ADRV under Article 2.3 of the ADR is established where three requirements are satisfied: (i) the Athlete was notified by a duly authorized person; (ii) the Athlete refused or failed to submit to sample collection; and (iii) there was no compelling justification for the refusal or failure. WA submits that all three requirements are established in this case.

i. First requirement: notification by a duly authorized person

- The Athlete was properly notified by duly authorized persons. In this regard, CAS jurisprudence establishes that there is no specific formal requirement for notification and a hearing panel needs only to be satisfied that the Athlete was aware of the requirement to provide a sample. In this case, the Athlete knew the SCP were present to test her, as evidenced by her immediate complaint about their arrival outside her designated timeslot. Even on her own version of events at first instance, she accepted that she was duly notified.

ii. Second requirement: refusal or failure to submit

- Article 5.2.2 of the ADR provides that a national anti-doping organization ("NADO") may require any athlete to provide a sample "*at any time and at any place*". The evidence of the SCP establishes that the Athlete refused to submit to sample collection. All three SCP aver that upon meeting the Athlete, she immediately complained about their arrival outside her timeslot and refused to provide a sample. Despite explanations that testing could occur at any time and warnings about consequences, the Athlete maintained her refusal.
- The Athlete claimed at first instance that she "*immediately attempted to comply, opening the door and requesting the DCO return, but was ignored*". This account, corroborated by her

husband, sister, and manager, lacks credibility and must be rejected because it is implausible that experienced SCP would refuse to test a willing athlete. There is no logical explanation for why the SCP would depart if the Athlete asked them to collect a sample. Moreover, this version contradicts the SCP's documented persistence in gaining access to the Athlete, which is inconsistent with simply leaving. The SCP are senior, experienced officials with years of experience and no motivation to fabricate events. While the Athlete also claimed a language barrier existed, yet she is demonstrably proficient in Amharic and was also addressed in Oromiffa during the Event. This undermines the credibility of her evidence.

- Against this backdrop, WA stresses that CAS jurisprudence consistently affords significant weight to the testimony of doping control officer ("DCO") as independent and impartial witnesses with no vested interest in the outcome. Multiple CAS awards establish that DCO testimony is "*principally credible and trustworthy*" and can only be rebutted through "*very substantial counter evidence*". No such substantial counter-evidence was produced in this case. Even if the evidence were insufficient for a refusal, failing to submit to sample collection is still an ADRV, and the evidence in this case is clear that the Athlete did so.

iii. Third requirement: no compelling justification exists

- The Athlete bears the burden of proving compelling justification. CAS jurisprudence has consistently rejected compelling justification in cases involving concerns about the testing laboratory, religious beliefs about urine sampling, team orders to delay reporting, depression and anxiety, mistaken belief about retirement status, and sudden illness during training.
- Likewise, the Athlete's argument about testing outside her allotted time cannot be considered a valid reason for refusal, given that Articles 5.2.2 of the ADR and 4.5.5 of the ISTI state that samples may be collected at any time and that athletes cannot refuse testing on the grounds that it occurs outside a specified timeframe.
- Additionally, the Athlete is an experienced international-level athlete with extensive exposure to out-of-competition testing and education regarding her anti-doping obligations. Notably, WA relies on the testimonies of Mr. Y. and Ms. X., DCOs with ETH-NADO, who conducted an out-of-competition test on the Athlete on 18 July 2024 outside her designated timeslot. According to Mr. Y., when he arrived at the Athlete's residence, she was asleep and remarked that the test was taking place outside her designated window. Mr. Y. explained that, under the ADR and the ISTI, testing may occur at any time and is not limited to an athlete's designated time slot. The Athlete acknowledged this explanation and proceeded to comply fully with the sample collection without objection. Furthermore, on 21 October 2024, approximately four months prior to the Event, the Athlete attended an anti-doping education session during which she was expressly informed that she could be tested "*at any time and at any place*", and that designated windows in ADAMS do not restrict testing authority. Thus, the Athlete was aware of her obligation to submit to testing irrespective of her designated window and cannot reasonably assert confusion or misunderstanding in relation to the Event.

d. The Appealed Decision contains fundamental flaws

- First, the Appealed Decision erred in finding that the SCP's failure to prepare a "*Refusal to Submit to Sample Collection Form*" signed by the Athlete was fatal to the charge. There is no

formal requirement for such notification under Article 2.3. It suffices that the Athlete was informed of the requirement to provide a sample, which is undisputed. While Article 5.4.3 of the ISTI provides that the DCO “*shall have the Athlete sign an appropriate form*”, in cases where no form is signed, the refusal or failure is assessed on the evidence. Here, the evidence is compelling and was documented accurately. Even if the absence of a signed form were a relevant departure, the burden falls on the Athlete to show this departure could reasonably have caused the ADRV. The Athlete’s own evidence is that she was willing to provide a sample, and therefore demonstrating the absence of a form had no causal impact. Moreover, based on the SCP’s account, the Athlete’s refusal was already communicated with hostility before any form would have been presented.

- Secondly, the Appealed Decision erred in requiring proof that the Athlete was expressly warned that a refusal “*will result in a four-year period of ineligibility*”. Article 5.4.1(e)(iii) of the ISTI provides that “*the Athlete should be advised of the possible Consequences*”, rather than specifying that such advice “*shall*” be given. Even assuming that the requirement were mandatory, it would remain for the Athlete to establish that any departure caused the alleged ADRV. CAS panels have imputed knowledge of consequences to experienced athletes (*CAS 2019/A/6148*). In any event, the evidence of the SCP is that both the Athlete and her husband were expressly warned of the possible consequences of refusal.
- Thirdly, the Appealed Decision erred in concluding that, because the Athlete did not expressly state “*I refuse to provide a sample*”, the charge could not be established. No such express wording is required to constitute a refusal. The Athlete’s conduct amounted to a refusal. In any event, even if it did not, the evidence clearly establishes that she failed to submit to sample collection.

e. The appropriate sanction is four years

- Article 10.3.1 of the ADR provides that an ADRV under Article 2.3 results in a four-year period of ineligibility. In cases involving a failure to submit to sample collection, the period may be reduced to two years if the Athlete establishes that the ADRV was not intentional. WA’s primary position is that the Athlete refused to submit to sample collection. Such conduct is inherently intentional and therefore excludes any reduction of the applicable four-year period. In the alternative, even if the ADRV were characterized as a failure rather than a refusal, there is no basis to conclude that the conduct was unintentional. No exceptional circumstances exist that would justify a departure from the four-year sanction.
- Also, pursuant to Article 10.10 of the ADR, all competitive results obtained by the Athlete from 25 February 2025 until the start of the period of ineligibility should be disqualified, with all resulting consequences, including the forfeiture of medals, points, and prizes.

B. ETH-NADO

48. In its Answer, ETH-NADO sought the following relief:

“1. Ethiopia Anti-Doping Authority unequivocally requests the same reliefs that have been requested, in paragraphs 1 to 5 and 7,20 by Appellate from the CAS.”

2. *Ethiopia Anti-Doping Authority highly believed that World Athletics be granted a significant contribution to its legal and other costs relate to this case.*
3. *However, the First Respondent disagrees with the claim that Ethiopia Anti-Doping Authority should be severally or jointly responsible with the Second respondent for the court costs and legal fees in this case. [...]*
26. *Besides the above grounds, the First Respondent also respectfully requests the CAS Panel to seriously consider the Ethiopian Anti-Doping Authority's (EADA) financial position, as mandated by Article R64.5 of the CAS Code. As a government-funded NADO operating within a country with insignificant overall budgetary capacity, EADA receives a low allocation focused solely on core activities-namely Service Provisions, Education, Training and public mobilization, Testing, Intelligence and Investigation, Study and Research-with absolutely no budget allocated for the Result Management Process, including panel member payments at any level?3, Consequently, the First Respondent argues that demanding a cost contribution, compounded by severe currency exchange difficulties, would effectively cripple the Authority's ability to execute its essential budgeted anti-doping duties".*

49. ETH-NADO's submissions, in essence, may be summarized as follows:

a. Alignment with WA

- ETH-NADO does not contest the factual background as set out in the "*I. Introduction*" and "*II. Background to the Appeal*" sections of the Appeal Brief. It fully aligns itself with, and supports, WA's submissions regarding: (i) the existence of an ADRV; (ii) the legal and factual errors contained in the Appealed Decision; (iii) the determination of the applicable sanction; and (iv) the evaluation of the witness evidence.
- Moreover, ETH-NADO adopts the witness statements of Mr. A., Dr. B., and Mr. C. as its own.
- Save for the allocation of costs, ETH-NADO seeks the same relief as requested by WA.

i. Confirmation of the factual background

- ETH-NADO confirms that the factual account set out by WA concerning the Event accurately reflects the evidence provided by the SCP. ETH-NADO relied on the same factual account in its charge against the Athlete and during oral submissions before the Hearing Panel.

ii. Establishment of the 2.3 ADRV

- ETH-NADO fully supports WA's submissions that all three requirements of Article 2.3 ADRV are satisfied. From the outset of these proceedings, ETH-NADO has maintained that the Athlete refused to submit to sample collection or, at a minimum, failed to do so after having been duly notified by authorized personnel, without advancing any compelling justification.

iii. The Appealed Decision contains fundamental flaws

- ETH-NADO endorses WA's submissions identifying fundamental legal errors in the Appealed Decision, which improperly excused the Athlete's refusal or failure to submit by elevating minor procedural issues over the substantive obligation imposed by Article 2.3 of the ADR.

(a) Failure to consider the objectives of the ADR

- ETH-NADO's mandate is to implement and enforce the ADR nationally and internationally, with the objective of protecting clean sport while safeguarding athletes' rights. By excusing a clear failure or refusal to submit to testing, the Appealed Decision undermines these objectives and is inconsistent with the fundamental purpose of the ADR.

(b) Misinterpretation of notification and procedural requirements

- The Appealed Decision concluded that notification was invalid due to the absence of the Athlete's signature, an allegedly insufficient explanation, and the brevity of the Event. This reasoning reflects a misapplication of the ISTI. Indeed, the Appealed Decision erred in holding that the absence of the Athlete's signature on a refusal or non-compliance report invalidated notification. Article 5.4.3 of the ISTI requires documentation of refusal and it does not require an athlete's signature for notification or refusal to be valid. The ISTI expressly anticipates that athletes may refuse to sign non-compliance documentation. As such, the obligation of the DCO is to report the non-compliance to the testing authority, which was done in this case through the Report. No reasonable anti-doping system would require athletes to validate their own refusal by signature. The SCP complied with their obligations, and the Appealed Decision's conclusion to the contrary is legally flawed.
- Further, the Appealed Decision placed undue emphasis on the Event's duration, characterizing it as overly brief and the SCP's departure as "*premature*". The SCP testified that they remained on the Athlete's property for about ten minutes, during which they notified both her husband and the Athlete herself. Given the Athlete's elite status, experience, and extensive prior testing history, this duration was more than sufficient. Likewise, the SCP's departure from the Athlete's residence was a reasonable response to conditional compliance, escalating hostility, and the inability to proceed with sample collection. The ISTI does not require SCP to stay on site indefinitely in such circumstances.

(c) Over-reliance on the Athlete's narrative

- The Athlete's statements, directly and through her husband, amounted to conditional compliance, insisting that testing occur only within her ADAMS timeslots. Such conduct is incompatible with the principles underpinning the no advance notice testing regime and constitutes a refusal or, in the alternative, a failure to submit to sample collection within the meaning of Article 2.3 of the ADR.
- The Appealed Decision failed to appreciate that refusal may be established through conduct, not merely explicit verbal statements. The Athlete's behavior, combined with SCP testimony that she stated she would not provide a sample outside her timeslot, satisfies this standard.

The Appealed Decision effectively required proof approaching certainty, criticizing the absence of video evidence and discounting SCP reports and testimony.

- Furthermore, the Appealed Decision improperly treated the Athlete's request for additional sleep as a legitimate exercise of her rights. Sleep or recovery time is not a compelling justification for refusing, failing or delaying testing. The Athlete immediately engaged with the SCP, indicating she was alert, awake and aware.

b. Sanction

- ETH-NADO fully endorses WA's position that a four-year period of ineligibility constitutes the appropriate sanction. It also supports the conclusion that all competitive results obtained from 25 February 2025 until the commencement of the period of ineligibility should be disqualified, together with all resulting consequences, including the forfeiture of medals, points, and prizes, in accordance with Article 10.10 of the ADR.

c. Clarification regarding the composition of the Provisional Suspension Panel

- WA observed in its written submissions that Mr. Yirsaw Zewdie, who chaired the Provisional Suspension Panel and was in the minority in that decision, did not chair the merits proceedings and questioned the reason for the change in composition.
- ETH-NADO clarifies that Mr. Yirsaw Zewdie, was not removed. Rather, pursuant to Article 8.1.2.2 of the ADR, under which "*the Chair shall appoint three (3) members (which may include the Chair) to hear the case*", Mr. Yirsaw Zewdie exercised his authority to appoint another chairperson. Following the issuance of the formal charge on 21 May 2025, Mr. Yirsaw Zewdie was copied in his capacity as the official responsible for constituting the panel. On 22 May 2025, acting on his own initiative, he appointed Mr. Million Alemu as Chairperson, together with Professor Tefera Abula and Mr. Samuel Seleshi as panel members. Upon inquiry, Mr. Yirsaw Zewdie explained that due to professional commitments he was unable to chair the merits proceedings in a timely manner and therefore appointed a successor to avoid delay. ETH-NADO had no involvement in the selection or appointment of the panel members. This is further consistent with the fact that Mr. Yirsaw Zewdie was similarly unavailable to chair a subsequent case for the same reason. ETH-NADO thus submits that the panel composition was determined independently by the official vested with that authority under the ADR.

V. THE ATHLETE

50. In her Answer, the Athlete sought the following relief:

"A. Find that the WA cannot meet its burden to prove that Diribe committed an antidoping rule violation since notification by a duly authorized person never took place, and, in any event, Diribe did not refuse or fail or submit to sample collection.

B. Find, in the alternative, if a sanction is issued that Ms. Kejelcha's sanction is two (2) years backdated to 25 February 2025.

C. Order any other relief to Ms. Kejelcha that this CAS Panel deems to be just and equitable including an award of costs and fees associated with this case”.

51. The Athlete’s submissions, in essence, may be summarized as follows:

a. The Appealed Decision is correct

- The Hearing Panel conducted a full hearing on 12 August 2025, received evidence from all parties, and issued a reasoned decision. WA’s disagreement with the Appealed Decision’s findings does not render them incorrect. The Hearing Panel was entitled to assess witness credibility, weigh the evidence, and reach the conclusions it did. Moreover, the Athlete underlines that a majority of the Provisional Suspension Panel initially decided to lift the provisional suspension on 16 March 2025. This demonstrates that from the earliest stage, independent adjudicators reviewing the evidence, had serious doubts about whether an ADRV had been established.
- While the CAS Order subsequently granted provisional measures for the duration of this Appeal, that decision was made on an urgent, preliminary basis without a full hearing. The CAS Order’s assessment of “*strong prospects*” of success does not bind the Sole Arbitrator on the merits and does not diminish the significance of the Appealed Decision’s ultimate finding of no ADRV.

b. The Athlete’s account of the Event

- The Athlete’s version of the Event differs significantly from that presented by the SCP.
- On the morning of 25 February 2025, the Athlete was asleep when the SCP arrived at her residence. The Athlete emphasizes that she had been up late the previous night due to a family medical emergency and had completed an early morning training session before going to sleep. When awakened by her husband, she was disoriented and tired. Her husband met the SCP at the gate and informed them that the Athlete was sleeping and that they had arrived outside her designated 60-minute testing window indicated in ADAMS. According to the Athlete and her witnesses, Mr. Tamiru Waqo ultimately permitted the SCP onto the property grounds after they insisted on speaking with her.
- When the Athlete emerged from her residence, she was “*rubbing her eyes*” and asked questions about why the DCOs were there outside her designated testing window. The Athlete states that the interaction was rushed, that she received insufficient explanation, particularly in her native language, Oromiffa, and that the SCP appeared impatient and unwilling to provide clarification.
- The Athlete categorically denies refusing to provide a sample. She states that when the SCP began walking toward their vehicle to leave, she followed them to the gate, and called out loudly, asking them to return and take the sample. According to the Athlete, all three SCP heard her, one of them looked back at her, but they continued to their vehicle and drove away without responding. The Athlete’s husband, sister, and husband’s nephew all corroborate this account. They state they heard one of the SCP say “*this is what we need*” when the Athlete began asking questions about the timing, suggesting the SCP were looking for an excuse to

record a refusal.

- Immediately after the SCP departed from her residence, at approximately 11:50, roughly twenty minutes after their arrival, the Athlete contacted her manager, Mr. Yonas Mekonnen, to report what had occurred and to seek guidance. She told him that the SCP had left without taking a sample and asked: “*Can the testing team leave without taking sample once I wake up?*” Mr. Yonas Mekonnen confirms receiving such phone call, stating that the Athlete sounded upset and weary, and that she told him she had been prepared to submit to sample collection and had never refused. According to Mr. Yonas Mekonnen’s statement, he immediately tried to call a liaison person with the Ethiopian National Anti-Doping Office. However, the number he had for that liaison person was wrong, so he called a medical team member with the Ethiopian Athletics Federation. Mr. Yonas Mekonnen understands that the medical team member spoke with the liaison person after he called.
- The Athlete emphasizes that she had no intention to refuse or evade testing. Her record demonstrates consistent cooperation with anti-doping authorities throughout her career. Any alleged refusal is based on misinterpretation of her actions and words during a confusing and procedurally deficient encounter.

c. No Article 2.3 ADRV was committed

- The Athlete denies that she committed an ADRV under Article 2.3 of the ADR. She submits that she did not refuse or fail to submit to sample collection and that the procedural deficiencies during the Event, combined with communication difficulties, mean that no ADRV can be established. The Hearing Panel was correct to acquit her, and the Appealed Decision should be upheld.

i. Alleged departures from the ISTI by the SCP

- The Athlete submits that the SCP failed to comply with mandatory requirements under the ISTI, and these failures are fatal to the charge against her.

(a) Failure to properly identify and notify

- The Athlete submits that WA cannot establish an ADRV since notification never took place. In particular, the SCP failed to properly identify themselves by showing official identification documents as required by Article 5.3.3 of the ISTI. While the SCP claim they “*identified themselves verbally*”, the Athlete disputes whether official ETH-NADO identification documents were actually shown to her.
- Moreover, the Athlete contends that the notification process was deficient. The SCP neither prepared nor presented a notification form, specifically, a “*Refusal to Submit to Sample Collection Form*”, for the Athlete to sign, as required by Article 5.4.3 of the ISTI, which provides that “*the DCO/Chaperone shall have the Athlete sign an appropriate form to acknowledge and accept the notification*”. No such step was taken.
- The Athlete contends that this is not just a technical or formal deficiency. The purpose of the notification form is to provide clear and accurate documentation of the events, confirming that

the Athlete understood she was being requested to provide a sample, was aware of the possible consequences, and made a conscious decision to refuse. In the absence of such documentation, the case relies solely on contested recollections and interpretations of a brief and stressful encounter. In this respect, Articles 5.4.6 and 5.4.8 of the ISTI set out specific requirements for documenting notification and any failure to comply. Failure to follow these mandatory procedures by the SCP deprived the Athlete of important procedural safeguards, creating fatal uncertainty about what actually occurred and what was communicated.

(b) Failure to provide adequate warning of consequences

- Article 5.4.1(e)(iii) of the ISTI provides that the Athlete should be advised of the possible consequences for a non-compliance. The Appealed Decision correctly found that there was no evidence that the Athlete was given a clear warning that refusal or failure to provide a sample would result in a four-year period of ineligibility.
- The SCP's general evidence that they mentioned the consequences is insufficient. An athlete facing potential career-ending sanctions is entitled to clear, specific warnings about what those sanctions will be. Without such clarity, particularly in a situation involving potential communication difficulties, the Athlete cannot be said to have made an informed decision.

(c) The departures from the ISTI are causative

- The burden is on WA to prove that an ADRV occurred. Where the SCP have failed to follow mandatory procedural requirements designed to ensure clear communication, proper notification, and adequate documentation, those failures undermine the ability to establish that an ADRV occurred at all.

ii. No clear explicit refusal

- The Appealed Decision correctly found that there was no evidence of a clear, explicit refusal by the Athlete to provide a sample. WA has effectively conceded that the Athlete never stated words to the effect of "*I refuse to provide a sample*".
- The Athlete submits that in the absence of such explicit refusal, and given the procedural deficiencies and communication difficulties, it cannot be established that she refused to submit to sample collection. Her complaints about the timing of the visit and expressions of confusion do not constitute refusal. At most, they reflect an athlete seeking clarification about her rights and the procedures being followed. The Athlete's evidence, that she asked the SCP to return and collect the sample, directly contradicts any suggestion that she refused. WA's characterization of this evidence as "*implausible*" does not make it so. The Athlete and her witnesses have provided consistent accounts of what occurred.

iii. Communication and language difficulties

- The Athlete submits that significant communication difficulties contributed to the breakdown of the Event. While the SCP claim that all communications were clear and that they even spoke in Oromiffa, the Athlete's experience was different.

- The Athlete had just been woken from sleep. She was confronted with unexpected visitors at her gate. The Event was brief and occurred in stressful circumstances. The combination of these factors, early morning timing, unexpected nature of the visit, stress, and the rushed exchange, created genuine difficulties in ensuring clear mutual understanding.
- The Athlete is not claiming complete inability to speak Amharic. Rather, she submits that the specific circumstances of this encounter created communication difficulties that, combined with the procedural failures of the SCP, resulted in a misunderstanding rather than a willful refusal.

iv. The Athlete's consistent record of cooperation

- The Athlete has been tested on numerous occasions throughout her career, both in-competition and out-of-competition, including on multiple occasions outside her designated 60-minute timeslot. She highlights that on every single prior occasion, she cooperated fully with sample collection.
- This unblemished record of cooperation strongly supports the Athlete's account that she did not intend to refuse on 25 February 2025. If she had wanted to evade or refuse testing, she had numerous prior opportunities to do so. Her consistent cooperation demonstrates that any alleged refusal on this occasion must have resulted from miscommunication and procedural failures, not from any intention to evade anti-doping control.

v. The weight to be given to SCP testimony

- WA places significant reliance on the principle that SCP testimony should be afforded substantial weight. However, this principle does not relieve the WA of its burden of proof, nor does it mean that SCP testimony is automatically accepted without scrutiny. The Athlete submits that the account provided by the SCP contains inconsistencies and gaps, particularly in relation to the specific warnings allegedly given and the precise nature of the communications. Furthermore, the SCP failed to comply with mandatory procedural requirements, thereby undermining their overall credibility and professionalism. Also, the Athlete stresses that the documentation was prepared only after the Event rather than at the scene, reducing its evidentiary reliability.
- Although three SCP were present, their accounts are strikingly similar, raising concerns as to whether their evidence was coordinated. In any event, the SCP have an institutional interest in defending their conduct and justifying their decision to depart without collecting a sample. The Athlete has provided "*substantial counter-evidence*" through her own testimony and that of her supporting witnesses. The Hearing Panel was correct to prefer this evidence, particularly given the procedural failures by the SCP.

vi. No compelling justification required

- The Athlete submits that the question of compelling justification only arises if it is first established that she refused or failed to submit to sample collection. Given the SCP's departures from the ISTI, communication difficulties, and absence of clear refusal, no ADRV has been established, and the question of compelling justification does not arise. However, to

the extent necessary, the Athlete submits that her genuine belief based on the designated timeslot in ADAMS that the SCP were not entitled to test her at that time could constitute a relevant consideration. While WA emphasizes that the Athlete had been educated about testing at any time and had been tested outside her window on prior occasions, the fact remains that ADAMS includes designated timeslots for a reason, and an athlete who receives contradictory information, i.e., a designated window on one hand, education about testing at any time on the other, may genuinely misunderstand her obligations in a specific stressful encounter.

d. In the alternative, any failure should be considered non-intentional

- Even if the Athlete were found to have failed to submit to sample collection, such failure was not intentional within the meaning of Article 10.3.1 of the ADR. The Athlete submits that, at most, the incident resulted from confusion and miscommunication caused by the early morning timing of the visit, when she had only just woken up, the unexpected nature of the test conducted outside her designated timeslot, and communication difficulties arising in a stressful situation. She further contends that procedural shortcomings on the part of the SCP contributed to uncertainty. These circumstances demonstrate that any failure was at most negligent, not intentional. Consequently, if an ADRV were to be found, the maximum sanction should be two years.

VI. JURISDICTION

52. Article R47 of the Code provides as follows:

“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body”.

53. In the absence of a specific arbitration agreement, CAS has jurisdiction to hear an appeal only where the statutes or regulations of the sports-related body whose decision is challenged expressly recognize CAS as an arbitral body of appeal.

54. In the present case, WA relies on Article 13.2.3.1 of the ADR, which provides as follows:

*“In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Athlete or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the **relevant International Federation**”* [emphasis added].

55. As WA is the relevant international federation within the meaning of Article 13.2.3.1 of the ADR, and noting that the Respondents did not contest CAS jurisdiction, the Sole Arbitrator is satisfied that CAS has jurisdiction to hear the present Appeal.

56. In any event, the Parties expressly confirmed CAS jurisdiction by signing the Order of

Procedure, and all Parties participated fully in the arbitral proceedings.

VII. ADMISSIBILITY

57. Article R49 of the Code provides as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the Division President or the President of the Panel, if a Panel has been already constituted, to terminate it if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after considering any submission made by the other parties”.

58. Article 13.6.1 of the ADR further provides as follows:

“The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

(a) Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the Anti-Doping Organization that had Results Management authority;

(b) If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS”.

59. WA submits that it received notification of the Appealed Decision on 30 August 2025 and received the complete case file on 1 September 2025. The Athlete, for her part, challenges the admissibility of the Appeal, arguing that the Appealed Decision was issued on 12 August 2025 rather than on 27 August 2025. The Athlete also relies on a different version of the Appealed Decision from that identified and produced by WA.

60. The 43-page document submitted by the Athlete is unsigned and dated 12 August 2025, corresponding to the date of the hearing before the Hearing Panel. By contrast, the document relied upon by WA appears to be the official notification of the Appealed Decision as it contains a summary of the decision, bears the signature of the ETH-NADO representative, and is dated 27 August 2025. There is no evidence on file that the Appealed Decision was formally notified to WA prior to that date. On that basis, the Sole Arbitrator is satisfied that the Appealed Decision was issued on 27 August 2025 and notified to WA on 30 August 2025.

61. Therefore, the Sole Arbitrator is satisfied that the Appeal is admissible, as it was filed within 21 days from the date in which WA received the case file.

VIII. APPLICABLE LAW

62. Article R58 of the Code provides as follows:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision”.

63. The Sole Arbitrator notes that the present Appeal is directed against the Appealed Decision concerning an alleged ADRV in application of the ADR. This Appealed Decision was issued by the Hearing Panel, appointed pursuant to Article 8.1 of the ADR.

64. Accordingly, the Sole Arbitrator concludes that the “*applicable regulations*” for the purposes of Article R58 of the Code are those of the ADR. The Sole Arbitrator’s conclusion is further supported by the fact that the application of the ADR is not disputed by the Parties, who also explicitly refer to these regulations in their respective submissions.

65. Moreover, since ETH-NADO as the organization that has issued the Appealed Decision is seated in Ethiopia, the law of Ethiopia is subsidiarily applicable.

IX. MERITS

66. According to Article R57 of the Code:

“The Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance. [...]”.

A. Issues to be determined

67. In order to resolve this Appeal, the Sole Arbitrator must first determine whether, on 25 February 2025, the Athlete committed an ADRV under Article 2.3 of the ADR for refusing or failing to submit to sample collection. In this context, the Sole Arbitrator must also consider whether the SCP complied with the applicable ISTI standards governing out-of-competition testing and, if not, whether any departure is material to the determination of the alleged ADRV under Article 2.3 of the ADR. If an ADRV under Article 2.3 is established, the Sole Arbitrator must then determine the appropriate consequences pursuant to the ADR.

68. The resolution of these issues requires the Sole Arbitrator to assess highly contested facts based on conflicting witness accounts, to evaluate the credibility and reliability of the evidence adduced by the Parties, and to apply the relevant legal standards to the facts as found.

B. Legal framework

a. Burden and standard of proof and the conduct prohibited under Article 2.3

69. Article 3.1 of the ADR sets out the applicable burden and standard of proof:

“3.1 Burdens and Standards of Proof

ETH-ADA shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether ETH-ADA has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.”

70. Article 2.3 of the ADR provides that it is a violation for an athlete to evade, refuse, or fail to submit to sample collection without compelling justification after notification by a duly authorized person. In the present case, WA alleges that the Athlete refused to submit to sample collection or, in the alternative, failed to do so. As such, WA bears the burden of establishing, to the Sole Arbitrator’s comfortable satisfaction, that the Athlete committed an ADRV. If an ADRV is established, the burden shifts to the Athlete to prove, on a balance of probabilities, that such ADRV was not intentional for the purposes of Article 10.3.1 of the ADR.

C. Evidentiary assessment and credibility determinations

71. To determine whether the Athlete has committed an ADRV under Article 2.3 of the ADR, the Sole Arbitrator must first assess the reliability and credibility of the evidence presented by the Parties. This credibility assessment is not a peripheral exercise but it is rather central to the resolution of the issues in this case.

a. Translation and language issues

72. The Sole Arbitrator observed substantial difficulties with interpretation during the course of the hearing of this Appeal. The interpreters appeared at times to struggle with accurately conveying both questions from counsels and responses from witnesses, resulting in frequent requests for clarification, repeated and reformulated questions, and instances where answers appeared incongruent with the questions asked. These difficulties give rise to two distinct concerns.

73. The first is that they impair the reliability of the testimony received at the hearing itself. The Sole Arbitrator cannot have complete confidence that all nuances of witness evidence have been accurately conveyed. The second concern is that they lend credibility to the possibility that miscommunication also affected the Event. If trained interpreters experienced difficulty during a formal hearing in a controlled environment, it is plausible that communication between the SCP and the Athlete during the Event was similarly imperfect.

74. These observations must, however, be kept in proper perspective. Parties bear responsibility for securing adequate translations under the Code. Moreover, the concern about miscommunication on 25 February 2025 is addressed through a separate incident that arose during the hearing itself, to which the Sole Arbitrator now turns.
75. During cross-examination, WA's counsels presented the Athlete with a text written in Amharic and asked her to read it. The Athlete froze and stated she could not read it despite her earlier testimony in examination-in-chief that she could "*understand Amharic*" and "*read and write in Amharic*". This inconsistency requires careful consideration.
76. The incident does not, in the Sole Arbitrator's view, wholesale undermine the Athlete's credibility. The Athlete's native language is Oromiffa. Written and spoken proficiency are different skills, and the inability to read a language does not preclude oral comprehension or conversational ability. What the incident does indicate is that the Athlete's command of Amharic may be more limited than the circumstances might otherwise have suggested. She attended anti-doping education sessions and gave media interviews in Amharic, but she cannot read the language.
77. This finding is significant in two respects. First, it supports the possibility that communications conducted in Amharic during the Event may have been challenging for the Athlete. The SCP initially spoke to Mr. Tamiru Waqo and the Athlete in Amharic. Dr. B. subsequently switched to Oromiffa. However, the initial exchanges had already occurred in Amharic, and the direct interaction with the Athlete in Oromiffa was brief. Second, to the extent the Athlete raised language barriers as part of her defense, the incident confirms that those barriers were plausible rather than fabricated or exaggerated.

b. The Athlete's evidence

78. The Athlete presented four corroborating witnesses, and the Sole Arbitrator has considered their evidence carefully but assesses it with appropriate caution.
79. All four witnesses have direct personal, familial, or financial interests in an outcome favorable to the Athlete. Mr. Tamiru Waqo is her husband; Ms. Kume Welteji is her sister who is residing in her home; Mr. Kibru Birisso is her husband's nephew and was staying at the residence at the time; and Mr. Yonas Mekonnen is her manager with a direct financial interest in her ability to compete and earn prize money. While interests of this kind do not automatically render testimony unreliable, they warrant closer scrutiny, particularly when weighed against the evidence of doping control professionals who have no apparent personal stake in the outcome.
80. In this respect, the Sole Arbitrator notes the similarity of these witnesses' accounts. Three of the four witnesses independently described the Athlete as "*rubbing her eyes*" upon emerging from the residence and reported that one of the SCP stated "*this is what we need*" before departing, using closely aligned wording. These witnesses further characterized the interaction as lasting only a few minutes and presented substantially similar sequential descriptions of the events. While consistency may, in some circumstances, support reliability, the degree of similarity in language and structure among witnesses who reside together and who, most likely, discussed the Event in the period following 25 February 2025 requires

caution. The Sole Arbitrator cannot exclude the possibility that the accounts were influenced, consciously or unconsciously, by subsequent exchanges between the witnesses prior to the preparation of their formal statements. In these circumstances, the uniformity of the evidence does not, in itself, enhance its persuasive value.

81. Mr. Kibru Birisso's evidence that he was washing clothes approximately two meters from the encounter and heard everything that transpired, yet said nothing and took no action when he allegedly witnessed the SCP unjustly departing despite the Athlete's alleged expressed willingness to be tested, is difficult to accept at face value. Ms. Kume Welteji's acknowledgment that she does not speak Amharic well, combined with the fact that she had just returned from grocery shopping and may not have been present for the full encounter, also limits the weight that can be placed on her account. Mr. Yonas Mekonnen was not present at the Event and can testify only to what the Athlete told him. His reference to "*numerous other complaints from my athletes*" about testing during recovery time suggests a pre-existing grievance that may have influenced his interpretation of what the Athlete communicated to him.

c. The SCP's evidence

82. The Sole Arbitrator notes that the SCP are individuals acting in the course of their official duties and have no apparent personal or professional interest in the outcome of these proceedings. As consistently recognized in CAS jurisprudence, DCOs are generally presumed to act in good faith and without motive to fabricate allegations against an athlete (see, e.g., CAS 2016/A/4700). No evidence has been adduced in this case to suggest bias, conflict of interests or animus on their part. In these circumstances, their evidence warrants, in principle, significant weight.
83. That presumption of good faith, however, does not mean that every aspect of their testimony must be accepted uncritically. The Sole Arbitrator must still assess their evidence in light of the context and all the circumstances in this case. In this regard, Mr. A., Dr. B., and Mr. C. provided mutually consistent accounts. They each stated that upon emerging from the Athlete's residence, the Athlete immediately objected to the timing of the visit, asserted that she could not be tested outside her designated window, and declined to provide a sample despite explanations and warnings regarding the consequences of refusal.
84. Nonetheless, the Sole Arbitrator has identified some departures from the ISTI, which are addressed below, as well as aspects of the SCP's evidence that must be treated with caution. At the hearing, all three testified that they felt scared and feared for their safety due to the hostility of the Athlete and her husband, and that this fear motivated their departure. The Sole Arbitrator does not find this assertion particularly credible. The SCP were three adult men attending a residential compound during daylight hours. The Athlete had just awoken and was described as appearing tired. No weapons, physical violence, or objectively dangerous conduct was alleged. In particular, the Report contains no reference to fear for safety or to any threatening behavior. If the SCP had genuinely feared for their safety, one would expect this to have been recorded immediately and prominently. Namely, the Sole Arbitrator notes that the SCP did not call ETH-NADO supervisors before departing the Athlete's residence, created no documentation at the scene, and left after only a few minutes of direct interaction with the Athlete. These procedural shortcomings are of relevance and are addressed below.

85. The credibility concerns on the SCP's side are, however, of a qualitatively different character from those affecting the Athlete's witnesses. The SCP's issues concern how they characterized the atmosphere at the residence, frustration rather than actual fear, and whether they managed the situation with optimal professionalism. They do not undermine the core of their account, namely that the Athlete raised objections about timing and did not provide clear, unconditional agreement to be tested.

86. In this regard, the Sole Arbitrator recalls the approach articulated in CAS 2023/A/9992 at para. 186:

"[...] where there is a conflict between the evidence of a DCO and an athlete, there is no presumption in favour of the DCO evidence. That is correct. It is, of course, a matter for the Panel to form a view on the evidence and weigh it according to its context and circumstances".

87. Consistent with that guidance, the Sole Arbitrator has evaluated the evidence contextually and without presumption, accepting certain elements of the SCP's testimony while rejecting others that are not supported by the evidentiary record or by objective circumstances.

d. Final remarks

88. The Sole Arbitrator has carefully reviewed all written submissions, documentary exhibits, witness statements, oral testimony, and legal authorities relied upon by the Parties.

89. Before proceeding to apply the legal framework to the facts, the Sole Arbitrator wishes to make observations about the nature and quality of the evidence in this case, and about the manner in which the proceedings were conducted.

90. The evidence before the Sole Arbitrator consisted of highly conflicting accounts of what transpired during the Event, accounts that diverged not only on the central question of what the Athlete said and did, but on such basic matters as who was present, where they were standing, what was said and by whom, and in which language. These accounts were further complicated by the involvement of two distinct African languages, and elements of both, which created persistent difficulties throughout the evidentiary process. The translation challenges observed during the hearing, which affected the accuracy and reliability of testimony in ways that the Sole Arbitrator has described above, were not the product of any failure on the part of the Parties or their counsels but rather reflect the inherent difficulty of conducting complex legal proceedings across significant linguistic and cultural distance. For these reasons, the Sole Arbitrator has based her findings only on those elements of the record that she considers reliable, coherent, and sufficiently corroborated to support the conclusions set out below.

91. The Sole Arbitrator also wishes to acknowledge the quality of advocacy in these proceedings. Counsels on all sides conducted themselves with professionalism, diligence, and mutual respect throughout what were at times difficult and emotionally charged proceedings. Their written submissions were thorough and their oral advocacy measured.

92. Finally, the Sole Arbitrator does not reach the conclusions set out below without an

appreciation of their significance for the Athlete. She is a young, successful woman who has achieved remarkable results at the highest level of her discipline. The finding that she committed an ADRV, and the consequences that flow from it, will have a profound impact on her career and her life. The Sole Arbitrator is not indifferent to that reality. However, the rules that govern elite sport exist to protect the integrity of competition and the rights of all athletes who compete within them. Those rules must be applied consistently and without regard to the personal circumstances of the individual before the tribunal, however sympathetic those circumstances may be. It is with that obligation in mind, and with a genuine appreciation of the difficulty of the Athlete's position, that the Sole Arbitrator has reached the conclusions that follow.

D. Did the Athlete commit an ADRV under Article 2.3?

93. Article 2.3 of the ADR provides the following:

“2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete

Evading Sample collection or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorized Person”.

94. The Comment to Article 2.3 of the WADC clarifies that evading and refusing contemplate intentional conduct, whereas failing to submit may be established on the basis of either intentional or negligent conduct.

95. CAS jurisprudence has further clarified these distinctions. Evading sample collection entails the deliberate avoidance of a DCO in order to escape notification altogether. In such cases, formal notification need not be established, and no defense of compelling justification is available. By contrast, a refusal to submit to sample collection requires proof that the athlete was duly notified and thereafter intentionally failed to comply. In those circumstances, the defense of compelling justification remains available. A failure to submit likewise requires proof of notification, but may arise from either intentional or negligent conduct, and the defense of compelling justification is similarly applicable. These principles are reflected, *inter alia*, in CAS 2023/A/9568 and CAS 2008/A/1564.

96. It follows that three requirements must be satisfied to establish the alleged ADRV for refusing or failing to submit to sample collection. WA bears the burden of proving each of these requirements to the Sole Arbitrator's comfortable satisfaction. Each will be examined in turn.

a. First requirement: notification by a duly authorized person

97. The first element of Article 2.3 requires notification of the Athlete by a duly authorized person. The Athlete submits, however, that notification never took place, alleging failures by the SCP to show official identification, to provide adequate warnings of consequences, and to complete the required documentation.

98. The SCP, for their part, maintain that they properly identified themselves as DCOs of the ETH-NADO, duly notified the Athlete, and adequately warned her of the consequences.

i. Alleged ISTI departures and their consequences

99. The Athlete submits that the SCP committed multiple departures from the ISTI during the Event, which could reasonably have caused the conduct that forms the basis of the alleged ADRV.
100. With respect to departures from the ISTI, Article 3.2.3 of the ADR provides that:

“3.2.3. Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation; provided, however, if the Athlete or other Person establishes that a departure from one of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then ETH-ADA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the whereabouts failure:

- (i) A departure from the International Standard for Testing and Investigations related to Sample collection or Sample handling which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case ETH-ADA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;*
- (ii) A departure from the International Standard for Results Management or International Standard for Testing and Investigations related to an Adverse Passport Finding which could reasonably have caused an anti-doping rule violation, in which case ETH-ADA shall have the burden to establish that such departure did not cause the anti-doping rule violation;*
- (iii) A departure from the International Standard for Results Management related to the requirement to provide notice to the Athlete of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case ETH-ADA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;*
- (iv) A departure from the International Standard for Results Management related to Athlete notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case ETH-ADA shall have the burden to establish that such departure did not cause the whereabouts failure”.*

(a) Identification

101. In relation to the notification of athletes, Article 5.4.1 of the ISTI requires that, upon initial contact, the SCP *“shall ensure the Athlete [...] is informed”* *inter alia* that:
- “a) That the Athlete is required to undergo a Sample collection;*
 - b) Of the authority under which the Sample collection is to be conducted;*
 - c) Of the type of Sample collection and any conditions that need to be adhered to prior to the Sample collection;*
 - d) Of the Athlete’s rights, including the right to:*

- (i) *Have a representative and, if available, an interpreter accompany them, in accordance with Article 6.3.3(a);*
- (ii) *Ask for additional information about the Sample collection process;*
- (iii) *Request a delay in reporting to the Doping Control Station for valid reasons in accordance with Article 5.4.4;*

e) *Of the Athlete's responsibilities, including the requirement to:*

- (i) *Remain within continuous observation of the DCO/Chaperone at all times from the point initial contact is made by the DCO/Chaperone until the completion of the Sample collection procedure;*
- (ii) *Produce identification in accordance with Article 5.3.4;*
- (iii) *Comply with Sample collection procedures (and the Athlete should be advised of the possible Consequences of a Failure to Comply); and [...].*

102. Article 5.4.2 of the ISTI further requires that, when contact is made, the SCP, *inter alia*, shall “*b) Identify themselves to the Athlete using the documentation referred to in Article 5.3.3;*”. In this respect, Article 5.3.3 states that the SCP “*shall have official documentation, provided by the Sample Collection Authority, evidencing their authority to collect a Sample from the Athlete, such as an authorization letter from the Testing Authority. DCOs shall also carry complementary identification which includes their name and photograph (i.e., identification card from the Sample Collection Authority, driver's license, health card, passport or similar valid identification) and the expiry date of the of the identification*”.
103. In the present case, the SCP maintain that they verbally identified themselves as DCOs of the ETH-NADO upon arrival at the Athlete's residence. They state that they introduced themselves to the Athlete's husband at the gate and subsequently identified themselves as DCOs to the Athlete when she emerged from the residence. The Athlete and her witnesses, however, assert that no identification documents were ever produced. In this respect, the Sole Arbitrator notes that Mr. A. testified at the hearing that his identification badge had expired but that he carried an official letter evidencing his authority. He further stated that Dr. B. and Mr. C. were wearing identification badges around their necks and showed those badges to the Athlete. When asked whether this information was reflected in the Report, Mr. A. acknowledged that it was not. He also explained that certain information contained in the Report, including the reference to the Athlete having provided her passport for identification, was “*pre-filled*” from office records. Moreover, Dr. B. testified at the hearing that he showed the Athlete his identification card “*from his pocket*”. This detail likewise does not appear in the Report.
104. The Sole Arbitrator notes that certain declarations made by the SCP during the hearing, together with their written statements and the Report describe in detail how the SCP identified and notified the Athlete and her husband upon arrival at the gate of the residence. For the avoidance of doubt, any identification or notification provided to the Athlete's husband is merely for context, as the only individual whose notification is legally relevant in these

proceedings is the Athlete.

105. On the evidence before her, the Sole Arbitrator accepts that some form of identification was worn by at least Dr. B. and Mr. C., and that Mr. A. carried an “*official letter*”. That said, the notification and identification process as described does not appear to fully satisfy the strict requirements of Articles 5.3.3 and 5.4.2 of the ISTI, particularly given the inconsistencies between the hearing testimony and the Report. The Sole Arbitrator does not, however, need to resolve this factual dispute definitively. Even assuming that the identification requirements were not fully complied with, such a departure would not be causative within the meaning of Article 3.2.3 of the ADR. Indeed, there is no evidence that the Athlete challenged or questioned the SCP’s identity or authority at the time of the Event. Nor does she claim that she doubted they were legitimate ETH-NADO officials. On the contrary, her explanations consistently indicate that her objections concerned the timing of the SCP’s visit and the circumstances in which she was awakened, rather than any uncertainty as to their official status.

(b) Notification of the possible consequences

106. As to the disclosure of consequences, Article 5.4.1(e)(iii) of the ISTI provides that, among their responsibilities, athletes are required to “[c]omply with Sample Collection procedures (and the Athlete should be advised of the possible Consequences of a Failure to Comply”. The use of the word “*should*” as opposed to “*shall*” indicates a recommended practice rather than a mandatory obligation (see CAS 2018/A/5885 & 5936). As such, Article 5.4.1(e)(iii) does not *per se* impose a mandatory requirement whose failure would, in itself, establish a departure.
107. The Athlete submits that she never received proper notification of the possible consequences for an ADRV under Article 2.3 of the ADR. The SCP state that such warnings were given to both the Athlete and her husband. In particular, Dr. B. testified at the hearing to have informed the Athlete of the consequences but that “*she became very aggressive*”.
108. Based on the evidence available, the Sole Arbitrator accepts that a general warning was communicated to the Athlete, even if the precise period of ineligibility was not stated. In any event, even assuming that no explicit warning was given, such omission would not amount to a breach of a mandatory ISTI requirement, nor has any causative link been established within the meaning of Article 3.2.3 of the ADR. It is undisputed that the Athlete is an experienced international athlete, a member of the RTP since 2023, who attended anti-doping education shortly before the Event and had been tested outside her window on multiple prior occasions. She had also been specifically reminded on 18 July 2024 that testing could occur at any time and of the consequences of non-compliance. As observed in CAS 2019/A/6148, elite athletes are presumed to be aware of the serious consequences of refusing or failing to submit to sample collection. In those circumstances, the absence of an express warning, even if established, could not reasonably be said to have caused or materially contributed to the alleged ADRV.

(c) Notification and refusal forms

109. The Athlete further submits that the SCP never presented her with either a doping control

notification form or a refusal form for signature. Article 5.4.3 of the ISTI provides, in mandatory terms, that the SCP shall have the athlete sign a form acknowledging notification. Where the athlete refuses to sign or evades notification, the SCP shall, if possible, inform the athlete of the consequences of failure to comply and document the relevant facts in a detailed report. This provision therefore imposes two obligations on the SCP in the event of non-compliance, namely to present the notification form for signature and, if the athlete refuses to sign or evades notification, to document the facts in a detailed report.

110. In the present case, the SCP acknowledge that no notification or refusal form was signed at the Athlete's residence. At the hearing, Mr. A. testified that he did not have his laptop with him to complete the documentation on site, although he had a tablet. He further stated that the SCP left the Athlete's residence without completing the paperwork because they considered the neighbourhood "*unfamiliar*" and "*dangerous*". The Sole Arbitrator accepts that no notification or refusal form was prepared on site or signed by the Athlete. To that extent, the requirements set out in Article 5.4.3 were not complied with. Nonetheless, the Sole Arbitrator observes that while the purpose of Article 5.4.3 is to document notification, it does not itself constitute notification. With this, she further notes that the refusal form requirement can only be triggered by a non-compliance that has already occurred. A form that records non-compliance cannot logically cause the non-compliance it is intended to document. Non-compliance necessarily precedes any requirement to document it and cannot be caused by the absence of a form. Against that background, the Sole Arbitrator considers that the requirement is consequential in nature and is activated by an athlete's conduct.
111. The Athlete further alleges that the SCP backdated the Report and failed to disclose that it was created thirteen days after the Event. The Respondents explain that, upon returning to the ETH-NADO office, the SCP prepared a short summary account in Amharic, which was subsequently transcribed into English in ETH-NADO's standard results management format and dated 25 February 2025. The Sole Arbitrator accepts that the Report was not completed on site but rather after the Event. The Athlete's claim about the date is noted, and the weight afforded to the Report will be assessed accordingly. That said, there is no evidence to suggest that its subsequent preparation involved fabrication or bad faith.
112. Lastly, any evidentiary limitations resulting from the SCP's failure to document at the scene are substantially mitigated by the Athlete's own spontaneous phone call to her manager, made approximately twenty minutes after the Event and prior to any legal proceedings. That call provides compelling evidence of the Athlete's state of mind and conduct on 25 February 2025. The departures from Article 5.4.3 of the ISTI are therefore established but do not satisfy the causation threshold under Article 3.2.3.

(d) Duration of the Event

113. Pertaining to the brevity of the Event and the alleged SCP's premature departure from the Athlete's residence, the Sole Arbitrator notes that the Parties dispute the precise duration of the Event. The SCP maintain that they remained on the property for approximately ten minutes in total, including approximately eight minutes with Mr. Tamiru Waqo and approximately two minutes of direct interaction with the Athlete. The Athlete and her witnesses contend that the encounter was very brief, lasting only a few minutes. The Sole Arbitrator does not consider it necessary to resolve this factual dispute with precision. What is undisputed is that the direct

interaction between the SCP and the Athlete was brief, lasting at most a few minutes, and that no sample was collected.

114. The significance of this brevity must be addressed against the fact that the ISTI does not explicitly prescribe a minimum duration for sample collections. Nor does it impose *per se* an express obligation on a SCP to remain at an athlete's residence for a specified period. In the absence of an explicit mandatory requirement, the Sole Arbitrator considers that the brevity of the Event cannot constitute a departure within the meaning of Article 3.2.3 of the ADR. While a longer interaction, consultation with supervisors, or more sustained engagement in Oromiffa, may have represented preferable or best practice, best practice is not automatically synonymous with a mandatory standard.

(e) Final remarks

115. The Sole Arbitrator accepts that certain departures from the ISTI occurred and that the SCP did not exercise the highest degree of diligence in the present case. However, the evidence does not establish that any of those departures could reasonably be regarded as causative within the meaning of Article 3.2.3 of the ADR.
116. That finding should not be interpreted as minimizing the binding character or significance of the ISTI standards. Compliance with those standards is essential to preserving the integrity of the sample collection process. But while departures occurred, the Sole Arbitrator considers they could not have reasonably caused the conduct that forms the basis of the alleged ADRV.

ii. Conclusion

117. Although the Parties' accounts diverge as to the precise manner in which notification was made, certain core facts are not contested. Indeed, it is undisputed that three SCP attended the Athlete's residence at approximately 11:30 on 25 February 2025 for the purpose of testing, and they departed without collecting a sample. It is also reported that the Athlete called her manager at approximately 11:50 to inform him that "*DCOs came to test her that morning, but they left without taking a sample even though [she] was prepared to give them the sample*". This phone call is inconsistent with any suggestion that the Athlete was not informed of the SCP's presence or of the purpose of their visit.
118. Also, the Sole Arbitrator observes that the Athlete raised no claim that she doubted the SCP were actual ETH-NADO officials or that she was uncertain of their identity or authority or of the purpose of their attendance. As recognized in CAS 2008/A/1470, Article 5.4.1 of the ISTI does not require any particular form of communication. Notification is effective where the athlete is aware that duly authorized DCOs are present to collect a sample. On the evidence, that threshold is met. Adopting the terminology used in CAS 2008/A/1470 at para. 45, the identified procedural shortcomings "*cannot put into question the fact*" that the SCP "*passed the information*" to the Athlete that they were acting on behalf of ETH-NADO for the purpose of collecting a sample. In other words, the essential elements of notification, regarding the authority and purpose of the visit, was conveyed to her. Moreover, Article 5.2 of the ADR expressly authorizes ETH-NADO to conduct out-of-competition testing while ETH-NADO confirmed the appointment and authority of the SCP to collect a sample from the Athlete pursuant to the testing mission number 3452024388.

119. For the purposes of the first requirement set out in Article 2.3 of the ADR, the Sole Arbitrator finds therefore that the Athlete was notified by duly authorized persons on 25 February 2025.
- b. Second requirement: whether the Athlete's conduct constituted refusal or failure to submit**
120. The resolution of this element, the central question in this case, turns on whether the Event amounted to a refusal or failure by the Athlete to submit to sample collection, or whether the circumstances instead demonstrate an intention to comply that was frustrated by misunderstanding or confusion.
- i. Was there refusal?**
121. A refusal requires proof that the Athlete, whether by words or conduct, deliberately signaled an unwillingness to comply with sample collection. It is not necessary that the word "*refuse*" be expressly used, as refusal may be inferred from conduct. However, refusal is, by its nature, intentional. The burden therefore rests on WA to establish, to the comfortable satisfaction of the Sole Arbitrator, that the Athlete deliberately refused to submit to testing.
122. Against this backdrop, WA relies on the SCP's evidence, submitting that the Athlete immediately and persistently objected to the timing of the visit, maintained that she could not be tested outside her designated timeslot, and never provided any indication of willingness to comply. At the hearing, Mr. A. testified that when asked to provide a sample, the Athlete said "*I can't now, I am resting*" and, after being warned of the consequences she "*repeated that it was her resting period*". Dr. B. testified that the SCP were "*close to begging the Athlete to take the test*". The SCP maintain that the Athlete never indicated willingness to comply and that, had she been willing to submit, they would have collected a sample.
123. The Athlete, on the other hand, disputes this characterization. She explains that she had been awake late the night before the Event due to a family medical emergency, had completed several hours of demanding training early that morning, and was sleeping when the SCP arrived at approximately 11:30. She states that when her husband woke her, she got out of bed and came to the door to talk to the SCP. She acknowledges that she had questions for the SCP because the visit occurred outside her designated testing window during her recovery time. She states that she asked: "*Why is the testing happening given my recovery time? Why is this happening always? Is there any possibility this could happen outside my recovery time?*". She asserts that despite her questions, she "*never refused to provide a sample*" and "*was prepared to provide a sample on that day too*". She further states that as the SCP were departing, she followed them at the compound gate and asked them "*why they are leaving without taking sample once I wake up*". She affirms that all three SCP could hear her, that one of them looked at her, and that they nonetheless closed the car door and drove away. Approximately twenty minutes later, she called her manager and asked him: "*Can the testing team leave without taking sample once I wake up?*". This account is corroborated by her husband, her sister, her husband's nephew, and her manager.
124. While the Sole Arbitrator has already determined, for the limited purpose of assessing the notification requirement under Article 2.3, that the Athlete was aware that the SCP were at her residence on 25 February 2025 to conduct testing, that finding does not automatically

resolve the separate question of whether she refused to submit to sample collection. Although the fact that no sample was ultimately collected might, at first glance, suggest a refusal, the totality of the evidence does not support a finding of a clear and intentional refusal to submit.

125. First, the evidence establishes that the final exchange between the Parties took place in two languages and, as became apparent during the hearing, was marked by translation difficulties, misunderstandings, and heightened emotions. This creates a grey area as to how the final moments of the Event unfolded. On this point, the Parties' accounts of the decisive moments diverge significantly. The Athlete maintains that she followed the SCP toward the gate and requested that the test proceed, but that the SCP departed without collecting a sample. Conversely, the SCP assert that they perceived the situation as escalating, felt unsafe, and concluded that no sample would be forthcoming, prompting their departure.
126. Second, while the Sole Arbitrator accepts that the atmosphere became tense and that the Athlete was frustrated at having been approached during her recovery period, frustration or emotional reaction does not automatically amount to a deliberate refusal to provide a sample. She does not find credible the SCP's assertion that they felt endangered or that their departure was motivated by immediate concerns for personal safety. At the same time, she is not persuaded that the Athlete followed the SCP to the gate and clearly, loudly, and unconditionally requested that the sample be taken without any reference to her preferred testing window. In circumstances where the precise content and tone of the final exchange remain uncertain, it is difficult to conclude that the Athlete expressed a clear and unequivocal refusal.
127. In this context, the Sole Arbitrator attaches particular relevance to the phone call between the Athlete and her manager approximately twenty minutes after the SCP had departed from her residence. Her question to him, "*Can the testing team leave without taking sample once I wake up?*", is not *per se* consistent with a prior, conscious decision to refuse testing. The absence of clarity in the Athlete's own understanding is relevant to the assessment of intent. This is reinforced by the fact that Dr. B. recognized the need to switch to the Athlete's native language during their exchange.
128. Moreover, the SCP's evidence focuses substantially on the husband's statements and conduct. Although such evidence provides contextual background, it underscores the uncertainty as to whether the perception of refusal (if any) arose from the Athlete herself or from her husband's interventions. For the purposes of Article 2.3, what is decisive is the Athlete's own words and conduct. The Sole Arbitrator cannot comfortably exclude the possibility that the husband's conduct materially influenced the SCP's perception of the situation.
129. Taking these elements together, the Sole Arbitrator considers that the SCP's decision to depart was more likely the result of escalating frustration and a breakdown in communication during the Event, compounded by the Athlete's frustration at being approached during her designated rest period and outside her preferred testing window, rather than actual concerns for their personal safety. As such, the evidence does not show that the testing process was terminated in response to a clear, unequivocal, and definitive refusal by the Athlete herself.
130. In light of the evidence before her, the Sole Arbitrator is not comfortably satisfied that a deliberate refusal has been established. This conclusion does not entail full acceptance of the

Athlete's account, aspects of which have been found unreliable. Rather, it reflects the reality that the evidence does not permit a finding of deliberate, knowing refusal to the required standard. The confirmed language barriers, the brevity of the Event, the limited communication in Oromiffa, the absence of written documentation filed on site, and the residual uncertainty as to what was precisely said, understood, and intended by the Parties prevent a finding, to the required standard, that the Athlete deliberately and knowingly refused to submit to testing.

131. While the standard of comfortable satisfaction does not require proof beyond reasonable doubt, it nonetheless requires affirmative satisfaction that intentional unwillingness has been established. Even taking into account the credibility concerns identified above, the evidence does not positively establish that the Athlete consciously decided not to submit to testing, or explicitly refused.

ii. Was there failure?

132. The absence of a proven refusal does not end the analysis. Article 2.3 also prohibits "*failing to submit to sample collection*". As mentioned earlier, a failure must involve at least negligent conduct and may also be intentional. Unlike refusal, it does not require proof of a deliberate declaration of unwillingness as it is sufficient that, following notification, the athlete did not comply with the obligation to submit to testing.
133. The Sole Arbitrator finds, to the standard of comfortable satisfaction, that the Athlete failed to submit to sample collection within the meaning of Article 2.3 of the ADR, and that this finding is compelled by several independent and mutually reinforcing grounds.
134. First, if the phone call was compelling in assessing whether there was a refusal, it is equally compelling in establishing that the Athlete failed to submit to sample collection. The Athlete states in her witness statement that she "*was prepared to provide a sample on that day too*" but being prepared to provide a sample is not the same as ensuring that a sample is collected. The Athlete's own account establishes that she asked questions about recovery time and timing, that the SCP departed from her residence, and that no sample was collected. The account she gave to her manager contained no mention of having submitted to sample collection or ensured a sample was collected. Even accepting that the Athlete followed the SCP to the gate, the fact remains that no sample was collected and that the Athlete did not ensure a sample was collected before the SCP departed from her residence.
135. Then, the Athlete's obligation upon notification was to ensure that a sample was collected immediately. As stated in CAS 2005/A/925, the duty to submit to testing is non-negotiable and absolute once notification has been given, and is independent of any procedural disagreement. If an athlete has objections, the correct course is to comply with the test under protest and pursue complaints through proper channels afterward. An athlete cannot unilaterally terminate the testing process on the basis of a procedural dispute. In CAS 2008/A/1564, an athlete who called his NADO just four minutes after the DCO's departure to seek rectification was nonetheless found to have committed an ADRV, as he had failed to comply immediately when notified. In the present case, the Athlete raised questions about timing and recovery but did not ensure that a sample was collected immediately.

136. Moreover, the obligation to submit to sample collection is personal, non-delegable, and absolute. The Athlete could not condition submission on the timing of the visit, on her need for recovery, or on her being fully awake. Her questions about whether testing could happen “*outside my recovery time*” and her reference to “*once I wake up*” demonstrate a misunderstanding of this obligation. This misunderstanding explains why the Athlete did not deliberately refuse but it does not excuse the failure to submit. The confirmed language barriers, the brevity of the Event, the limited communication in Oromiffa, the confusion created by the husband’s interventions, and the Athlete’s tiredness and frustration, provide context for understanding what occurred. However, whatever difficulties these circumstances created during the Event, the fact remains that no sample was collected and that the Athlete did not ensure one was collected. That failure is what Article 2.3 prohibits.
137. In essence, the Athlete’s obligation upon notification was to provide immediate, clear and unconditional agreement to submit to testing, to ensure that a sample was collected immediately after notification, and, if she had objections, to pursue them afterwards. She fulfilled none of these obligations. The Sole Arbitrator therefore finds that the Athlete failed to submit to sample collection within the meaning of Article 2.3 of the ADR.

138. Consequently, the second element of Article 2.3 is established.

c. Third requirement: absence of compelling justification

139. The third element of an Article 2.3 ADRV requires that the failure to submit to sample collection occurred without “*compelling justification*”.
140. The burden of establishing compelling justification rests with the Athlete, should she seek to rely on this defense.
141. As a matter of principle, CAS jurisprudence has consistently held that the requirement of compelling justification must be assessed on an objective basis. As stated in CAS 2013/A/3279, the relevant “*question is not whether the Athlete was acting in good faith, but whether objectively he was justified by compelling reasons to forego the test*”.
142. In addition, the requirement of compelling justification must be interpreted restrictively. A failure to submit sample collection must have been “*unavoidable*” (*AAA 04.02.09 USADA v. Page*, para. 10.5; *NADP Tribunal Jones v. WRU*, decision dated 9 June 2010, para. 57) and where it remained “*physically, hygienically, and morally possible*” for the athlete to provide a sample, the defense of compelling justification cannot succeed (CAS 2005/A/925).
143. This restrictive interpretation is further reflected in the wording of the provision itself. The use of the term “*compelling*” underscores the exceptional nature of the circumstances required. As noted in CAS 2019/A/6302 at para. 75, the defense is to be examined with particular strictness.
144. Indeed, CAS panels have rejected claims of compelling justification in a wide range of circumstances, including objections to the laboratory analyzing the sample (CAS 2005/A/925), religious objections to urine sampling (CAS A6/2006), instructions from team officials to attend a meeting and delay reporting to the doping control station (CAS

2008/A/1557), mental distress or panic attacks (CAS 2016/A/4631), mistaken belief of retirement (*RYA v. Johnston*), and sudden illness where departure from testing was voluntary (*CCES v. Boyle*). These cases illustrate that the threshold is particularly high and that the defense must be construed restrictively.

145. Turning to the present case, the Athlete's asserted justification, to the extent it has been articulated, relates to the timing of the testing attempt and her personal condition at the time. She relies on the fact that she had completed a demanding training and required recovery, that she had been awake late the night before due to a family medical situation, that she was exhausted and asleep when the SCP arrived, that the testing occurred outside her designated 60-minute timeslot, that she wished to ask questions regarding the timing of the test, and that language or communication difficulties caused confusion. However, whether considered individually or cumulatively, these circumstances do not meet the high threshold required to establish compelling justification.
146. First, the fact that the Event occurred outside the Athlete's designated timeslot cannot constitute compelling justification. Article 5.2.2 of the ADR and Article 4.5.5 of the ISTI make clear that athletes may be subject to testing at any time. Reliance on the designated window is therefore incompatible with the anti-doping framework. In any event, the Athlete and her manager accepted that she remained subject to testing outside her declared timeslots.
147. Second, the need for sleep or recovery from training does not amount to compelling justification. The obligation to submit to testing "*at any time*" necessarily encompasses periods when athletes may be sleeping or recovering.
148. Third, while the Athlete may have been fatigued due to events the night before, this did not render compliance physically impossible. On the contrary, the evidence indicates that the Athlete was able to get out of bed, come to the door, engage in conversation with the SCP, and, according to her own account, follow them toward the gate. Objectively, it was "*physically, hygienically and morally possible*" for her to provide a sample.
149. Fourth, although the Athlete was entitled to raise objections or seek clarification, that entitlement does not suspend the obligation to comply with sample collection. As recognized in CAS 2005/A/925, where an athlete objects to aspects of the testing process or harbors uncertainty, the appropriate course is to comply under protest and pursue any challenge thereafter. The right to question the procedure does not constitute compelling justification for failing to submit where compliance remains physically and practically possible.
150. Fifth, language and communication difficulties, while now acknowledged and relevant to understanding the interaction during the Event, do not amount to compelling justification. The evidence shows that one member of the SCP addressed the Athlete in Oromiffa, her native language. Language barriers may explain confusion, but they do not render compliance impossible.
151. Applying the objective standard articulated in CAS 2013/A/3279, the question is not whether the Athlete believed she was justified, but whether compelling justifications, viewed objectively, excused the failure to submit. Objectively assessed, none of the circumstances relied upon deprived the Athlete of the ability to comply. It remained physically, hygienically,

and morally possible for her to provide a sample. While fatigue and communication difficulties may have created challenges, they did not render compliance impossible. This conclusion is reinforced by the Athlete's experience and knowledge. Approximately four months prior to the Event, she attended an anti-doping education session confirming that testing may occur at any time. She had previously been tested outside her declared timeslot on multiple occasions, including shortly before the Event, and had complied.

152. The Sole Arbitrator therefore concludes that the Athlete has not established compelling justification for her failure to submit to sample collection.
153. Consequently, the third element of Article 2.3 is satisfied.

d. Conclusion on the ADRV

154. Considering the foregoing, the Sole Arbitrator is comfortably satisfied that: (i) the Athlete was notified by duly authorized persons; (ii) she failed to submit to sample collection; and (iii) there was no compelling justification for that failure. The Sole Arbitrator accordingly finds that the Athlete committed an ADRV under Article 2.3 of the ADR on 25 February 2025 for having failed to submit to sample collection. As the ADRV has been established, the Sole Arbitrator must now determine the appropriate consequences.

E. Consequences

a. Period of ineligibility

155. Article 10.3.1 of the ADR provides as follows:

“10.3.1 For violations of Article 2.3 or 2.5, the period of Ineligibility shall be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility shall be two (2) years; (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years depending on the Athlete or other Person's degree of Fault; or (iii) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault”.

156. Pursuant to Article 10.3.1 of the ADR, the period of ineligibility for a violation of Article 2.3 is four years. In cases involving a failure to submit to sample collection, the period may be reduced to two years if the athlete establishes that the violation was not intentional.

i. Assessment of intent

157. Several factors point toward the finding of intentional conduct.
158. The Athlete possessed extensive knowledge of her anti-doping obligations. She had attended an education session four months prior to the Event, during which she was expressly informed that testing could occur at any time. She had previously been tested outside her designated

window on eight occasions and had been specifically reminded, on 18 July 2024, that testing authority is not limited to the 60-minute timeslot reflected in ADAMS. Moreover, she is an experienced international-level athlete who has been included in the RTP since 2023. In these circumstances, she is presumed to know, and in all probability does know, that failing to submit to testing constitutes a serious ADRV.

159. Nonetheless, on careful consideration, the Sole Arbitrator finds that the Athlete has established on the balance of probabilities that her failure was not intentional.
160. The most probative evidence is the phone call between the Athlete and her manager. In that call, made shortly after the SCP's departure, the Athlete asked: "*Can the testing team leave without taking sample once I wake up?*". Both the content and the immediacy of this question are significant as they reveal that the Athlete did not understand herself to have clearly committed an ADRV. An athlete who knew that her conduct constituted a violation, or who was aware of a significant risk that it might do so and nonetheless consciously disregarded that risk, would not be expected to pose such a question and seek clarification from her manager as she would already know the answer. Notwithstanding certain credibility concerns arising elsewhere in the evidence, the Sole Arbitrator considers that the Athlete's account of having asked this question was credible and not fabricated.
161. The Athlete's prior record of compliance on eight previous out-of-window testing occasions further supports the conclusion that the failure on 25 February 2025 was aberrational rather than deliberate. There is no evidence suggesting any motive to evade testing on this occasion. On the contrary, the evidence indicates that the Athlete had consistently returned negative samples, and there is no indication that she feared the outcome of a test.
162. The Sole Arbitrator is nevertheless satisfied that the Athlete acted negligently. The assessment of negligence is objective. An athlete of her caliber and experience should have known, on the basis of her anti-doping education, prior testing history, and the reminder she received on 18 July 2024, that she was required to submit immediately, irrespective of timing. While the language barriers are acknowledged in assessing intent, they do not negate the objective standard of care expected of an elite athlete included in the RTP.
163. Negligence, however, is distinct from intent. The Sole Arbitrator finds that the Athlete has discharged her burden of establishing, on the balance of probabilities, that her failure to submit was not intentional.
164. The Athlete having established that her failure was not intentional, the applicable period of ineligibility under Article 10.3.1 of the ADR is two years.

b. Commencement of ineligibility period and credit for provisional suspension

165. Article 10.13 of the ADR provides as follows:

"10.13 Commencement of Ineligibility Period

Where an Athlete is already serving a period of Ineligibility for an anti-doping rule violation, any new period of Ineligibility shall commence on the first day after the current period of

Ineligibility has been served. Otherwise, except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed”.

166. It follows that, as a general rule, the period of ineligibility commences on the date of the final hearing decision.

167. Article 10.13.1 of the ADR, however, establishes an exception to that general rule:

“10.13.1 Delays Not Attributable to the Athlete or other Person

Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Athlete or other Person can establish that such delays are not attributable to the Athlete or other Person, ETH-ADA or its Hearing Panel, if applicable, may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified”.

168. Accordingly, where (i) substantial delays in the hearing process or other aspects of doping control are established, and (ii) such delays are not attributable to the athlete, the adjudicatory body has discretion to determine an earlier commencement date. The Sole Arbitrator must therefore examine whether those conditions are met in the present case.

169. *In casu*, the Athlete requested that the commencement of the period of ineligibility be backdated to 25 February 2025. While the Sole Arbitrator does not consider it appropriate to backdate to 25 February 2025 for the reasons set out below, she must still assess whether an earlier commencement at a later date could apply in the specific circumstances of this case.

170. Following the Event on 25 February 2025, ETH-NADO notified the Athlete of the alleged ADRV and imposed a provisional suspension on 10 March 2025. In its notification letter, ETH-NADO required the Athlete to provide “*a full and detailed written explanation for the alleged facts*” by 15 March 2025. The letter expressly stated that the explanation sought was directed at both the merits of the alleged ADRV and the question of provisional suspension, and that upon review of such explanation, ETH-NADO would issue a notice of charge if it remained satisfied that an ADRV had been committed. On 14 March 2025, the Athlete timely filed a written application seeking the lifting of the provisional suspension, which included her explanation. A hearing was held on 15 March 2025, during which the parties addressed not only the provisional suspension but also, in summary, the merits of the alleged ADRV. On 16 March 2025, the provisional suspension was lifted. By that time, ETH-NADO had received the Athlete’s explanation in both written and oral form and continued to maintain its position that an ADRV had been committed. Despite this, ETH-NADO did not issue a formal notice of charge until 21 May 2025, some 66 days later.

171. Against this background, the Sole Arbitrator notes that Article 7.1 of the International Standard for Results Management (“ISRM”) provides that:

“7.1 If, after receipt of the Athlete or other Person’s explanation or expiry of the deadline

to provide such explanation, the Results Management Authority is (still) satisfied that the Athlete or other Person has committed (an) anti-doping rule violation(s), the Results Management Authority shall promptly charge the Athlete or other Person with the anti-doping rule violation(s) they are asserted to have breached” (emphasis added).

172. For purposes of Article 7.1, the Sole Arbitrator finds that ETH-NADO received the Athlete’s explanation no later than 16 March 2025, the date of the Provisional Suspension Decision. By that date, ETH-NADO had the benefit of the Athlete’s written application, her oral testimony at the hearing, and the Provisional Suspension Panel’s preliminary assessment. As such, it is reasonable to assume that ETH-NADO was, by that date, in a position to determine whether it remained satisfied that the Athlete had committed the alleged ADRV. With this in mind, the Sole Arbitrator must therefore assess whether the 66-day interval between 16 March 2025 and 21 May 2025 can be considered “prompt” under Article 7.1 of the ISRM in the specific circumstances of this case. While neither the WADC nor the ISRM provides an explicit definition of “prompt”, it is generally understood to mean as soon as reasonably possible, taking into account the relevant facts and circumstances.
173. The present case involved no laboratory analysis, no scientific complexity and no technical evidentiary issues requiring expert evidence or extended investigation. All relevant facts were known from the outset, and the dispute essentially hinged on the credibility and interpretation of a discrete interaction that occurred on a single morning. In the particular context of this unique case, the Sole Arbitrator therefore finds that the delay of 66 days between receipt of the Athlete’s explanation and issuance of the formal charge cannot be considered prompt.
174. The Sole Arbitrator does not suggest that ETH-NADO was required to issue the charge immediately upon receipt of the Athlete’s explanation. Some administrative interval is inherent in any results management process, and prompt action is not always realistic. However, in circumstances where all relevant information was already available, a delay of 66 days exceeds what can reasonably be characterized as prompt in the context of this specific type of ADRV. This conclusion is reinforced by the overall pace at which the first instance proceedings were otherwise conducted. Once the notice of charge was issued on 21 May 2025, all subsequent stages moved with considerable speed, namely the Athlete filed her response on 16 June 2025, ETH-NADO replied on 23 June 2025, procedural directions were issued on 15 July 2025, and the hearing and Appealed Decision followed within less than a month. The entire proceedings from charge to first instance decision took less than three months. The charge delay of 66 days is thus disproportionate when measured against the pace at which every other stage of the first instance proceedings was conducted. Additionally, ETH-NADO has offered no justification for such delay. The Sole Arbitrator therefore concludes that this delay constitutes a substantial delay not attributable to the Athlete within the meaning of Article 10.13.1 of the ADR.
175. Yet, the finding of a substantial delay does not conclude the analysis. The Sole Arbitrator must also consider the Comment to Article 10.13.1 of the WADC, which cautions that in “cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an antidoping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used”. The underlying rationale

is that an anti-doping organization should not be penalized for legitimately complex investigative work.

176. The present case, however, does not involve the type of prolonged investigative process or extensive development of facts contemplated by the Comment to Article 10.13.1. The delay occurred during the results management phase rather than from any investigative steps needed to substantiate the ADRV. As such, the rationale underlying the Comment does not apply, and the Sole Arbitrator's exercise of discretion under Article 10.13.1 is not precluded.
177. Having established that a substantial delay not attributable to the Athlete occurred, the Sole Arbitrator must next determine the appropriate commencement date pursuant to Article 10.13.1 of the ADR. Subject only to the express limitation that the period of ineligibility may not commence earlier than the date of sample collection or the date on which another ADRV last occurred, Article 10.13.1 does not prescribe a mathematical formula for backdating, nor does it require that any retroactive commencement correspond precisely to a quantified number of days.
178. While Article 10.13.1 could, in principle, permit backdating as early as 25 February 2025, the Sole Arbitrator considers that any exercise of discretion must be proportionate to the procedural delay actually established and to the circumstances of the case as a whole. The purpose of this provision is to prevent an athlete from being prejudiced by delays for which they are not responsible and it is not intended to grant an unwarranted benefit or to disregard the actual sequence of events.
179. In the particular circumstances of this case, the Sole Arbitrator determines that the 66-day delay provides a practical reference point and considers it appropriate to backdate the commencement of the period of ineligibility by 66 days. Extending the commencement date beyond this 66-day delay, however, would exceed the corrective purpose of Article 10.13.1 and would not be proportionate to the delay actually demonstrated.
180. With that determination made, the Sole Arbitrator must now establish the operative commencement date of the period of ineligibility, taking into account Article 10.13.2 of the ADR, which provides:

“10.13.2 Credit for Provisional Suspension or Period of Ineligibility Served

10.13.2.1 If a Provisional Suspension is respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If the Athlete or other Person does not respect a Provisional Suspension, then the Athlete or other Person shall receive no credit for any period of Provisional Suspension served. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal”.

181. In this regard, the Sole Arbitrator observes that the Athlete was provisionally suspended by ETH-NADO from 10 to 16 March 2025 (a period of seven days). She was then subject to a further provisional suspension ordered by the CAS Order, from 12 September 2025 until the

issuance of this Award. There is no indication that the Athlete failed to comply with either of these provisional suspensions.

182. Pursuant to Article 10.13.2 of the ADR, the Athlete is entitled to receive credit for these periods. As such, the Athlete's period of ineligibility is deemed to have begun on 12 September 2025, reflecting the provisional suspension, which is still in force. A credit for the seven days of provisional suspension served from 10 to 16 March 2025 shall be further applied to the period of ineligibility.
183. In light of the unexplained delay of 66 days, the Sole Arbitrator considers it appropriate to backdate the period of ineligibility by 66 days from the date of 12 September 2025. As such, the Sole Arbitrator fixes the commencement date of the period of ineligibility to 8 July 2025.
184. Consequently, the Athlete's two-year period of ineligibility shall run from 8 July 2025, with credit for the seven days of provisional suspension served from 10 to 16 March 2025 to be applied. This means that the athlete's suspension should end on 30 June 2027 in principle, if served without any disruption(s).

c. Disqualification of Results

185. The Sole Arbitrator, having exercised her discretion to commence the period of ineligibility as of 8 July 2025 pursuant to Article 10.13.1 of the ADR, shall apply the final sentence of that provision, which provides that “[a]ll competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified”. Thus, all competitive results obtained by the Athlete on or after 8 July 2025 are mandatorily disqualified, with all resulting consequences, including forfeiture of medals, points, and prizes.
186. In addition, Article 10.10 of the ADR provides:

“10.10 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes”.
187. It follows from Article 10.10 of the ADR that all competitive results obtained from the date of the ADRV, i.e., 25 February 2025, through the day before the commencement of the backdated period of ineligibility shall also be disqualified, with all resulting consequences. The Sole Arbitrator sees no basis, in the circumstances of this case, to depart from the general rule.

X. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by World Athletics with the Court of Arbitration for Sport on 9 September 2025 against the Ethiopian Anti-Doping Office and Diribe Welteji Kejelcha with respect to the decision rendered on 27 August 2025 by the Ethiopian National Anti-Doping Office Hearing Panel is partially upheld.
2. The decision rendered on 27 August 2025 by the Ethiopian National Anti-Doping Office Hearing Panel is set aside.
3. Diribe Welteji Kejelcha is found to have committed an anti-doping rule violation under Article 2.3 of the Ethiopian National Anti-Doping Office Rules 2021 for failing to submit to sample collection.
4. Diribe Welteji Kejelcha is sanctioned with a period of ineligibility of two (2) years commencing on 8 July 2025, in accordance with Article 10.13.1 of the Ethiopian National Anti-Doping Office Rules 2021, with credit for the provisional suspension effectively served by Diribe Welteji Kejelcha between 10 and 16 March 2025 (seven days).
5. All competitive results obtained by Diribe Welteji Kejelcha during the period from and including 25 February 2025 through the date of this Award shall be disqualified.
6. (...).
7. (...).
8. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 26 February 2026

THE COURT OF ARBITRATION FOR SPORT

Marianne Saroli
Sole Arbitrator