



Tribunal Arbitral du Sport  
Court of Arbitration for Sport  
Tribunal Arbitral del Deporte

**COURT OF ARBITRATION FOR SPORT (CAS)**

**Ad Hoc Division – Games of the XXXIV Olympiad in Rosa**

**CAS OG 25/001 Azaria Stark & Mimosa Olympic Committee (MOC) v. World  
Athletics (WA)**

Sitting in the following composition:

President: Ms Annett Rombach, Switzerland

Arbitrators: Ms Leanne O’Leary, New Zealand

Mr José María Alonso, Spain

**ARBITRAL AWARD**

in the arbitration between

**Azaria Stark & Mimosa Olympic Committee (MOC)**

..... (the "Appellants")

against

**World Athletics (WA)**

..... (the "Respondent")

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## I. PARTIES

1. Ms Azaria Stark and the Mimosa Olympic Committee (MOC) are the “**Appellants**”. Ms Azaria Stark is an elite professional track and field sprinter. She is 22 years old and of Mimosan nationality. She competed at the 2025 Rosa Olympic Games in the 200m Sprint, under the MOC, which is duly recognised by the International Olympic Committee (IOC).
2. World Athletics (**WA**) is the “**Respondent**”. WA is a private law foundation registered and based in the principality of Monaco. WA is responsible for the governance of the sport of Athletics and is recognised by the IOC.

## II. FACTUAL BACKGROUND

3. Below is a summary of the relevant facts and allegations based on the Parties’ written and oral submissions and pleadings adduced in these proceedings. References to additional facts and allegations found in the Parties’ oral submissions and pleadings will be made, where relevant, in connection with the legal analysis that follows.
4. Ms Daniela Tareno is an elite-level para athlete and an Iridonian national. On 10 November 2023, Ms Tareno made an application (the “**Application**”) with the Respondent to participate in World Athletics able-bodied events.
5. On 12 February 2024, Ms Tareno successfully obtained authorisation from the Mechanical Aids Review Panel (**MARP**) (the “**MARP Decision**”) to compete in able-bodied athletic events under the following conditions;
  - a. Compliance with the specified Maximum Allowable Standing Height (**MASH**); and
  - b. Compliance with the World Athletics Mechanical Aids Regulations.
6. On 17 April 2025, the Appellant was selected to represent Mimosa in the 2025 Rosa Olympic Games.
7. On 19 April 2025, Ms Tareno was selected to join the Iridonian National Team and represent Iridonia in the 2025 Rosa Olympic Games.
8. The Rosa Olympic Games started on 16 May 2025. Ms Tareno and the Appellant qualified to compete in the final of the 200m Women’s Sprint.
9. The final of the 200m Women’s Sprint was held on 20 May 2025.
10. The race started at 21:35 CEST and ended at 21:36 CEST, with the results displayed at 21:37 CEST.

11. The results were displayed as follows:
  - a. 1<sup>st</sup> place: Ms Daniela Tareno, Iridonia, 21.49 seconds (Gold)
  - b. 2<sup>nd</sup> place: Ms Azaria Stark, Mimosa, 21.50 (.546) seconds (Silver)
  - c. 3<sup>rd</sup> place: Ms Lola Duhamel, Suisyland, 21.45 seconds (Bronze)
12. At 21:39 CEST the Appellant lodged a protest with the referee, Mr George Troublebottom, alleging she was obstructed during the race by her opponent, Ms Tareno.
13. At 21:45 CEST, Mr Troublebottom delivered the outcome of the protest (“the Advice”), deciding that no obstruction occurred and that the results should remain unchanged.
14. At 22:46 CEST, Ms Stark discovered a tweet that had been posted from Mr Troublebottom’s X account (formerly Twitter) at 22:34 CEST stating “Go Tarenooo!”. When Ms Stark clicked on the Tweet, an error message appeared, and the Tweet disappeared from the account’s main feed. Ms Stark then came across a Reddit thread mentioning said tweet.
15. On 21 May at 8:34 CEST, Ms Stark received an email from Mr Dorian Linton, a journalist from Mimosa Daily Sports, regarding an article he was writing on the race. In the email, Mr Linton alleged that Mr Troublebottom failed to verify Ms Tareno’s MASH prior to the race, and that he was later overheard expressing happiness and pride for Ms Tareno during an informal conversation with other referees immediately after the race, making a statement to the effect of: *“I am so happy for Daniela, she really made me and Iridonia proud!”*.
16. At 10:35 CEST, the medal ceremony took place, at which Ms Tareno was awarded the gold medal and Ms Stark was awarded the silver medal.
17. At 11:24 CEST, Ms Stark requested and obtained the recording of the race as shown on television from Mimosa’s national channel (the “Mimosa Footage”).
18. The Rosa Olympic Games’ Athletics events were due to finish on Sunday, 25 May 2025.

### **III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT, AD HOC DIVISION**

19. On 21 May 2025, at 11:46 CEST, Ms Stark and the MOC filed an application before the CAS ad hoc Division at the Rosa Olympic Games.

20. At 12:05 CEST, the CAS Court Office communicated the application to World Athletics and to the IOC, Ms Tareno, Iridonia Athletics and Iridonia Olympics, as interested parties, granting them until 20:00 CEST to file an Answer, including any evidence and witness statements to their application. Invited by CAS, all the interested parties declined to intervene.
21. At 12:37 CEST, the President of the ad hoc Division, acting pursuant to Article 11 of the CAS Arbitration Rules for the Olympic Games (“CAS ad hoc Rules”), constituted a Panel of three arbitrators as follows:

President: Annett Rombach, Switzerland

Arbitrators: Leanne O’Leary, New Zealand

José María Alonso, Spain

22. At 13:32 CEST, the Panel issued procedural directions as follows:
- a. Pursuant to Article 15 of the CAS Ad hoc Rules, Mr George Troublebottom is to produce a witness statement with World Athletics’ counsel addressing the allegations made against him.
  - b. The parties are to attend a hearing on 23 May 2025 at 14:30 CEST.
23. On 23 May 2025, at 14:30 CEST, a hearing was held with the participation of the following persons:

For the Appellants:

- Ms Rebecca Webb, Counsel;
- Ms Stephanie Wilks, Counsel;
- Ms Charlotte Hughes, Solicitor

For the Respondent:

- Mr Håvard Sanne-Halvorsen, Counsel;
- Ms Melissa Sabamali, Counsel

#### **IV. POSITIONS OF THE PARTIES AND PRAYERS FOR RELIEF**

24. The following summary of the parties’ positions is illustrative only and does not necessarily comprise each and every contention put forward by the parties. The Panel, for the purposes of the legal analysis which follows, has carefully considered all the

submissions made by the parties, even if there is no specific reference to those submissions in the following summary.

#### **A. The Appellants**

25. The Appellants submissions, in essence, may be summarised as follows:

- (a) Pursuant to Article 61.2 of the Olympic Charter and Article 1 of the CAS Ad Hoc Rules, the present dispute is within the competence of the CAS ad hoc Division and the application is admissible.
- (b) Ms. Stark was not required to exhaust the WA Jury of Appeal before filing an application to the CAS. The WA Jury of Appeal is, by nature, an *extraordinary remedy* that Ms Stark was not required to exhaust. This is because Rule 8.3 of the Technical Rules expressly provides for a '*right*' of appeal to the Jury of Appeal, there is no express provision that athletes must first exhaust this remedy before filing an application to the CAS and Rule 8.11 of the Technical Rules characterises the Advice as a *final* decision of WA. Alternatively, the exceptional circumstances of the present dispute justify a departure from the principle of exhaustion. The Jury of Appeal was, in the circumstances, *illusory* as Ms Stark did not obtain the crucial evidence that grounds the appeal until beyond the 30-minute appeal time limit imposed by Rule 8.7 of the Technical Rules.
- (c) The Mimosa Footage is admissible and should be attributed full weight by the Panel as it is reliable, relevant to the case and material to its outcome. The footage provides direct visual evidence of the immediate aftermath of the race, including elements such as Mr Troublebottom's exact behaviour and physical mannerisms, and is useful in determining whether an exception to the field of play doctrine applies.
- (d) In CAS jurisprudence, exceptions to the field of play doctrine have been made available by CAS Panels for bias, arbitrariness, and procedural error. Although the doctrine has never before been set aside, the conduct exhibited by Mr Troublebottom in this case satisfies multiple grounds for an exception. The evidence for this includes Mr Troublebottom's failure to verify the MASH, his relationship with Ms Tareno and mischaracterisation of that relationship in his own witness statement, the email from Mr Dorian Linton, and Mr Troublebottom's (deleted) tweet published after the race. The cumulative probative value of this

evidence establishes that there are multiple reasons that this case meets the high threshold for a field of play exception to be allowed by the Panel.

- (e) The CAS Ad Hoc Division has the authority to conduct a *de novo* review and to recommend remedies including the invalidation of the referee's advice, a rerun of the race, or the reallocation of medals. While acknowledging that the International Olympic Committee (IOC) retains ultimate discretion over medal awards, the Appellant argues that the Panel may issue a recommendation in this regard. The Appellant further proposes that in the alternative to declaring Ms Stark the sole winner, a joint awarding of the gold medal to Ms. Stark and Ms. Tareno would be equitable and would not require disqualification. The relief sought is grounded in the principle of preserving the integrity of sport and ensuring procedural fairness for all athletes, thereby condemning the kind of conduct exhibited and upholding the standard expected of referees at the highest level of sport. Notwithstanding the Panel's finding on the matter of medals, Mr Troublebottom must be referred to the Athletics Integrity Unit at the very least.

26. On this basis, the Appellants submit the following prayers for relief:

- (1) Declare the Advice of Mr Troublebottom invalid;
- (2) Declare Ms Stark as the winner of the gold medal, or at least, a tie between her and Ms Tareno;
- (3) In the alternative, order for the final of the Women's 200m race to be rerun;
- (4) Order World Athletics to refer the matter to the Athletics Integrity Unit ("AIU") in order to open proceedings against Mr Troublebottom for failing to proceed with the MASH inspection prior to the race; and
- (5) Advise the IOC of the decision in this case.

## **B. The Respondent**

27. World Athletics' submissions, in essence, may be summarised as follows:

- (a) The Respondent first contests the admissibility of the application due to the Appellants' failure to exhaust all the internal remedies available, pursuant to Article 1 of the CAS Ad Hoc Rules. The Jury of Appeal is an ordinary internal remedy as the Advice was not pronounced as final to the Appellant and only decisions of the Jury of Appeal eligible for CAS appeal. The Jury of Appeal was ready and available to hear protests during the Rosa Olympic Games and Ms Stark should have

immediately appealed the Advice as she disagreed with the decision and could not understand how easily Mr Troublebottom rejected her claim. Moreover, exceptions to the principle of exhaustion are not warranted where the urgency of the appeal is created by the Appellant's own inactivity.

- (b) The Mimosa Footage should not be admitted by the Panel because it lacks relevance to the case and materiality to its outcome. The footage does not show the alleged obstruction or any new information, nor does it provide any substantive evidence of bias. It is unofficial, unregulated, and potentially unreliable. Even if admitted, it should be given minimal weight as it was not recorded under strictly regulated technical conditions.
- (c) The "field of play" doctrine applies, and the Appellant has not met the high threshold required to override it using purely theoretical exceptions. The field of play doctrine protects the autonomy of referees and ensures finality in sporting decisions. The Respondent acknowledges that Mr. Troublebottom had a prior acquaintance with Ms. Tareno but submits that this relationship was minimal and did not constitute a conflict of interest or significant interest under World Athletics regulations. The Respondent also addresses the issue of nationality, noting that while Mr. Troublebottom and Ms. Tareno share the same nationality, his conduct during the race was impartial and his expressions of support occurred only after the event. The evidence available is purely circumstantial and is insufficient to form the basis of a field of play exception.
- (d) Even if the Panel finds grounds to intervene, it lacks a sufficient basis to reallocate medals or order a rerun. There is no evidence that an obstruction occurred or provided grounds for disqualification. A rerun would be impractical and unfair to other athletes. The Respondent emphasizes that Article 56 of the Olympic Charter reserves the authority to reallocate medals to the IOC and that any recommendation by the Panel must be supported by clear and compelling evidence. In conclusion, the Respondent requests that the appeal be dismissed and that the integrity of the field of play decision be upheld.

## **V. JURISDICTION**

28. Rule 61.2 of the Olympic Charter provides as follows:

*“61 Dispute Resolution*

*[...]*

*2. Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport (CAS), in accordance with the Code of Sports-Related Arbitration”.*

29. The present dispute concerns the request to declare the Advice provided my Mr Troublebottom in the Women’s 200m final at the 2025 Rosa Olympic Games invalid; therefore, as a first consideration, the Panel is satisfied that the dispute is in connection with the Olympic Games and that the requirement under Rule 61.2 of the Olympic Charter is met

**VI. ADMISSIBILITY**

30. Article 1 of the CAS Ad Hoc Rules provides as follows:

*“Article 1. Application of the Present Rules and Jurisdiction of the Court of Arbitration for Sport (CAS)*

*The purpose of the present Rules is to provide, in the interests of the athletes and of sport, for the resolution by arbitration of any disputes covered by Rule 61 of the Olympic Charter, insofar as they arise during the Olympic Games or during a period of ten days preceding the Opening Ceremony of the Olympic Games.*

*In the case of a request for arbitration against a decision pronounced by the IOC, an NOC, an International Federation or an Organising Committee for the Olympic Games, the claimant must, before filing such request, have exhausted all the internal remedies available to her/him pursuant to the statutes or regulations of the sports body concerned, unless the time needed to exhaust the internal remedies would make the appeal to the CAS Ad Hoc Division ineffective”.*

31. In the Respondent’s view, the Ms Stark should first have lodged an appeal of the Advice with the WA Jury of Appeal and therefore they have failed to exhaust all the internal remedies available.

32. In the Appellants' view, the WA Jury of Appeal is, by nature, an extraordinary remedy that Ms Stark was not required to exhaust before filing an application to the CAS ad hoc Division and, in any event, the WA Jury of Appeal is, in the circumstances, illusory.

*Extraordinary remedy*

33. In regard to the Appellants' primary submission, the Panel notes that the obligation to exhaust internal remedies applies only to ordinary remedies and not to extraordinary remedies. Discretionary remedies that the appellant has the right to, but are not obliged to exhaust, are characterised as extraordinary remedies (s. MAVROMATI/REEB, The Code of the Court of Arbitration from Sport: Commentary, Cases and Materials, n. 35-36 ad Article R47 of the Code).
34. The Panel first notes Rule 12 of the Competition Rules, which states:

*12. Jury of Appeal*

*[...]*

*The primary functions of the Jury of Appeal shall be to deal with all appeals under Rule 8 of the Technical Rules, and with any matters arising during the course of the competition which are referred to it for decision.*

35. In addition, the Panel notes that Rule 8.3 of the Technical Rules states: “...*If the Referee makes a decision, there shall be a right of appeal to the Jury.*”.
36. The wording of Rule 8.3 is clear: each athlete has a *right* of appeal to the WA Jury of Appeal. In addition, nowhere in the WA Statutes is it provided that the appeal to the WA Jury of Appeal is a precondition for an appeal to the CAS. As supported by CAS jurisprudence, there is no obligation to exhaust internal remedies where the statute expressly provides for a ‘right of appeal’ and does not require the exhaustion of the internal remedy as a precondition for a CAS appeal (CAS 2014/A/3775, para 50).
37. Furthermore, the Panel notes that Rule 8.11 of the Technical Rules states: “*The decision of the Jury of Appeal (or of the Referee in the absence of a Jury of Appeal or if no appeal to the Jury is made) shall be final and there shall be no further right of appeal, including to CAS.*”

38. While this provision does not derogate from jurisdiction awarded in the Olympic Charter to the CAS (CAS 2008/A/1641), it characterises the Advice as a *final* decision of WA.
39. The Panel observes that the rationale for the obligation to exhaust internal remedies is so that only final and binding decisions of sports federations can be challenged before CAS. Where decisions are expressly classified as final under the relevant statute, further internal remedies are characterised as extraordinary (CAS 2011/A/2670, para 4.10). Therefore, as the Advice is expressly classified as final under Rule 8.11 of the Technical Rules, Ms Stark is not required to exhaust further WA internal remedies and is able to appeal the Advice directly to CAS.
40. The Panel is satisfied that the WA Jury of Appeal is, by nature, an *extraordinary* internal remedy that Ms Stark was not expressly required to exhaust before filing an application to the CAS. Therefore, by filing an oral protest with Mr Troublebottom, Ms Stark exhausted all the *ordinary* internal remedies available to her. Ultimately, Ms Stark should not be deprived of her right to be heard for not exercising a discretionary right provided for her benefit.

*Illusory character*

41. In any event, the Appellants alternatively seek to rely on an exception to the obligation to exhaust internal remedies as the WA Jury of Appeal was, in the circumstances, illusory.
42. As a preliminary note, the Panel wishes to underline the extraordinary character of the specific exception provided for at Article 1 of the Cas Ad Hoc Rules. In order for an exception to apply, the Appellants must prove the '*illusory character*' of the internal remedy, which is to be assessed on a case-by-case basis with consideration of all circumstances of the particular case (CAS OG 22/004, para 64).
43. The Panel observes that pursuant to Rule 8.7.2 of the Technical Rules, "*An appeal to the Jury of Appeal must be made within 30 minutes: ...of the advice being given to those making the protest, where there is no amendment of any result*". Therefore, considering that the Advice was issued at 21:45 CEST, Ms Stark only had until 22:15 CEST to file an appeal with the Jury of Appeal.
44. Looking to the relevant circumstances and timeline of events, Ms Stark did not discover Mr Troublebottom's deleted Tweet until 22:46 CEST, which was 61 minutes after the

Advice was issued and beyond the 30-minute time limit. According to Ms Stark's witness statement, it was not until this point that she "*started questioning the integrity of Mr Troublebottom's Advice, and whether he might have been influenced to act and decide as he did*". Shortly after, she discovered a Reddit thread that alleged that Mr Troublebottom knew Ms Tareno from their time together at the State University of Mimosa. Finally, at 8:34 CEST the next morning, on 21 May 2025, Ms Stark was contacted by Mr Dorian Linton, a journalist from Mimosa Daily Sports. In his email, Mr Linton alleged that Mr Troublebottom had made a comment after the race stating, "*I am so happy for Daniela, she really made me and Iridonia proud!*", and that he had also decided not to verify Ms Tareno's MASH, as instructed by the MARP Review Officer.

45. The Panel is of the opinion that, given these circumstances, Ms Stark could not have possibly filed an appeal with the WA Jury of Appeal within the 30-minute time limit with any evidence of Mr Troublebottom's alleged misconduct.
46. The Respondent contends that Ms Stark should have immediately appealed the Advice to the WA Jury of Appeal, given that she disagreed with the Advice. However, the Panel notes that Ms Stark is an elite-level athlete who has been taught, through her many years of experience, to trust and respect the authority and autonomy of referees and that mere disappointment with a result is insufficient grounds to warrant filing an appeal.
47. While the Panel endorses the paramount and essential need to exhaust all internal remedies before filing an application to the CAS, the Panel is satisfied that the Appellants have fulfilled their burden in proving that the WA Jury of Appeal was of *illusory character* in these circumstances.
48. Hence, the Panel finds that the requirements of Article 1 of the CAS Ad Hoc Rules are fulfilled and that, as a result, the Application is admissible.

## VII. APPLICABLE LAW

49. Under Article 17 of the CAS Ad Hoc Rules, "*The Panel shall rule on the dispute pursuant to the Olympic Charter, the applicable regulations, general principles of law and the rules of law, the application of which it deems appropriate*". The Panel

considers that the WA Competition Rules and Technical Rules, to the extent not in conflict with the Olympic Charter, as also relevant to these proceedings.

## **VIII. THE MERITS**

### **A. Main Issues**

50. The issues on the merits are:

- (1) Should the television footage of the event be admitted as evidence by the Panel?
  - (a) If so, what weight should be given to such evidence?
- (2) Is Mr Troublebottom's advice a reviewable decision by the CAS?
- (3) If so, is changing the results of the race within the scope of review of the CAS?

### **1) SHOULD THE TELEVISION FOOTAGE OF THE EVENT BE ADMITTED AS EVIDENCE BY THE PANEL? IF SO, WHAT WEIGHT SHOULD BE GIVEN TO SUCH EVIDENCE?**

51. For the purposes of clarity, the Mimosa Footage is not of the race itself, but rather the immediate aftermath of the race. It features Ms Stark's immediate scepticism after the race, her lodging an oral protest with Mr Troublebottom, Mr Troublebottom entering the Video Review Room, and finally Mr Troublebottom returning to announce the Advice. It does not show what happened inside the Video Review Room.
52. Article 15d of the CAS Ad Hoc Rules empowers the CAS to exercise broad discretion in determining both the admissibility and weight of evidence. As such, the Appellants seek to admit the television footage of the event, obtained from Mimosa's national channel as evidence.
53. In the Respondent's view, the Mimosa Footage is inadmissible and has no legal weight. It does not substantiate the claims that Ms Stark was obstructed by Ms Tareno, nor does it demonstrate that Mr Troublebottom was biased.
54. The Panel does not agree that the footage should be excluded because it depicts a "field of play" decision (see CAS OG 02/007). As mentioned, the footage is not of the event itself, and since the Appellants are using it to evidence their claim that the decision is reviewable, it would be paradoxical for the Panel to require the Appellants to prove the very thing that they seek to use this evidence to establish before admitting it.

55. Given that the primary question before the Panel is whether an exception to the field of play doctrine applies, and the Appellants submissions use the footage as evidence for their claims on this point, the Panel is of the opinion that the Mimosa Footage is relevant to the case and material to its outcome. It highlights Mr Troublebottom's exact behaviour at the relevant time, as well as providing visual documentation of the timeline of the Protest. As such, the Panel agrees with the Appellants submissions that the footage acts as direct visual confirmation of the facts. The Panel is also of the view that it adds context to the dispute, including elements such as Mr Troublebottom's body language, expressions, and behaviour, which can only be ascertained from this footage.
56. Hence, the Panel is satisfied that the Mimosa Footage should be admitted and attributed full weight.

## **2) IS MR TROUBLEBOTTOM'S ADVICE A REVIEWABLE DECISION BY CAS?**

57. The Appellants' case before the Panel is concerned with proving that Mr Troublebottom's objectivity and decision making were compromised to a degree that renders the Advice reviewable.
58. For the purposes of clarity, the Panel agrees that the Advice is a 'Decision' under CAS jurisprudence (CAS 2010/A/2041) and thus the Panel is competent to conduct a review. However, since the Advice falls within the definition of a "field of play" decision, being a *"decision made by a referee on the playing field by judges, referees, umpires and other officials, who are responsible for applying the rules of a particular game"* (CAS 2021/A/8119) the Advice falls within the purview of the "field of play" doctrine.

### *The "field of play" doctrine*

59. The purpose of the doctrine of the "field of play" is multifaceted. Firstly, it acts to prevent a situation in which arbitrators are asked to substitute their judgement for that of a judge, referee, umpire or other official. The rationale for this is that *"CAS Panels are not sufficiently trained in the rules of any or all sports and do not have the advantage to observe the event"* (CAS 2021/A/8119). Secondly, the doctrine seeks to uphold the finality of sporting events, and the authority of the umpires *"who are responsible for applying the rules of the game"* (CAS OG 24-15/24-16).

60. The Panel further agrees with the Respondent's use of the principle set out in CAS 2004/A/704, that *"if the hurdle were to be lower, the flood-gates would be opened and any dissatisfied participant would be able to seek the review of a field of play decision"*.
61. However, as pointed out in the Appellants' submissions and CAS jurisprudence, the doctrine is not absolute and exceptions are available to the Panel. The characteristic features of the doctrine's application, including the exceptions, are aptly summarised as follows in CAS 2010/A/2090 at para 35:

*"From this complex jurisprudence the Panel distils the following unnuanced propositions:*

- 1) Abstinence by CAS from ruling on field of play decisions is not a matter of jurisdiction, but of arbitral self-restraint (CAS 2004/A/727, para 28; CAS 2006/A/1176, para 7.8.).*
- 2) The rationale for such self-restraint includes supporting the autonomy of officials; avoidance of the interruption to matches in progress; seeking to ensure the certainty of outcome of competition; the relative lack of perspective and/or experience of appellate bodies compared with that of match officials (CAS 2004/A/704, para 4.7).*
- 3) Subject to 4), the doctrine at any rate applies to prevent rewriting the results of the game or of sanctions imposed in the course of competition.*
- 4) The doctrine is disapplied upon proof that decisions otherwise falling within its ambit were vitiated by bias, malice, bad faith, arbitrariness or legal error (CAS 2004/A/727, CAS 2004/A/704, CAS 2006/A/1176).*
- 5) Within those limits the doctrine is compatible with Swiss law (CAS 2006/A/1176).*
- 6) If the decision of an official is subject to unrestricted appeal to an appellate body, which will be seized of it during, immediately after, or even proximate to the competition prima facie the same doctrine applies (CAS 2008/A/1641).*
- 7) Where by contrast the decision under appeal is of an appellate body within the sport whose determination in respect of the field of play decision is detached in point of location and time from that decision, and has its jurisdiction defined*

*by its own rules, then the doctrine has no application. CAS can review the appellate decision to see whether the appellate body made, within terms of its own jurisdiction, a relevant error (CAS 2008/O/1483).*

*8) The above principles apply mutatis mutandis to competition specific sanctions although not inflexibly, if interests of person or property are involved (CAS 2005/A/991)”*

62. *Prima facie*, CAS Panels do not interfere with decisions made on the field of play. However, arbitral tribunals’ traditional abstinence from utilising the exceptions to the doctrine is a matter of self-restraint, rather than lack of authority or jurisdiction, as set out above. As such, the Panel agrees with the Appellants’ submission that the Panel has the freedom to utilise these exceptions notwithstanding that this jurisdiction has yet to do so due to the lack of evidence in previous cases as insufficient to meet the “high hurdle” that is required to set aside the doctrine (CAS OG 02/007).

*The burden and standard of proof*

65. There are multiple pieces of evidence before the Panel upon which the Appellants rely to establish the existence of an exception the field of play doctrine, and which the Respondent seeks to discredit. The Panel considers that this evidence is sufficient to raise a legitimate question as to the presence of arbitrariness, bias, or procedural error, which are recognised exceptions to the “field of play” doctrine (CAS 2017/A/5737, para 50(a)).
66. As established in CAS jurisprudence, such exceptions generally require “*direct evidence*” of a “*preference for, or prejudice against, a particular team or individual*” (CAS OG 02/007). In accordance with Rule 19.4 of the World Athletics Disciplinary and Appeals Tribunal Rules, the burden of proof rests with the Appellants, who must satisfy the Panel to the standard of comfortable satisfaction, having regard to the seriousness of the allegation and all relevant circumstances.

“19.4 [...]

*The standard of proof in all appeals is to the comfortable satisfaction of the Appeal Panel. This standard of proof in all appeals is greater than a mere*

*balance of probability but less than proof beyond a reasonable doubt. For the avoidance of doubt, there is no sliding scale.”*

67. Although the applicable standard has been set by World Athletics as the comfortable satisfaction of the Panel, there is no definitive test for determining what may satisfy the high threshold required to establish a “field of play” exception. To address this ambiguity, CAS jurisprudence has adopted a pragmatic approach, drawing on the well-known analogy of an elephant, being “*hard to describe, but you know one when you see it*” (CAS OG 02/007). This reflects the inherently fact-specific and discretionary nature of such determinations, which must be assessed in light of the totality of the evidence and circumstances before the Panel.

*The evidence before the Panel and the alleged exceptions to the field of play doctrine*

68. The Appellants’ submissions assert that, in its totality, Mr Troublebottom’s deleted tweet, the prior relationship between Mr Troublebottom and Ms Tareno, and the discussion overheard by Mr Dorian Linton, all point to the bias exception; the blatant and avoidant nature with which Mr Troublebottom delivered the advice, as shown in the Mimosa Footage, goes to arbitrariness, and; his failure to verify Ms Tareno’s MASH before the race is a procedural error.
69. Before discussing the available evidence at length, this Panel must also address the approach that the Appellants seek it to take by combining the admitted evidence to form a bigger picture; this resembles the “strands of the cable” approach that has been utilised previously in doping cases, which allows CAS panels to consider the “*cumulative effect of circumstantial evidence*” (CAS 2018/A/5667). Given that this Panel is not restricted by the doctrine of precedent or rules of evidence, it sees no reason to rule out an application of this approach to evidence in a “field of play” matter.
70. The Panel agrees with the Appellants submissions and considers the most direct and compelling evidence to be the pre-existing relationship between Mr Troublebottom and Ms Tareno, as set out in Mr Troublebottom’s own witness statement. In this statement, Mr Troublebottom outlines that he was Ms Tareno’s ‘peer mentor’ whilst they both studied at the same university. However, the details provided, namely, that Mr Troublebottom has not spoken to Ms Tareno in “*at least three years*”, are inconsistent with the agreed facts. The facts set out that Mr Troublebottom could not have met Ms Tareno until September 2023 at the earliest, only 20 months before his statement. This

discrepancy, or “mischaracterisation” as alleged by the Appellants, speaks to a lack of credibility on his part. The deleted tweet (Exhibit x) and overheard discussion are less probative but can nevertheless has been understood by the Panel as contributing to the ‘bigger picture’ of Mr Troublebottom’s alleged preference for Ms Tareno.

71. On the second ground, it is first noted that given the appellants’ reliance on the Mimosa Footage as evidence for the claim of arbitrariness, determining the existence of arbitrariness depends on the Appellants’ success on the second issue. Assuming that the Mimosa Footage is admissible, CAS jurisprudence nevertheless articulates that delivering decisions in a “blatant” manner with little explanation - or in some cases, none - has not been sufficient to constitute an exception on the basis of arbitrariness (CAS 2004/A/704). However, the Panel would accept the point insofar as it is relied upon *cumulatively* with other exceptions and further evidence. The Panel would not award an exception based on arbitrariness alone.
72. The final ground, procedural error, it has been accepted by the Panel that Mr Troublebottom was instructed by the MARP to verify Ms Tareno’s MASH before the event and did not do so. Whether this decision was inadvertent or deliberate is unclear. However, the error violated a clear procedural requirement that was integral to maintaining the fairness of the event. Without this check, Ms Tareno may have been competing with an undue advantage. Drawing from CAS OG 14-15 / CAS OG 24-16, *“Even assuming, arguendo, that [a] Game referees’ decision was erroneous, mere error is not automatically arbitrary, irrational or made in an abuse of discretion”*. In a similar manner to the Panel’s discussion on arbitrariness, this procedural error, on its own, is not sufficient to constitute an exception that would permit the Panel to interfere with the Advice. However, the Panel sees fit that the cumulative impact of the available evidence, particularly when considering the evidence of bias, allows this procedural error to be characterised as arbitrary or in abuse of discretion.
73. The Panel therefore agrees with the Appellants that, taken individually, the pieces of evidence before the Panel would not suffice to establish a “field of play” exception, nor do the individual claims of arbitrariness or procedural error appear, on their own, to be fully made out. However, it does accept that the available evidence, when considered cumulatively, meets the standard of the bias exception, proving *“preference for, or prejudice against, a particular team or individual”* (CAS OG 02/007). It is particularly important to note at this point that the Panel is not lowering the ‘high hurdle’ that is

required to substantiate a “field of play” exception, nor does it wish to open the proverbial flood gates. Rather, CAS jurisprudence has continuously reinforced the theoretical existence of these exceptions for a reason. It is of the Panel’s view that to deny a claim in which multiple exceptions are raised, which are all supported by evidence, would effectively render the field of play exceptions inaccessible. Such an approach would risk using the doctrine in a manner that undermines, rather than upholds, the principles of fairness and integrity in sport, which it was designed to protect.

74. Mr Troublebottom’s involvement in this event is a violation of the fundamental principle of procedural fairness not only to Ms Stark, but to all participants in the event.
75. For these reasons, the Panel agrees with the Appellants that Mr Troublebottom's Advice is reviewable by the CAS.

### **3) IS CHANGING THE RESULTS WITHIN THE CAS’ SCOPE OF REVIEW**

76. Given that the Panel has allowed an exception to the “field of play” doctrine on the basis of Mr Troublebottom’s bias, arbitrariness, and procedural error, it would not follow for the Panel to allow his “tainted” Advice to stand. As such, the Panel sees fit to grant the Appellants their first prayer for relief and declare Mr Troublebottom’s advice invalid.
77. Pursuant to Article 16 of the CAS Ad Hoc Rules for the Olympic Games, the Panel is able to exercise a *de novo* power of review. As clarified in CAS 2010/A/2090, this does not permit the CAS to exceed the scope of authority vested in the decision-making body under review (i.e., World Athletics). In this case, under WA Technical Rules 8.9, the Jury of Appeal has the power to change the race results. Accordingly, the Panel finds that, by virtue of its *de novo* jurisdiction, it likewise possesses the authority to alter the race results, should the circumstances so warrant.
78. As the Panel has accepted the Appellants’ submission that an exception to the “field of play” doctrine applies, it exercises its *de novo* powers to grant the relief sought by the Appellants. The Panel notes that since it has awarded a “field of play” exception, it would not reasonably follow that the Appellants be left remediless. Accordingly, the Panel orders that the official race results be amended to reflect Ms Stark and Ms Tareno as joint-place finishers.

79. The Panel further requests that the IOC proceed with the redistribution of medals in accordance with Rule 57 of the Olympic Charter, including the awarding of an additional gold medal to Ms Stark. The Panel acknowledges that the IOC has overarching authority and discretion on the issue of medal allocation. However, for the CAS to make these kinds of requests is not unprecedented (CAS OG 14-15 / CAS OG 24-16).
80. Finally, as Mr Troublebottom's conduct has fallen well below the standard of officiating at Olympic Games, Mr Troublebottom must be referred to the Athletics Integrity Unit as a consequence of his errors and lack of integrity.
81. Based on the foregoing, the Appellants' appeal is allowed.

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#### **IX. COSTS**

82. According to Article 22 para. 1 of the CAS ad hoc Rules, the services of the CAS Ad Hoc Division "*are free of charge*".
83. According to Article 22 para. 2 of the CAS Ad Hoc Rules, parties to CAS Ad Hoc proceedings "*shall pay their own costs of legal representation, experts, witnesses, and interpreters*"
84. As none of the parties seek costs and no such costs in any event are found by the Panel to be warranted, there is no order as to costs.

## **ON THESE GROUNDS**

The Ad Hoc Division of the Court of Arbitration for Sport renders the following decision:

1. The appeal filed by Ms Azaria Stark and the Mimosa Olympic Committee is allowed.
2. The Advice given by the referee, Mr George Troublebottom, is deemed to be invalid.
3. The race results are to be changed to reflect a tie between Ms Azaria Stark and Ms Daniela Tareno.
4. The IOC is formally requested to consider awarding a second gold medal to Ms Azaria Stark.
5. Mr George Troublebottom be referred to the Athletics Integrity Unit for his failure to verify Ms Tareno's MASH.
6. The IOC is to be advised of the decision.

Rosa, 23 May 2025

## **THE AD HOC DIVISION OF THE COURT OF ARBITRATION FOR SPORT**

Ms Annett Rombach, President

Ms Leanne O'Leary, Arbitrator

Mr José María Alonso, Arbitrator