



SAM AWARD COMPETITION

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ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr Shunsuke Papadopoulos

Arbitrators: Ms Valeria Iweala

Mr Nahuel Krishnamurti

in the arbitration between

Antonio Fortuna, Iridonia

Represented by Cristian Alvarez and Alfonso Figuerola, Counsel, University of Miami, USA

-Appellant-

and

Fédération Internationale de Football Association (FIFA), Zürich, Switzerland

Represented by James Piercy and Eleanor Acworth, Counsel, Honourable Society of the Inner Temple, United Kingdom

-Respondent-

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I. THE PARTIES

1. Mr Antonio Fortuna (the “**Appellant**”) is a 32-year-old football player of Iridonian nationality and a regular starter for the Iridonian men’s national football team.
2. The Fédération Internationale de Football Association (“**FIFA**” or the “**Respondent**”) is the global governing body of football, headquartered in Zürich, Switzerland.
3. The Appellant and the Respondent are hereinafter jointly referred to as the “**Parties.**”

II. FACTUAL BACKGROUND

4. Iridonia’s final 2026 FIFA World Cup qualifier was against Cometland. Iridonia needed only one point to remain on top of its group and qualify directly for the World Cup. On 17 October 2025, the Match was played at the Azul Stadium in Iridonia, with the Appellant in the starting squad. Cometland won the Match 0-3.
5. On 18 October 2025, FIFA received a Betting Market Analysis Report prepared by Genius Sports Integrity Services, which analysed the betting patterns and performance of various players and concluded that the Match may have been fixed.
6. On 20 October 2025, the Secretariat of the FIFA Disciplinary Committee (“**FIFA DC**”) initiated a disciplinary investigation against the Appellant in relation to the Match and appointed a prosecutor.
7. On 3 November 2025, FIFA interviewed several players of the Iridonian men’s national football team, and an anonymous player stated that, on the night before the Match, the Appellant had appeared stressed and had been heard arguing with his father over the telephone. On the same date, FIFA received an anonymous email alleging that the Appellant’s father had received 50,000 Dodgycoin, a cryptocurrency, in the two weeks preceding the Match, together with a screenshot of a WhatsApp conversation with “The Syndicate”.

8. On 4 November 2025, the Iridonian Public Prosecutor's Office opened an investigation into the Appellant and his father for sports manipulation. On 5 November 2025, it announced that the Appellant's father had provided access to his Dodgycoin wallet.
9. The criminal investigation remained pending, and the Iridonian authorities did not provide FIFA with any further evidence.

III. PROCEEDINGS BEFORE THE FIFA DISCIPLINARY COMMITTEE

10. On 18 November 2025, FIFA summoned the Appellant for an interview. During the interview, he denied any involvement in match manipulation and refused to submit his mobile phone for the purposes of the investigation.
11. On 8 December 2025, FIFA reiterated its request for the Appellant's mobile data, which he again refused to provide.
12. On 27 January 2026, the FIFA DC sanctioned the Appellant for match manipulation with a fine of CHF 100,000 and a five-year ban from all football activities worldwide, as well as an additional fine of CHF 10,000 for failure to cooperate during the investigation.
13. On 28 January 2026, the grounds of the FIFA DC's decision were notified to the Parties. This decision was fully upheld on 31 March 2026 by the FIFA Appeal Committee, and notified to the Parties with grounds on 2 April 2026.

IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

14. On 23 April 2026, at 23:45 Iridonian time, the Appellant filed its statement of appeal before the CAS by email and nominated Ms Valeria Iweala as party-appointed arbitrator.
15. On 24 April 2026, the Appellant also sent the statement of appeal to the CAS by courier.

16. On 28 April 2026, upon learning that the CAS had not received the email, the Appellant requested reinstatement of the deadline and submitted evidence concerning the alleged cyber-attack on its email servers.
17. On 4 May 2026, FIFA nominated Mr Nahuel Krishnamurti as party-appointed arbitrator.
18. On 5 May 2026, the Appellant filed its appeal brief before the CAS by email and courier.
19. On 7 May 2026, the President of the Division appointed Mr Shunsuke Papadopoulos as President of the Panel.
20. On 11 May 2026, FIFA filed its answer to the appeal brief, inter alia, challenging the admissibility of the statement of appeal.
21. On 16 May 2026, the Panel fixed the dates of the hearing.

V. POSITION OF THE PARTIES

22. The summary of the parties' positions is illustrative only and does not reiterate every contention put forward by the parties. However, the Panel has, for the purposes of the legal analysis, 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 Appellant

23. The Appellant submitted as follows:

- (a) The appeal is admissible as the Statement of Appeal ("SOA") was sent by email at 23:45 on 23 April 2026, within the applicable time limit under Articles R31, R32 and R49 of the CAS Code. The Appellant submitted that the relevant standard is the time of sending, relying on Article R32 and of *Vladimir Sakotic v. FIDE* (CAS 2016/A/4871), according to which the actual time of receipt or delivery at CAS is irrelevant.

- (b) In the alternative, if the appeal is found to be out of time, the deadline should be reinstated under Article 148 of the Swiss Civil Procedure Code (“SCC”) due to the unforeseeable cyber-attack. The Appellant submitted that the cyber-attack was an undisputed fact and that it had cybersecurity measures that were up to industry standard.
- (c) The Appellant’s refusal to comply with FIFA’s evidentiary request was lawful and justified because:
- i. The demand for the Appellant’s mobile phone contravened his privilege against self-incrimination, given the alleged cross-sharing of evidence between FIFA and the Iridonian Public Prosecutor.
 - ii. The demand for the entire mobile phone, without specifying the relevant data sought, was disproportionate and violated his fundamental right to privacy, protected under Article 8 of the ECHR and Article 28 of the SCC.
- (d) FIFA unjustly drew a negative inference from the Appellant’s refusal to comply with the evidentiary request, thereby illegally reversing the burden of proof, which lay on the Respondent.
- (e) The Anonymous Email (Exhibit 3) was inadmissible, being unauthenticated as to its author and origin and concerning the Appellant’s father rather than the Appellant himself.
- (f) The Anonymous Witness Statement (Exhibit 2) should be held inadmissible, or be given minimal weight, because the witness was granted anonymity without meeting the high threshold under Article 43 of FIFA Disciplinary Code (“FDC”), the alleged threat stemmed from the rumoured associates of the Appellant’s father and not from the Appellant, and, contrary to Article 43.2 of the FDC, the Appellant was denied the opportunity to put questions to the witness in respect of his uncorroborated account of a telephone call between the Appellant and Mr L. Fortuna.

- (g) As FIFA, and not the Appellant, bears the burden of proof under Article 20 of the FDC, it was for FIFA, and not the Appellant, to call Mr L. Fortuna to corroborate the account given in Exhibit 2.
- (h) FIFA failed to establish a violation of Article 20 of the FDC to the applicable standard of proof. While FIFA relied upon several circumstantial factors, those factors, whether considered individually or collectively, did not establish the Appellant's personal involvement in any match-fixing scheme.
- (i) The Genius Report merely identified suspicious betting patterns and did not conclude that the Match had been manipulated by the Appellant or attribute any corrupt intent to him. The Report needs to establish personal involvement on the part of the Appellant to make him liable (*FK Pobeda v. UEFA*, CAS 2009/A/1920).
- (j) The Anonymous Email does not directly link the Appellant to any criminal group or establish his involvement in the alleged match-fixing scheme. Further, although the Anonymous Witness Statement refers to a conversation between the Appellant and his father, the context of that conversation remains unknown.
- (k) The Appellant's alleged goalkeeping mistakes were consistent with the ordinary uncertainties of football, and his overall performance, including a successful one-on-one save, was inconsistent with deliberate underperformance. Accordingly, the Appealed Decision, including the five-year suspension and the fine of CHF 100,000, should be set aside.

B. The Respondent

24. The Respondent submitted as follows:

- (a) The appeal is inadmissible because the applicable standard is receipt, not merely sending. It submits that no email was ever sent because the cyber-attack prevented the email from leaving the law firm, and that the email needed to be received on time for the subsequent courier filing to be valid.

- (b) The Panel has no power to extend the time limit for filing the SOA under Article R32, and there is no gap in the CAS Code permitting recourse to Article 148 of the SCC.
- (c) In any event, the Appellant has not discharged its evidential burden to establish causation between the cyber-attack and the failure to send the email, relying only on a single, ambiguous WhatsApp screenshot and without a witness statement, expert report, oral evidence or timeline of events.
- (d) The Appellant's reliance on privilege against self-incrimination is misplaced as it is a criminal law remedy, incapable of application in a disciplinary proceeding by a sports organisation. In arguendo, even if such remedy is deemed to be applicable in the present instance, the Appellant has not satisfied the threshold necessary to claim it.
- (e) The Appellant's right to privacy is subject to an overarching public interest in favour of exposing instances of match manipulation. Therefore, a proportionate demand made by FIFA does not violate his right to privacy.
- (f) The drawing of negative inferences by FIFA only forms part of the evidentiary picture, and it has not substituted its burden of proof by relying on such inference. The case is established to the comfortable satisfaction of the FIFA DC based on several pieces of evidence as detailed later.
- (g) Exhibits 2, 3 and 4 are admissible, as CAS routinely admits anonymous and indirect evidence in integrity proceedings given the limited investigative powers of sports governing bodies and the inherent difficulty of direct proof in match-fixing cases.
- (h) The Anonymous Witness Statement was properly safeguarded. FIFA verified the witness's identity as a teammate of the Appellant, recorded that verification confidentially, and the Appellant has had three opportunities to answer the allegation. There is no absolute right to confront witnesses in disciplinary proceedings, and the anonymity granted was proportionate given the real risk of the witness being identified by inference.

- (i) FIFA undertook authentication steps in respect of the WhatsApp screenshot, and cross-examination is in any event impractical given the limited pool of individuals with access to the underlying conversation. In the alternative, any procedural defect goes to weight, not admissibility, given the Panel's de novo powers under Article R57 of the CAS Code, and the evidence should be admitted with its weight calibrated cautiously.
- (j) The applicable standard of proof was that of comfortable satisfaction, requiring the Panel to assess the evidence cumulatively rather than in isolation. Given the covert nature of match-fixing, direct evidence is rarely available, and circumstantial evidence may be sufficient to establish the Appellant's involvement (*WADA v. ICF*, CAS 2021/A/7840; *Aleksandrina Naydenova v. PTIOs*, CAS 2020/A/7596).
- (k) The Genius Report was not relied upon as conclusive proof of match-fixing but formed part of a broader evidentiary picture. Together with the suspicious betting patterns, cryptocurrency transfers to the Appellant's father, the Appellant's conversation with his father, his insistence on playing despite illness, and the unexplained betting movements, the cumulative evidence demonstrated the Appellant's involvement in the manipulation.
- (l) The Appellant's repeated goalkeeping errors, viewed alongside the surrounding circumstances, could not be dismissed as ordinary sporting mistakes. The Appellant's refusal to provide his mobile phone also justified an adverse inference against him.
- (m) While no single piece of evidence independently established guilt, the cumulative effect of all the evidence comfortably satisfied the standard of proof under Article 20 of the FDC. Accordingly, the Appealed Decision should be upheld in its entirety.

VI. JURISDICTION

25. The jurisdiction of CAS, which is undisputed, derives from Article 50 of the FIFA Statutes, Article 52 of the FDC, read in conjunction with Article R47 of the CAS Code. These provisions collectively provide for an appeal to CAS against final decisions rendered by

FIFA and its competent bodies, subject to the exhaustion of the internal remedies available under the applicable regulations.

26. In the present case, the Appealed Decision was rendered by the FIFA DC and subsequently upheld by the FIFA Appeal Committee. As no further internal avenues of appeal remain available to the Appellant, CAS has complete jurisdiction to hear and determine the present appeal.

VII. APPLICABLE LAW

27. The Appealed Decision was rendered pursuant to the FDC. Accordingly, the FIFA regulations, including the FDC, constitute the primary applicable law in the present appeal. Pursuant to Article R58 of the CAS Code, and in accordance with Article 56(2) of the FIFA Statutes, Swiss law applies subsidiarily, FIFA having its seat in Switzerland.

VIII. ADMISSIBILITY OF THE APPEAL

28. The Panel notes that this is an unusual case in which the Appellant seeks reinstatement of the deadline for filing the SOA due to circumstances allegedly beyond its control, which prevented the email containing the SOA from being sent to the CAS Office. As this issue appears to arise for the first time in CAS jurisprudence, the Panel considers it appropriate to examine the matter in a structured manner.

(i) Validity of the Communication of the Statement of Appeal

29. Before addressing the admissibility of the Appellant's Appeal, it is important to recall the content of Article R49 of the CAS Code:

*"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. (...)"*

30. Further, pursuant to Article 57 of the FDC, an appeal to the CAS must be lodged within 21 days of receipt of the decision in question. Therefore, it becomes clear that, in the facts of the present case, where the decision of the FIFA DC was received by the Appellant on 2 April 2026, the SOA had to be filed before 23 April 2026.
31. The Appellant submits that it sent the SOA via email to the official CAS email address at 23:45 hours on 23 April 2026, making it a valid filing pursuant to Article R32 of the CAS Code. The Appellant further submits that the filing of a SOA is governed by the “sent” standard, rather than the “receipt” standard, relying on the case of *Sakotic* (CAS 2016/A/4871). The Respondent, on the other hand, argues that the applicable standard is the receipt standard and that *Sakotic* establishes a mailbox rule.
32. In this regard, Article R31 of the CAS Code governs notifications and communications and provides as follows:
- “If they are transmitted in advance by electronic mail at the official CAS email address (procedures@tas-cas.org), **the filing is valid upon receipt of the electronic mail by the CAS Court Office** provided that the written submission and its copies are also filed by courier or uploaded to the CAS e-filing platform (...).”*
33. Thus, it is abundantly clear that the filing is valid only upon receipt of the email by the CAS Court Office. As regards the case of *Sakotic*, the Panel concurs with the view of the Respondent that it establishes a mailbox rule, which presupposes the valid filing of the SOA via email. In this regard, it is important to note that filing by email has been provided only as an advance step in order to start the process of filing the SOA and to allow the Appellant an additional day to formally file the SOA by courier. Therefore, unless the email containing the SOA is validly received by the CAS Court Office within the 21-day time limit, the SOA cannot be considered to have been filed within that period, and its subsequent filing by courier would necessarily be out of time.
34. In the facts of the present case, however, the Appellant could not send the SOA via email, not because of its own fault, but due to an undisputed one-time incident, namely, a

cyberattack. On the grounds of procedural fairness, the Panel therefore proceeds to examine the issue further in detail and determine whether the deadline could be extended or reinstated, as requested.

(ii) Power of the CAS to Reinstate the Deadline

35. Article R32 of the CAS Code, which governs time limits, provides as follows:

*“(...) Upon application on justified grounds and after consultation with the other party (or parties), either the President of the Panel or, ..., may extend the time limits provided in these Procedural Rules, **with the exception of the time limit for the filing of the statement of appeal**, if the circumstances so warrant and provided that the initial time limit has not already expired (...)”*

36. It follows from the above that this Panel has no power to extend the time limit for filing the SOA, as such extension is expressly excluded by the Code. The Code is, however, silent as to the possibility of reinstating a deadline which has already expired. The Appellant submits that reinstatement of the deadline is warranted under Article 148 of the SCC. The Respondent, on the other hand, submits that Article 148 of the SCC does not apply, as there is no gap in either the CAS Procedural Code or the FIFA DC. Neither party has brought on record any case in which reliance specifically on Article 148 of the SCC was either accepted or rejected. The Appellant relies on *Galatasaray*. However, such reliance is misplaced, as Article 148 was ultimately not held to be applicable in those proceedings (*FC Fotbal Club FCSB SA v. Galatasaray AS*, CAS 2024/A/10474, Para. 68). This Panel is, in any event, not bound by that finding and therefore proceeds to examine the issue independently.

37. The Respondent has argued at length that the application of strict formalism to procedural time limits leaves this Panel with no option other than to reject any request made after the expiry of the applicable deadline. The Panel is unable to accept this submission in absolute terms. CAS jurisprudence contains multiple instances in which requests for reinstatement have been entertained, although ultimately not granted because the circumstances of the respective cases did not warrant such relief.

38. The Panel considers that Article 148 of the SCC, being a provision of procedural rather than substantive law, does not *ipso facto* apply to these proceedings merely by reason of the seat of arbitration being Switzerland. This does not, however, preclude the existence of a power of reinstatement inherent in the Panel in limited and exceptional circumstances. Such power arises from the principle of good faith, in particular where the party concerned was not at fault and has taken immediate steps to cure the defect. Accordingly, the Panel considers that it does possess the power to reinstate a deadline in such exceptional circumstances. The Panel will therefore proceed to examine whether the circumstances of the present case satisfy the requirements for such reinstatement.

(iii) Whether Reinstatement Is Warranted in the Present Case

39. The Appellant has drawn reference to the Case Record and Procedural Order No. 1 to establish that the cyber-attack was a one-time incident, with no earlier precedents, and that the cybersecurity measures undertaken by the Appellant were in accordance with industry standards. The Respondent, on the other hand, has argued that the only link of causation between the cyber-attack and the failure to send the email is the WhatsApp screenshot exchanged between the Appellant and its IT service provider. It has further been submitted that no independent report of the cyber-attack from the company's insurer has been provided.

40. Having carefully considered the submissions of both parties in this respect, together with the facts on record, the Panel notes that the Appellant has placed on record the email containing the SOA, which was sent to CAS's official email address at 23:45 hours on 23 April 2026. In the absence of any evidence or submission to the contrary from the Respondent, the Panel considers this to be a valid document evidencing the Appellant's attempt to send the email before the expiry of the applicable deadline. Furthermore, the WhatsApp screenshot relied upon by the Appellant has not been shown to have been tampered with or otherwise manipulated, and the Respondent's objection is limited to alleging that the screenshot is ambiguous in nature. However, given that the timeline of the failure to send the email coincides with the occurrence of the cyber-attack, the Panel finds it sufficiently established, as submitted by the Appellant, that the email was not successfully

sent as a result of the cyber-attack. The Panel further notes that, as soon as it became possible for the Appellant to contact the CAS Court Office upon becoming aware of the cyber-attack, the Appellant took steps to rectify the situation.

41. The present case is therefore one in which the party concerned had taken the necessary preventive measures, nevertheless failed to file the SOA within the prescribed deadline due to circumstances beyond its control and, upon becoming aware of the failure, took immediate steps to remedy the situation. In such circumstances, the Panel considers that the Appellant ought not to be left without a remedy solely on account of a procedural default for which it was not at fault. Accordingly, having regard to the principles of good faith and procedural fairness applicable to these proceedings, the Panel considers that the exceptional circumstances warrant the exercise of its power to reinstate the deadline. The SOA is therefore admitted.

IX. ADMISSIBILITY OF THE EVIDENCE

42. Article R57 of the CAS Code confers on the Panel broad discretion to determine both the admissibility and the weight of evidence; it is read as follows:

“R57 Scope of Panel’s Review, Hearing

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. (...)”*

Given the *de novo* character of these proceedings, which allows the Panel to correct procedural shortcomings in the earlier proceedings, we will review the admissibility and the weight that should be given to all three pieces of evidence, i.e. Exhibit 2 (the Anonymous Witness Statement), Exhibit 3 (the Anonymous Email) and Exhibit 4 (the WhatsApp screenshot appended to Exhibit 3), independently.

43. It is important to note that sports governing bodies such as FIFA operate with limited investigative powers and that match manipulation is rarely proved by direct evidence. For that reason, CAS panels have repeatedly admitted anonymous or indirect evidence in cases

involving allegations of match manipulation, provided it is capable of being assessed in its proper context (*Keramuddin Karim v. FIFA*, CAS 2019/A/6388; CAS 2020/A/7596; *Amos Adamu v. FIFA*, CAS 2011/A/2426; *Patrice-Edouard Ngaïssona v. FIFA*, CAS 2019/A/6667).

(i) The Anonymous Witness Statement (Exhibit 2)

44. The Panel accepts that CAS jurisprudence requires a demonstrable and legitimate threat before anonymity is justified, and that this is a materially higher standard than a vague or general fear (CAS 2019/A/6388). Here, the witness's fear stems from rumoured associations between the Appellant's father and criminal organisations, rather than from any conduct of the Appellant himself. This is, on its face, a comparatively weaker basis for anonymity than a threat originating from the Appellant directly.
45. However, it is to be noted that the witness is a teammate of the Appellant. Given this proximity, there is a heightened risk that the witness's identity could be revealed in the course of cross-examination. Crucially, if witnesses in integrity cases are not adequately protected, they will hesitate to come forward in future. Therefore, we agree with the Respondent that actual violence need not occur before protective measures become legitimate because by the time violence occurs, the protection would already be too late. The Panel therefore finds that, provided adequate safeguards are in place, the risk identified in this case justifies the grant of anonymity.
46. The Appellant submits that he was denied the opportunity, under Article 43.2 of the FDC, to put written questions to the witness. However, it is to be noted that this omission occurred in the proceedings before the FIFA DC. Additionally, the Appellant has not sought any such opportunity in the present proceedings before this Panel. The Panel further notes that FIFA has agreed to disclose the witness's identity to the Panel, that identity having already been disclosed to the Chairperson and members of the FIFA DC. Therefore, by virtue of its *de novo* jurisdiction, the Panel retains the authority to verify the witness's identity and credibility independently as well as cure any defects in the proceedings before FIFA DC.

47. Having regard to the credibility of the witness, and the genuine risk of exposure he would face were his identity disclosed, the Panel is satisfied that admission of this evidence is justified. We nonetheless accord it limited weight as to any inference drawn from the content of the telephone conversation described therein.

(ii) The Anonymous Email and WhatsApp Screenshot (Exhibits 3 and 4)

48. As far as the relevance of the evidence in Exhibits 3 and 4 is concerned, the panel finds that they are relevant to the broader allegations concerning Mr L. Fortuna's financial dealings, and their relevance does not depend on identifying the sender of the email. The email was sent from a disposable account intended to prevent identification, and the Panel accepts that the sender cannot realistically be identified.

49. The Panel also notes that the Appellant, having challenged the reliability of the WhatsApp screenshot at Exhibit 4, which purports to record an exchange involving his father, himself relied on an equally unauthenticated WhatsApp screenshot (Exhibit 9) to explain the late filing of the Statement of Appeal in support of his own case on the first issue. Having had regard to a screenshot of this kind when addressing that issue, the Panel considers that the same approach should be applied here for consistency. This does not render Exhibits 3 and 4 inadmissible, nor does it mean their content must now be accepted without scrutiny. Each piece of evidence must still be assessed on its own terms. It does, however, confirm that an anonymous digital communication cannot be dismissed as unreliable simply because it works against the party challenging it, just as it cannot be treated as reliable simply because it favours the party relying on it.

50. The Appellant argues that the email and screenshot are unreliable because the sender, device, and source have not been authenticated. The Panel accepts that this limits their reliability but does not consider it sufficient to exclude the evidence. If evidence were excluded simply because its source could not be authenticated, sports bodies would face serious difficulties in investigating match-fixing, as such information often comes through leaks, tips, or anonymous sources. The Panel therefore considers that these shortcomings affect the weight of the evidence rather than its admissibility.

51. For these reasons, the Panel admits Exhibits 3 and 4. In view of the reliability concerns identified above, the Panel gives the exhibits limited weight. This is particularly so where they are relied upon to establish the Appellant's personal involvement, communications, or intent, rather than merely providing background information concerning his father.

52. Accordingly, the Panel admits Exhibits 2, 3, and 4, subject to the limited weight identified above in respect of each.

X. THE MERITS

53. The issues on the merits are:

- (a) Whether the Appellant's refusal to hand over his mobile phone was lawful and, if not, what the legal consequences of such refusal are; and
- (b) Whether the Appellant violated Article 20 of the FDC.

A. Whether the Appellant's refusal to hand over his mobile phone was lawful and, if not, what the legal consequences of such refusal are?

54. The next issue for consideration concerns the Appellant's refusal to submit his mobile phone to FIFA, which is alleged to have violated his duty to collaborate. The Appellant submits that this duty cannot be used as a pretext to circumvent his fundamental rights. Therefore, before adjudging the legality of such refusal, it is necessary to define the scope and extent of this duty vis-à-vis the right to privacy and self-incrimination.

55. Article 12.3 of the FDC specifically provides that:

“3. In particular, persons subject to this Code shall help to establish and/or clarify the facts of a case or any possible breaches of this Code and, in particular, shall provide any evidence requested.”

56. The investigative powers of private sports governing bodies such as FIFA are, by their nature, limited. It does not have the same legal tools as are available to state authorities.

Therefore, it is natural and essential that such organisations are permitted to establish rules that impose a mandatory duty to collaborate.

57. However, it is also essential that such a duty is not used to the detriment of those who subject themselves to the regulations of the organisations. While not cooperating in a disciplinary proceeding constitutes an offence, it is equally true that the athletes cannot be deemed to have waived their rights simply by consenting to be bound by their regulations.

58. In the present case, the Appellant contends three limitations on his duty to collaborate, which must be examined in light of the public interest in reinforcing such duty.

(i) Privilege Against Self-Incrimination vis-à-vis Duty to Collaborate

59. The Appellant advances that if he were to submit his phone to FIFA, it would have shared any incriminating evidence with the Iridonian Public Authorities, resulting in self-incrimination and violating his right to a fair hearing under Article 6.1 of the ECHR. However, this Panel is unable to align itself with such a contention.

60. It is well-accepted that privilege against self-incrimination is a criminal law conception not entirely applicable in disciplinary investigations conducted by sports organisations (*Edgars Gauracs v. UEFA*, CAS 2022/A/8651). Given the limited investigative powers of sports organisations, it would be deleterious if persons subject to their regulations were entitled to disobey them by simply citing a possibility of future criminal proceedings.

61. This Panel believes that a correct position in this regard was laid down in Jérôme Valcke. Therein, the Panel accurately laid down a twin test for the applicability of privilege against self-incrimination, which can be claimed only if:

- (i) there are concurrent disciplinary and criminal proceedings; and
- (ii) there is a real danger that the sports organisation will be (mis-)used by public authorities to collect information.

62. Thus, it is only where there is a clear and imminent risk of sharing of information by a sports organisation that such privilege can be claimed. The threshold for invoking such a right must be deemed very stringent to ensure that sports organisations are not left without any means in their fight against unethical conduct.

63. In the present case, the Appellant has failed to show any real danger of cross-sharing of data by FIFA. He unconvincingly argues that as FIFA earlier shared an email concerning the alleged criminal links of his father, an Iridonian national, to Iridonian Authorities, it will again share any data it acquires as a result of his compliance with the evidentiary request. However, such argument overlooks the inherent duty of confidentiality which lies on FIFA to protect information revealed during investigations pertaining to an individual subject to their regulations.

64. Therefore, we concur with the Respondent in this regard that the onus to show a clear and imminent danger was not discharged by the Appellant and hold that privilege against self-incrimination cannot be easily claimed in disciplinary proceedings such as the one concerned in the present case.

(ii) Right to Privacy vis-à-vis Duty to Collaborate

65. The Appellant also argues that his duty to collaborate is limited by his right to privacy under Article 8 of ECHR. The Appellant points out that the right to privacy can be curtailed only on three grounds mentioned in Article 28 of the SCC, i.e.,

- (i) Law;
- (ii) Consent; or
- (iii) Overriding public interest.

66. The point of contention between the parties pertains to whether there exists an overriding public interest in examining Appellant's phone. Herein, it is crucial to clarify that though there exists a general public interest in ensuring fair play across sports, it cannot be used as an unruly horse to justify every illegitimate intrusion into privacy. Public interest in unearthing unethical conduct must always be balanced with the private interest of a person

in maintaining his privacy. In such cases, it is the duty of the tribunal to undertake a balancing exercise by considering factors such as the seriousness of allegations, conduct of the accused, ethical need for discovery and other factors deemed relevant. (*Amos Adamu v. FIFA*, CAS 2011/A/2426, Para. 103).

67. Acknowledging the limited investigative powers of FIFA, it is essential that the duty to collaborate must be enforced. However, an athlete's right to privacy is also fundamental. Therefore, balancing of interests requires that every such request must be enforced with rigours of sanctions, only if such request is proportionate and does not arbitrarily intrude into the private sphere of individuals.
68. Herein, it is pertinent to note that FIFA made a demand for "*relevant data*", but it never provided a specific list of data required to be submitted by the Appellant. The Appellant contends that such vague demand acts as a guide to provide unfettered access to the Appellant's phone. While the Respondent counters that it could not have specified a list of data relevant to the investigation, as it is only after searching the mobile phone that it could have ascertained what constituted relevant data.
69. On this point, we concur with the Appellant. While the duty to collaborate is paramount, a sporting organisation like FIFA cannot be permitted to embark on a fishing expedition. While it is true that the Respondent could not have provided an exact list of relevant data, an overly broad evidentiary request cannot be permitted to subsist. In such cases, a sporting organisation may specify particular correspondences or call logs which it deems relevant or any other proportional demand for data. However, it is not open for such an organisation to make overly broad or vague evidentiary demands in the hope of fishing out any incriminating evidence.
70. Therefore, we believe that the demand for the entire mobile phone, in the absence of a specific list of data to be searched, was disproportionate and violative of the Appellants' right to privacy.

71. Lastly, the Appellants have also challenged the drawing of adverse inferences by the FIFA. He contends that such negative inferences have reversed the burden of proof, constituting a violation of his right to a fair hearing. However, in our opinion, this is an incorrect exposition of law. The power to draw adverse inferences is a recognised power of an adjudicating body inherent in its power to consider the weight, relevance and admissibility of evidence (*See IBA Rules on the Taking of Evidence*, Article 9.6). Additionally, as pointed out by the Respondent, an adverse inference only contributes to the evidentiary picture, and does not constitute the sole basis of imputing liability onto the defaulting party. It only permits the authority to infer that the evidence being withheld may contain evidence against the party withholding it. Therefore, it cannot by any stretch give any weight to this argument of the Appellant.

72. In light of the above discussion, it can be rightly established that the demand made by FIFA for the entire mobile phone was violative of the Appellant's right to privacy under Article 8 of ECHR. Therefore, we hold the sanction of 10,000 CHF to be contrary to law and thereby void.

B. Whether the Appellant violated Article 20 of the FDC?

73. Article 20 of the FDC prohibits any person from unlawfully influencing the course or result of a football match. Given the clandestine nature of match-fixing, the Panel accepts that such violations are ordinarily established through circumstantial evidence rather than direct evidence, and that the applicable standard of proof remains that of comfortable satisfaction, requiring the Panel to be comfortably satisfied that the alleged offender personally participated in the manipulation.

74. The Panel agrees with the Respondent that the evidence demonstrates that the match was surrounded by several suspicious circumstances. The unusual betting movements, the Genius Report identifying irregular betting activity, the cryptocurrency transfers made to the Appellant's father shortly before the match, and the Appellant's on-field mistakes collectively establish that the match was likely manipulated.

75. However, the Panel considers that the crucial question is not whether the match was manipulated, but whether FIFA has established, to the requisite standard, that the Appellant himself participated in that manipulation.

76. Having carefully considered the evidence in its entirety, this Panel is not comfortably satisfied that the Respondent has discharged that burden, because of the following reasons:

- (i) While the Genius Report identifies suspicious betting patterns and references individuals allegedly connected to the betting activity, we observe that the Appellant's name appears only as one among several names mentioned in the report. The Report does not attribute any specific act of manipulation to the Appellant, nor does it conclude that he participated in any corrupt agreement. The Panel therefore considers that the Genius Report is capable of establishing suspicion, but not personal culpability.
- (ii) We are unable to attach significant weight to the conversation between the Appellant and his father. Although the Respondent relies upon the statement that the Appellant was heard telling his father to "*stop pressuring*" him and that he "*could not go along with everything*", the context of that conversation remains entirely unknown. The Panel cannot infer, without engaging in speculation, that the conversation related to the alleged match-fixing. We agree with the Appellants that these remarks are equally capable of innocent explanations unrelated to football or betting.
- (iii) We are also not persuaded that the Appellant's sporting performance, viewed independently, establishes deliberate underperformance. Goalkeeping is an inherently unpredictable position in which mistakes inevitably occur. While the Respondent relies upon several conceded goals and defensive errors, the record also demonstrates that the Appellant successfully prevented another clear scoring opportunity during the same match. The Respondent has not satisfactorily explained why the Panel should focus exclusively on the Appellant's mistakes while disregarding his successful save, which is equally relevant in assessing his overall performance. Such conduct is not readily consistent with an individual intentionally seeking to manipulate the result throughout the match.

77. Furthermore, the Appellant had been unwell in the period immediately preceding the match.

Although the Appellant ultimately declared himself fit to play, the existence of his illness provides a plausible explanation for a below-average performance. The Panel therefore considers that the Appellant's errors are capable of an innocent sporting explanation and cannot, without more, establish deliberate manipulation.

78. The Respondent correctly submits that circumstantial evidence must be assessed cumulatively. Therefore, we have considered all the evidence collectively rather than in isolation. Even when viewed in its totality, however, the evidence establishes only that the match itself was likely manipulated. It does not comfortably satisfy that the Appellant knowingly participated in that manipulation.

79. In disciplinary proceedings of this nature, the protection of sporting integrity is undoubtedly of fundamental importance. However, that objective cannot relieve the Respondent of its obligation to establish the personal involvement of the accused to the applicable standard of proof. Suspicion, however strong, cannot substitute for proof.

80. Accordingly, we conclude that FIFA has failed to establish, to the standard of comfortable satisfaction, that the Appellant has violated Article 20 of the FDC.

XI. COSTS

81. Having regard to the outcome of the arbitration, the conduct of the Parties, their respective financial resources and all other relevant circumstances, the Panel considers it appropriate that each Party shall bear its own costs, in accordance with Article R65.3 of the CAS Code.

DECISION

The Court of Arbitration for Sport rules that:

1. The Appellant's Statement of Appeal is admissible.
2. The Appellant's refusal to hand over his mobile phone was justified, insofar as FIFA's request for the entirety of the Appellant's mobile phone data, without specifying the relevant data sought, was disproportionate and violated his right to privacy. Accordingly, the sanction of CHF 10,000 imposed for failure to cooperate is set aside.
3. The Anonymous Email (Exhibit 3), the WhatsApp Screenshot (Exhibit 4) and the Anonymous Witness Statement (Exhibit 2) are admissible, with each being accorded limited weight, as set out in the Award.
4. The Appellant did not violate Article 20 of the FIFA Disciplinary Code. Accordingly, the five-year ban from all football-related activities and the fine of CHF 100,000 imposed on the Appellant are set aside.
5. All other motions or prayers for relief are dismissed.

Lausanne, 22 May 2026

THE COURT OF ARBITRATION FOR SPORT

Mr Shunsuke Papadopoulos, President

Ms Valeria Iweala, Arbitrator

Mr Nahuel Krishnamurti, Arbitrator