



SAM AWARD COMPETITION

This Award is the intellectual property of a participating team in the Sports Arbitration Moot. It shall not constitute an arbitral award of the Court of Arbitration for Sport and serves purely educational purpose.

APPEALS ARBITRATION DIVISION

sitting in the following composition:

- **President:** Mr Shunsuke Papadopoulos, Athens, Greece
- **Arbitrators:**
 - Ms Valeria Iweala, Abuja, Nigeria
 - Mr Nahuel Krishnamurti, Buenos Aires, Argentina

APPEALS ARBITRATION DIVISION

in the arbitration procedure between:

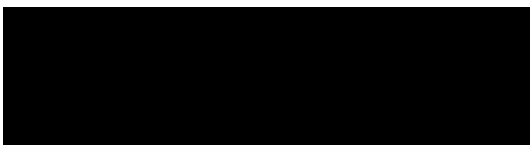
MR ANTONIO FORTUNA

(‘ THE APPELLANT ’)

And

FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION (FIFA)

(‘ THE RESPONDENT ’)



I.	PARTIES	4
II.	FACTUAL BACKGROUND	4
A.	Sporting Context of the Match (17 October 2025)	4
B.	The On-Field Events and Performance of the Appellant	5
C.	The Genius Sports Integrity Services Report	5
D.	The Disciplinary Investigation and Anonymous Intelligence	6
E.	Parallel Criminal Investigations and FIFA Proceedings	7
III.	PROCEDURAL HISTORY BEFORE CAS	7
IV.	POSITIONS OF THE PARTIES AND PRAYERS FOR RELIEF	8
A.	Appellant	8
B.	Respondent	10
V.	JURISDICTION	11
VI.	APPLICABLE LAW	11
VII.	ADMISSIBILITY	12
A.	Non-Receipt of the Statement of Appeal under Rule R32 of the CAS Code	12
B.	Reinstatement of the Deadline under Article 148 Swiss CPC	12
VIII.	THE MERITS	14
A.	Was the Appellant’s Refusal to Hand Over His Mobile Phone Lawful, and What Are the Legal Consequences? (Issue B)	14
a)	<i>The Contractual Duty to Collaborate versus the Right to Privacy</i>	14
b)	<i>The Privilege Against Self-Incrimination (Nemo Tenetur)</i>	15
c)	<i>Legal Consequences and the Sanction for Non-Cooperation</i>	16
B.	Do the Anonymous Email and Anonymous Witness Statement Constitute Admissible Evidence? (Issue C)	16
a)	<i>General Principles of Admissibility of Anonymous Evidence in CAS Proceedings</i>	17
b)	<i>Admissibility of Exhibit 2 (The Anonymous Witness Statement)</i>	17



<i>c) Admissibility of Exhibit 3 and Exhibit 4 (The Anonymous Email and WhatsApp Screenshot).....</i>	<i>18</i>
C. Did the Appellant Violate Article 20 of the FIFA Disciplinary Code? (Issue D).....	18
<i>a) The Applicable Standard of Proof and General Evidentiary Framework</i>	<i>19</i>
<i>b) Evaluation of the Individual “Strands” of the Evidentiary Cable.....</i>	<i>19</i>
<i>c) Conclusion on Article 20(1) FDC: Active Match Manipulation.....</i>	<i>21</i>
<i>d) Violation of Article 20: Failure to Report an Approach</i>	<i>21</i>
IX. COSTS	22



I. PARTIES

1. **Mr Antonio Fortuna** (the “**Appellant**”) is a 32-year-old professional football player of Iridonian nationality. The Appellant is a professional goalkeeper who has established a solid reputation over the last two seasons as a “late bloomer”, having stepped in to replace the team’s injured captain as the starting goalkeeper during the 2026 FIFA World Cup qualifying campaign. In these proceedings, the Appellant is represented by Mr Dorian Geller of Athletis Law, Valoris City, Iridonia.
2. The **Fédération Internationale de Football Association** (“**FIFA**” or the “**Respondent**”) is the global governing body of association football. FIFA is an association organized under Swiss law, with its administrative headquarters registered in Zürich, Switzerland. Under its Statutes, FIFA is responsible for regulating the sport, protecting its integrity against match manipulation, and is empowered to impose disciplinary sanctions under the FIFA Disciplinary Code. The Respondent is represented by its legal department and counsel.

II. FACTUAL BACKGROUND

A. Sporting Context of the Match (17 October 2025)

3. The Iridonian Football Association, a FIFA member since 1954, had never qualified for a FIFA World Cup. Before the final group fixture of the 2026 World Cup qualifying campaign, Iridonia was unexpectedly positioned at the top of its group, standing on the verge of historic direct qualification. Under the applicable regulations, Iridonia required only a single point (a draw) against bottom-placed Cometland to secure automatic qualification. A loss by a goal difference of two or less would preserve second place, guaranteeing progress to an inter-continental play-off match as a secondary qualification path. Conversely, Cometland occupied the bottom of the group, mathematically eliminated from qualification, with a dismal campaign record of one goal scored and twelve conceded.
4. On 17 October 2025, the match was played at the Azul Stadium in Iridonia (the “**Match**”). Mr Antonio Fortuna was positioned as the starting goalkeeper. The 32-year-old goalkeeper was considered a “late bloomer” who had established a solid reputation over the previous two seasons. He had been selected a month prior to the Match to replace the national team’s injured captain as starting goalkeeper.
5. On the morning of the Match, the team doctor reported to the manager that the Appellant was experiencing a “slight stomach ache”. However, during a subsequent meeting with the



manager, the Appellant was adamant that he was physically fit and fully prepared to play. The Match ended in a shocking 0-3 victory for Cometland, completely ending Iridonia's World Cup qualification prospects.

B. The On-Field Events and Performance of the Appellant

6. The Appellant played the entire Match, which featured several critical, heavily criticized goalkeeper actions:
 - a) **At 05:54 (0-0):** The Appellant fumbled an outswinging corner kick, letting the ball pass through his hands, though a defender subsequently cleared it.
 - b) **At 19:29 (0-0):** Following a long-distance strike by Cometland that took a heavy deflection off an Iridonian defender, the Appellant shepherded the trickling ball out of play for a corner rather than picking it up, despite the clear deflection off his teammate.
 - c) **At 23:21 (0-1):** The Appellant's misjudged lofted pass from his goalmouth was intercepted by a forward, who headed the ball and rolled it into an empty net (the "First Goal").
 - d) **At 44:25 (0-1):** Delayed on a back-pass; his hurried clearance hit an oncoming attacker's chest, but an Iridonian defender cleared the ball off the goal line.
 - e) **At 64:04 (0-2):** Cometland's midfielder scored a long-range goal from 25 yards; no individual goalkeeper performance errors were identified in this passage (the "Second Goal").
 - f) **At 88:13 (0-3):** With defender Santiago pulled up with an injury during a counter-attack, the Appellant was beaten in a one-on-one situation where the forward scored (the "Third Goal").
7. Following the final whistle, local media, home fans, and international commentators harshly criticized the Appellant's performance.

C. The Genius Sports Integrity Services Report

8. On 18 October 2025, FIFA received a "Betting Market Analysis Report" from Genius Sports Integrity Services (the "Genius Report"). The Genius Report assigned a "Red" grading, indicating that Genius Sports was unable to express confidence in the integrity of the Match.



9. The Genius Report highlighted highly anomalous, illogical pre-match and in-play betting activity:

- a) **Pre-Match Betting:** Markets opened with Iridonia as heavy favorites at odds of 1.20 (83% implied probability). Twelve hours prior to kick-off, moderate activity backed Cometland. In the final hour before kick-off, significant betting drove Iridonia's odds up to 1.50 and Cometland's down to 8.00, with no sporting factors existing to justify this shift.
- b) **In-Play Betting:** Immediately after kick-off, betting support opposing Iridonia intensified. By the 15th minute, despite Iridonia dominating play with 68% possession and four shots on target, Cometland's odds plummeted to 2.40 (becoming favorites) and reached 1.91 by the 20th minute.
- c) **Market Suspensions:** In the 22nd minute, major bookmakers, including Pinnacle (PinnyBet), BetX, and BetAsia, took the coordinated action of completely suspending or cancelling coverage. This occurred one minute before Cometland scored the First Goal.

10. Partner bookmakers reported extreme betting volumes, including repeated max-betting on machines in Eastern European retail shops, and a crypto-bookmaker reporting unprecedented Bitcoin wagers on a Cometland victory from a newly registered Iridonian account.

D. The Disciplinary Investigation and Anonymous Intelligence

11. On 20 October 2025, the Secretariat of the FIFA Disciplinary Committee launched an investigation into the Appellant.

12. On 3 November 2025, FIFA investigators interviewed players. One player agreed to provide a witness statement on the condition of anonymity (the "Anonymous Witness Statement"), fearing physical reprisal due to rumors that Mr Luc Fortuna (the Appellant's father) had ties to criminal organizations. The witness testified that on the night of 16 October 2025, he observed the Appellant pacing stressedly on a phone call with his father, repeatedly shouting, *"Dad, stop pressuring me, I simply cannot go along with you in everything"*.

13. On the same date, FIFA received an anonymous email from a disposable account alleging that Mr Luc Fortuna had received 50,000 Doggycoin (a highly anonymous cryptocurrency)



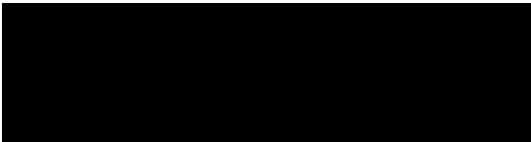
in multiple transactions during the two weeks preceding the Match. The email attached a WhatsApp screenshot of a conversation with a group named “The Syndicate”, where an individual nicknamed “Luc the crook” explicitly acknowledged receiving the “last part of the coin” at 15:02 Iridonian time on 17 October 2025, four hours prior to kick-off.

E. Parallel Criminal Investigations and FIFA Proceedings

14. On 4 November 2025, following the referral of anonymous files by FIFA, the Iridonian Public Prosecutor’s Office initiated a criminal investigation into the Appellant and his father for “sports manipulation”. On 5 November 2025, the Prosecutor’s Office issued a press release confirming that the investigation was active and that Mr Luc Fortuna had provided access to his Dodgycoin wallet. The criminal proceedings remain pending, and Iridonian authorities have declined to share raw evidence with FIFA.
15. On 18 November 2025, the Appellant was interviewed by FIFA without legal counsel and denied any match-fixing involvement. When questioned about the 50,000 Dodgycoin, he claimed he had no knowledge of any transfers, stating only that his father had recently begun “experimenting with cryptocurrency with some friends”.
16. During the interview, FIFA’s representatives requested that the Appellant hand over his mobile phone. The Appellant refused, asserting his right to privacy. On 8 December 2025, FIFA formally reiterated its request via email. The Appellant, having now retained counsel, refused again, stating that surrendering the phone would prejudice his defense in the concurrent criminal proceedings.
17. On 27 January 2026, the FIFA Disciplinary Committee sanctioned the Appellant with a five-year ban from all football activities, a fine of CHF 100,000 for match manipulation (Article 20 FDC), and a fine of CHF 10,000 for failing to cooperate (Article 12 FDC). On 31 March 2026, the FIFA Appeal Committee fully upheld the Disciplinary Committee’s sanctions (the “Challenged Decision”). The grounded decision was dispatched to the parties on 2 April 2026.

III. PROCEDURAL HISTORY BEFORE CAS

18. On **2 April 2026**, the Appellant received the Challenged Decision. On **23 April 2026**, the final day of the 21-day appeal deadline, the Appellant paid the CHF 1,000 filing fee and sent his Statement of Appeal, nominating Ms Valeria Iweala as party-appointed arbitrator, via email to procedures@tas-cas.org at **23:45 local time**.



19. On **24 April 2026**, the Appellant dispatched **five physical copies** of the Statement of Appeal to the CAS Court Office via courier.

20. Having received no acknowledgement, the Appellant's counsel inquired on **28 April 2026**. The CAS Court Office replied that the email of 23 April was never received. The Appellant immediately forwarded the original email and requested a **reinstatement of the deadline** under Article 148 of the Swiss Code of Civil Procedure. In support, counsel submitted evidence that they were notified on 26 April of a **one-time cyber-attack** on their servers that had disrupted outgoing mail without generating delivery error messages.

21. On **4 May 2026**, FIFA nominated Mr Nahuel Krishnamurti as arbitrator. The Appellant filed his Appeal Brief on **5 May 2026**.

22. On **7 May 2026**, the President of the Appeals Arbitration Division appointed Mr Shunsuke Papadopoulos as President of the Panel. The Panel was thus constituted as follows:

- **President:** Mr Shunsuke Papadopoulos
- **Arbitrators:** Ms Valeria Iweala; Mr Nahuel Krishnamurti

23. On **11 May 2026**, FIFA filed its Answer, raising preliminary objections to the admissibility of the appeal.

IV. POSITIONS OF THE PARTIES AND PRAYERS FOR RELIEF

24. This summary of the positions is illustrative only and does not comprise every contention put forward. The Panel has carefully considered all submissions made by the parties, regardless of whether they are explicitly referenced herein.

A. Appellant

25. The Appellant's submissions are summarised as follows:

- a) **Admissibility (Issue A):** The appeal is admissible because the Statement of Appeal was sent by email at 23:45 on 23 April 2026, meeting the 21-day deadline (Rule R49). Under Rules R31–R32, email dispatch constitutes a valid filing, and the courier copies of 24 April were supplementary. Alternatively, if the email failed, the Appellant is entitled to reinstatement under Article 148 Swiss CPC, as default resulted from an unforeseeable, industry-standard-evading cyber-attack on counsel's servers. Denying admissibility would constitute excessive formalism, breaching the right to procedural fairness.

- 
- b) **Lawfulness of Phone Refusal (Issue B):** The phone refusal was lawful and did not breach Article 12 FDC. FIFA's demand for an unrestricted, whole-device search was disproportionate, lacking specific search terms. It violated the Appellant's right to privacy under Article 28 Swiss Civil Code and Article 8 ECHR. Because FIFA immediately shared files with Iridonian criminal authorities, surrendering the phone violated his privilege against self-incrimination (*nemo tenetur*) under Article 6 ECHR and Swiss public policy. No adverse inferences can be drawn, and any non-cooperation sanction should be reduced to a lenient, non-punitive pecuniary fine.
- c) **Admissibility of Anonymous Evidence (Issue C):** The anonymous witness statement (Exhibit 2) and anonymous email (Exhibit 3) are inadmissible. Direct or indirect anonymous evidence violates the right to a fair hearing. The Appellant was deprived of his right to confront or cross-examine the witness, and was denied the opportunity to put written questions under Article 43.2 FDC. The anonymity was unjustified as no concrete threats to safety were proven. The anonymous email is unauthenticated, unreliable, and has no probative value. Under CAS Code Rule R44.2, this uncorroborated and prejudicial evidence must be excluded.
- d) **The Merits of Article 20 FDC (Issue D):** The Appellant did not violate Article 20 FDC. FIFA failed to establish his direct or indirect involvement in match manipulation to the required standard of comfortable satisfaction. The Genius Report itself does not suggest any individual was definitely involved in impropriety. The Appellant's actions on the pitch were routine, justifiable sporting errors. The first goal resulted from a misjudged pass; the second goal had no goalkeeper error; and the third goal followed Santiago's hamstring injury, leaving the goalkeeper in an unsavable one-on-one. Furthermore, there is no evidence linking the Appellant to the cryptocurrency transfers made to his father's Dodgycoin wallet.
- e) On this basis, the Appellant submits the following prayers for relief:
- i) Admit the Appellant's Statement of Appeal as timely and admissible;
 - ii) Set aside the Challenged Decision in its entirety;
 - iii) Declare that the Appellant did not violate Articles 12 and 20 of the FDC;
 - iv) In the alternative, reduce the five-year ban and pecuniary fines to the most lenient penalties; and



v) Order FIFA to bear the arbitration costs and contribute to the Appellant's legal fees.

B. Respondent

26. The Respondent's submissions are summarised as follows:

- a) **Admissibility (Issue A):** The appeal is inadmissible because it was not received by CAS within the strict 21-day deadline (Rule R49; *Antani Ivanov*). Under Rule R32, email filings are only valid upon actual receipt, and the *Sakotic* mailbox rule requires successful receipt before physical dispatch. Reinstatement under Article 148 Swiss CPC is inapplicable because the CAS Code is self-contained and explicitly prohibits extensions for filing a Statement of Appeal (Rule R32.2). Furthermore, the Appellant failed to discharge his burden of proof, submitting only an equivocal WhatsApp screenshot (Exhibit 9) that fails to prove causation between the cyber-attack and transmission failure.
- b) **Lawfulness of Phone Refusal (Issue B):** The Appellant's phone refusal breaches his duty to cooperate under Articles 12 and 20(3) FDC. The privilege against self-incrimination is a criminal law concept that does not apply directly to civil disciplinary proceedings of private sports bodies (citing *Gauracs* and *Valcke*). By registering as an athlete, the Appellant consented to comply with FIFA's investigative regulations, precluding any violation of Article 28 Swiss Civil Code. Given that match-fixers operate in secrecy, a whole-device search was proportionate and necessary. Parallel criminal proceedings do not excuse non-cooperation, and the Panel must draw strong adverse inferences from the bad-faith withholding of critical evidence.
- c) **Admissibility of Anonymous Evidence (Issue C):** The Panel has broad discretion under Rule R44 to admit anonymous evidence, which is necessary in match-fixing investigations to protect witness safety against physical threats (citing *Karim Keramuddin* and *Pobeda*). The teammate's fear of reprisal was highly credible. Crucial procedural safeguards were met: the witness's identity was verified and recorded confidentially by the FIFA Disciplinary Committee, and the Appellant was informed of the testimony's substance and given opportunities to respond. Any prior procedural defects are cured by the *de novo* nature of these CAS proceedings under Rule R57 (citing *Odamia*).



d) **The Merits of Article 20 FDC (Issue D):** The Panel should be comfortably satisfied of the Appellant's guilt through a cumulative assessment of converging circumstantial evidence ("strands of the cable") (citing *Dupik* and *Naydenova*). This cumulative picture is overwhelming: the Genius Report's Red grading, the illogical in-play betting market collapse where Cometland became favorites despite Iridonian dominance, the 50,000 Doggycoin transfers to his father (the last made four hours before kick-off), the tense phone call ("Dad, stop pressuring me"), the series of suspicious goalkeeping errors, and the adverse inferences drawn from his phone refusal collectively establish match manipulation under Article 20 FDC.

e) On this basis, the Respondent submits the following prayers for relief:

- i) Declare the Appellant's Appeal inadmissible;
- ii) In the alternative, dismiss the Appellant's Appeal and confirm the Challenged Decision in its entirety;
- iii) Confirm that the Appellant violated Article 20(1) FDC, or in the alternative, find that the Appellant violated Article 20(3) FDC for failing to report an approach;
- iv) Confirm the sanctions and fines imposed under Articles 20 and 12 FDC; and
- v) Order the Appellant to bear the arbitration costs and pay a contribution to FIFA's legal expenses.

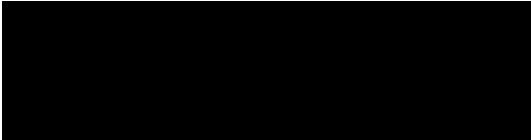
V. JURISDICTION

27. The jurisdiction of CAS is governed by Article R47 of the Code of Sports-related Arbitration (the "CAS Code") in conjunction with Article 57(1) of the FIFA Statutes. Under these provisions, final decisions passed by FIFA's independent legal bodies may be appealed to CAS.

28. The present dispute arises from the Challenged Decision passed by the FIFA Appeal Committee on 31 March 2026, which constitutes a final decision of a FIFA judicial body. Neither party has objected to the jurisdiction of CAS, and both have signed the Order of Procedure. Consequently, CAS has jurisdiction to adjudicate this appeal.

VI. APPLICABLE LAW

29. Pursuant to Article R58 of the CAS Code, the Panel shall decide the dispute according to the applicable regulations and, additionally, 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 is domiciled.

30. In these proceedings, the applicable regulations are the regulations of FIFA, primarily the 2025 edition of the FIFA Disciplinary Code (“FDC”) and the FIFA Statutes, as they were the rules in force at the time of the alleged match manipulation on 17 October 2025.

31. Subsidiarily, as FIFA is an association headquartered in Zürich, Switzerland, Swiss law applies as the law of the Respondent’s domicile. This fallback application is consistent with Article 187(1) of the Swiss Private International Law Act (“PILA”).

VII. ADMISSIBILITY

32. The Panel must determine whether the Appellant’s Statement of Appeal is admissible under Rule R49 of the Code of Sports-related Arbitration (the “CAS Code”) in conjunction with Article 57 of the FIFA Statutes.

33. The grounded decision of the FIFA Appeal Committee was received by the Appellant on 2 April 2026. Under Rule R49 of the CAS Code, the Appellant had a strict 21-day preclusive deadline to file his appeal, which expired on 23 April 2026.

A. Non-Receipt of the Statement of Appeal under Rule R32 of the CAS Code

34. The Appellant asserts he complied with the deadline because his counsel emailed the Statement of Appeal to procedures@tas-cas.org on 23 April 2026 at 23:45, dispatching physical courier copies on 24 April 2026. Under Rule R32.1, a time limit is respected if sent before midnight on the last day. The Appellant cites the mailbox rule in *Vladimir Sakotic v. FIDE* (CAS 2016/A/4871) to argue dispatch, not receipt, is decisive.

35. The Panel rejects the Appellant’s direct reliance on *Sakotic* for digital filings. Rule R32.1 specifies electronic submissions are valid only upon actual receipt by the CAS Registry. While the mailbox rule in *Sakotic* applies to physical post, the plain text of Rule R32 requires successful digital delivery. Because the email was blocked by a server error and never reached the CAS Registry on 23 April 2026, the filing was late on its face.

B. Reinstatement of the Deadline under Article 148 Swiss CPC

36. In the alternative, the Appellant requests the reinstatement of the deadline under Article 148 of the Swiss Code of Civil Procedure (the “Swiss CPC”). Under Swiss law, applicable subsidiarily to these proceedings via Article 187(1) of the Swiss Private International Law



Act (“PILA”), a defaulting party may seek reinstatement if they show that the default occurred without their fault or was due to only a minor oversight. Reinstatement must be sought within 10 days of the default being resolved.

37. The Respondent objects, arguing that because the CAS Code is a self-contained, complete procedural framework with no gaps, Swiss civil law cannot supplement its provisions.
38. The Panel rejects the Respondent’s objection. It is well-established in CAS jurisprudence (*FC FCSB v. Galatasaray*, CAS 2024/A/10474) that procedural reinstatement is a fundamental principle of Swiss public policy and fair trial rights. The absolute exclusion of reinstatement in cases of genuine, unforeseeable force majeure would constitute excessive formalism, which is prohibited under Swiss law and Article 6(1) of the European Convention on Human Rights (“ECHR”). The CAS Code’s prohibition on “extensions” does not bar the distinct legal remedy of “reinstatement” where default occurs without fault.
39. To succeed, the Appellant must prove that his counsel’s default was not attributable to any fault, and that he applied for reinstatement within the 10-day statutory window under Article 148(2) of the Swiss CPC.
40. As to the procedural timeline, the Appellant’s counsel was informed of the server failure on Sunday 26 April 2026, made inquiries on 28 April 2026, and immediately requested reinstatement. Unlike in *Galatasaray*, where the party waited two months, the Appellant acted within two days of discovering the default, comfortably satisfying the 10-day window.
41. Regarding the substance of the default, the Panel must examine if the failure of transmission was attributable to counsel’s negligence. The Respondent asserts that a single WhatsApp screenshot (Exhibit 9) from the IT provider is insufficient proof of a cyber-attack.
42. However, the Panel notes that the factual record is augmented by crucial clarifications. Under **Clarification 6**, the parties agree that the cyber-attack was a unique, one-time incident with no prior precedent. Furthermore, under **Clarification 7**, the parties agree that the cybersecurity measures implemented by the Appellant’s counsel prior to the cyber-attack were fully **up to industry standards**.
43. The IT provider’s notice explicitly confirms that the attack disrupted outgoing emails *without* generating delivery error messages. Because the law firm had active, industry-



standard defenses in place and received no error logs, counsel had no means of detecting the transmission failure. Under Swiss law, a party cannot be held responsible for a technical default caused by a highly sophisticated, unprecedented cyber-attack that defeats state-of-the-art security.

44. The Panel is therefore satisfied that the default occurred entirely without the fault of the Appellant or his counsel. Accordingly, the application for reinstatement under Article 148 of the Swiss CPC is **accepted**, and the Appeal is declared **admissible**.

VIII. THE MERITS

45. Having declared the appeal admissible, the Panel must adjudicate upon the substantive merits. The three remaining issues are:

- a) *Issue B: Was the Appellant's refusal to hand over his mobile phone lawful, and what are the legal consequences?*
- b) *Issue C: Do the Anonymous Email and Anonymous Witness Statement constitute admissible evidence?*
- c) *Issue D: Did the Appellant violate Article 20 of the FIFA Disciplinary Code?*

A. Was the Appellant's Refusal to Hand Over His Mobile Phone Lawful, and What Are the Legal Consequences? (Issue B)

46. FIFA requested the Appellant's mobile phone to inspect relevant data. The Appellant refused, citing privacy under Swiss law and the ECHR, and his privilege against self-incrimination due to parallel criminal proceedings in Iridonia (Exhibit 5).

- a) *The Contractual Duty to Collaborate versus the Right to Privacy*

47. Article 12(3) FDC obliges persons subject to the Code to assist in establishing facts and provide requested evidence. This cooperation duty is vital; sports bodies lack state coercive powers (like search and seizure) and depend on member collaboration to protect integrity (citing *Jérôme Valcke v. FIFA*, CAS 2017/A/5003, para. 263).

48. The Appellant argues this duty cannot override his privacy rights under Article 28 Swiss Civil Code (SCC) and Article 8(1) ECHR. He claims FIFA's request for an unrestricted search was disproportionate, lacking specific lists of required data or protocols (Clarification 14).



49. A phone search constitutes a *prima facie* privacy interference. Under Swiss civil law, such interference is lawful if justified by consent, an overriding private or public interest, or law (Article 28(2) SCC; citing *Amos Adamu v. FIFA*, CAS 2011/A/2426).

50. By registering as a professional player, the Appellant contractually agreed to the FDC and its Article 12 duty. This contractual consent precludes claiming that a standard investigative request unlawfully violates his personality rights under Article 28 SCC (citing *WADA compliance advisory opinion*, CAS 2005/C/976 & 986, para. 138).

51. The fight against match-fixing, which strikes at sporting integrity, constitutes an overriding public interest justifying proportionate intrusions into private life. Thus, requesting relevant data from a player's phone is proportionate.

52. The argument that the search was disproportionate because FIFA did not specify files must be rejected. Match-fixers operate in secrecy, making upfront specificity impossible. The request was for "relevant data" (Clarification 14); counsel could have negotiated search protocols or keyword limits. The Appellant simply issued a blanket refusal.

b) The Privilege Against Self-Incrimination (*Nemo Tenetur*)

53. The Appellant claims surrendering his phone violates his privilege against self-incrimination (*nemo tenetur*) under Article 6(1) ECHR, which is indirectly applicable before CAS as Swiss procedural public policy (citing *FC FCSB v. Galatasaray*, CAS 2024/A/10474). Since FIFA forwarded files to the Iridonian Prosecutor, who launched a concurrent criminal inquiry (Exhibit 5), the Appellant fears FIFA would share retrieved data with criminal authorities, bypassing procedural safeguards.

54. The Panel accepts that *nemo tenetur* is fundamental under Article 6 ECHR. However, under *lex sportiva*, sports disciplinary proceedings are civil and contractual; criminal safeguards do not apply directly (citing *Edgars Gauračs v. UEFA*, CAS 2022/A/8651, para. 134; *Jérôme Valcke v. FIFA*, CAS 2017/A/5003, para. 265).

55. Concurrent criminal investigations do not suspend contractual disciplinary duties. Sports federations lack coercive powers and depend on member cooperation. If athletes could shield evidence behind *nemo tenetur* whenever a criminal inquiry is pending, sports bodies would be paralyzed in fighting corruption (citing *Valcke*, para. 11).



56. There was no imminent danger of an unlawful leak. Forwarding the anonymous email was a legitimate civic duty. Swiss law does not prohibit a private association from enforcing its disciplinary rules during a pending foreign criminal investigation.

57. Therefore, the Appellant's refusal to provide his phone or cooperate in extracting relevant data was unlawful, violating Article 12 FDC.

c) Legal Consequences and the Sanction for Non-Cooperation

58. Under Article 12(4) FDC, breach of the duty to collaborate leads to sanctions. The FIFA Disciplinary Committee fined the Appellant CHF 10,000, which the Appeal Committee upheld.

59. The Appellant argues this fine is disproportionate and should be set aside because he participated in interviews. The Respondent contends the fine is fully proportionate and standard under Article 12.

60. A CHF 10,000 fine is moderate and fully in line with CAS precedents (citing *Valcke*, para. 5). Oral participation does not cure a refusal to produce electronic evidence. Allowing athletes to bypass cooperation by merely attending interviews would undermine the disciplinary system. The fine is upheld.

61. The Panel may also draw adverse inferences. Under Articles 12(5) and 20(5) FDC and CAS jurisprudence, if a party refuses to produce requested evidence without valid reason, the Panel may infer that the withheld evidence was detrimental to their case (citing *FC Dynamo Kyiv v. Club Olimpia de Paraguay*, CAS 2021/A/7673, para. 84).

62. However, an adverse inference is not a substitute for positive proof. It cannot, on its own, support a finding of guilt under Article 20 FDC, but serves as one "strand of the cable" or "piece of the jigsaw" (citing *Gauračs*, para. 138) to be integrated into the broader merits analysis.

B. Do the Anonymous Email and Anonymous Witness Statement Constitute Admissible Evidence? (Issue C)

63. The Appellant challenges the admissibility of Exhibit 2 (Anonymous Witness Statement) and Exhibit 3 (Anonymous Email, including the Exhibit 4 WhatsApp screenshot), claiming they violate his right to be heard and procedural fairness.

a) General Principles of Admissibility of Anonymous Evidence in CAS Proceedings

64. Under Article R44.2 CAS Code and Article 184 Swiss PILA, the Panel has broad discretion to determine evidence admissibility and weight. It is not bound by strict national rules of evidence and may admit evidence inadmissible in municipal courts, provided it respects equal treatment and the right to be heard (Article 182(3) PILA).
65. Anonymous witness statements and tips are not inadmissible *per se*. In corruption and match-fixing cases, federations face immense hurdles due to secrecy and a code of silence; anonymous evidence is often the only starting point for investigations.
66. However, because anonymity curtails the ability to test credibility via cross-examination, its admission requires strict counterbalancing safeguards (citing *Karim Keramuddin v. FIFA*, CAS 2019/A/6388, paras. 124–129; *Patrice-Edouard Ngaissona v. FIFA*, CAS 2018/A/5920, paras. 79–84).

b) Admissibility of Exhibit 2 (The Anonymous Witness Statement)

67. Admissibility of the Anonymous Witness Statement requires: (i) a genuine justification for anonymity; and (ii) sufficient procedural safeguards to counterbalance the restriction of the Appellant's rights.
68. First, the teammate witness asserted a credible fear of reprisal, citing rumors that the Appellant's father was connected to violent criminal syndicates (Exhibit 2, para. 6). In match-fixing cases involving suspected criminal syndicates, protective measures are legitimate before physical violence occurs. The witness's fear of harm was highly credible and justified anonymity.
69. Second, the FIFA DC verified the witness's identity, confirmed his status as an Iridonian national teammate, and recorded this in a confidential file (Clarification 10). This independent verification significantly enhances reliability.
70. The Appellant was provided with the full text of the statement and had ample opportunity to challenge its contents and reliability before FIFA's judicial bodies and this Panel.
71. The Appellant notes that under Article 43.2 FDC, uncorroborated anonymous testimony can only be used if the parties have the opportunity to question the witness. The Appellant was not given this opportunity during the FIFA investigation.



72. While noting this procedural omission, CAS proceedings are *de novo* under Rule R57. A full *de novo* hearing cures prior procedural defects that occurred before the federation's internal bodies (citing *FC FCSB v. Galatasaray*, CAS 2024/A/10474, para. 58; *Ricardo Terra Teixeira v. FIFA*, CAS 2019/A/6665, para. 89).

73. Under Rule R57 and the *CAS Vulnerable Witnesses Guidelines (December 2023)*, counsel could have requested a shielded hearing (e.g., via video-link with voice distortion) or submitted written questions. Having failed to make such requests before this Panel, the Appellant cannot claim a breach of his right to be heard.

74. Accordingly, Exhibit 2 is declared admissible. However, because the Appellant was unable to cross-examine the witness, and the witness's identity is shielded from the Panel, its weight must be calibrated cautiously. It cannot serve as the sole basis for conviction without strong corroboration.

c) *Admissibility of Exhibit 3 and Exhibit 4 (The Anonymous Email and WhatsApp Screenshot)*

75. Exhibit 3 is an anonymous email received from a disposable account, asserting that the Appellant's father received 50,000 Doggycoin. Exhibit 4 is an attached WhatsApp screenshot from "The Syndicate" where "Luc the crook" acknowledges receiving "the last part of the coin" on 17 October 2025 at 15:02.

76. Unlike the witness statement, the sender of the email is completely unknown and unverified (Clarification 8), representing double-hearsay from an unaccountable source.

77. However, FIFA's technical department verified that the attached screenshot had not been tampered with or digitally altered, though its origin could not be confirmed (Clarification 9). Under Rule R44.2, the Panel admits Exhibits 3 and 4 as part of the investigative record.

78. However, because the sender is unknown, the chat parties are unverified, and the context is un-cross-examined, they are assigned minimal probative weight.

C. Did the Appellant Violate Article 20 of the FIFA Disciplinary Code? (Issue D)

79. The central substantive issue is whether the Appellant manipulated the Match in violation of Article 20 FDC.

a) The Applicable Standard of Proof and General Evidentiary Framework

80. Under Article 20(1) FDC, anyone who directly or indirectly manipulates a match, or conspires/attempts to do so, faces a minimum five-year ban and a fine of at least CHF 100,000.
81. The standard of proof is the comfortable satisfaction of the Panel, which lies between the civil standard of a preponderance of evidence and the criminal standard of beyond a reasonable doubt (citing *UCI & WADA v. Alberto Contador Velasco*, CAS 2011/A/2384 & 2386, para. 193; *WADA v. Aleksandra Dupik*, CAS 2021/A/7840).
82. The standard is a single, unified standard with no sliding scale (citing *Alberto Contador*, para. 193). However, given the gravity of match-fixing and its career-ending consequences, the Panel requires high confidence in the evidence (citing *Köllerer v. ATP*, CAS 2011/A/2490).
83. Because match-fixing is conducted in secrecy, direct evidence is rarely available. The Panel may find an infraction established through converging circumstantial evidence (the “strands of the cable” approach; citing *Dupik*, para. 104; *Naydenova*, para. 5), where individual pieces of evidence weave into an unbroken chain of proof.
84. The Panel must rigorously test each strand to ensure they are structurally sound and connect to the Appellant’s personal conduct.

b) Evaluation of the Individual “Strands” of the Evidentiary Cable

85. The Respondent’s case relies on five strands: (a) the Genius Betting Report; (b) the technical Performance Analysis; (c) the Anonymous Witness Statement; (b) the Dodgycoin transfers; and (e) adverse inferences from the phone refusal. We analyze each in turn.

a) **First, the Genius Betting Report (Exhibit 1):** Pre-match odds shifted inexplicably, and in-play betting saw Cometland (outsiders) become favorites by the 15th minute despite Iridonian dominance. Coordinated market suspensions in the 22nd minute, one minute before the first goal prove betting corruption.

- i) The Panel is satisfied that betting markets were manipulated. However, the critical question is player involvement. As the Genius Report states: “*Genius Sports are not suggesting that any individual is definitely involved in any impropriety*” (Exhibit 1). Under CAS jurisprudence, betting alerts alone are



insufficient to establish personal player guilt (citing *Olegs Labuts v. UEFA, CAS 2018/A/6075*).

b) **Second, the Technical Performance Analysis (Exhibit 1):** Analysts flagged several “errors” by the Appellant, notably fumbling a corner at 05:54, shepherding a deflected ball out of play at 19:29, and a misjudged pass at 23:21 leading to the first goal.

i) Goalkeeping is a specialized, high-pressure role where split-second technical misjudgments are common, especially when a player is physically impaired; the team doctor reported that the Appellant had a stomach ache before the match (Clarification 11).

ii) The first goal (23:21) resulted from a misjudged pass. While negligent, the context shows a plausible sporting explanation: a communication breakdown between the goalkeeper and his defender under pressure from an oncoming forward. This is a severe sporting error, not a corrupt concession.

iii) The subsequent goals do not support deliberate underperformance. The second goal (64:04) was a strike into the top corner with no goalkeeper error. The third goal (88:13) occurred after defender Santiago’s injury, leaving the goalkeeper exposed in a one-on-one. Such counter-attacks are statistically unsavable.

iv) Crucially, the Appellant made an exceptional save in another dangerous one-on-one situation, showing active resistance. A fixing goalkeeper would not make such a save. Unlike in *Labuts*, where independent experts concluded the goalkeeper’s actions had no logical sporting explanation, the Respondent has submitted no independent qualitative football coaching experts here. The errors are consistent with genuine sporting lapses.

c) **Third, the 50,000 Dodgycoin Transfers (Exhibits 3, 4, 5): Third, the cryptocurrency transfers (Exhibits 3, 4, 5):** The cryptocurrency transfers to the Appellant’s father, combined with “The Syndicate” WhatsApp screenshot, are cited as proof of financial motive.

i) The Iridonian criminal investigation is still ongoing with no determination of guilt (Exhibit 5; Clarification 12). Importantly, there is no evidence linking the Appellant to his father’s Dodgycoin wallet or showing that the Appellant received any



financial benefit. Under the principle of personal liability, an athlete cannot be sanctioned for the suspected criminal conduct of relatives.

d) **Fourth, the Anonymous Witness Statement (Exhibit 2):** The witness testified that the Appellant, on a phone call with his father, shouted: *"Dad, stop pressuring me, I simply cannot go along with you in everything."*

i) A plain-text reading of Appellant's words reveals the opposite of collusion: **resistance**. Shouting at his father to "stop pressuring" him and refusing to go along is the language of an athlete actively rejecting corruption. Far from proving complicity, this shows the Appellant refused the pressure.

e) **Fifth, the Adverse Inferences:** While the Panel may draw adverse inferences from the Appellant's phone refusal, such inferences cannot stand alone. They can only reinforce positive evidence. Where the positive evidence of match-fixing is non-existent or points to resistance, an adverse inference cannot create guilt.

c) Conclusion on Article 20(1) FDC: Active Match Manipulation

86. Weaving the strands of the cable together, the Panel finds that the cable collapses. The betting market was clearly fixed by external actors, likely involving the father. However, there is no convincing evidence that the Appellant himself agreed to or participated in the manipulation. On the pitch, he played to the best of his ability, actively making a key save, and his errors have plausible sporting explanations. Off the pitch, he explicitly resisted his father's pressure.

87. Comfortable satisfaction is not met. The charge of active match manipulation under Article 20(1) FDC is dismissed, and the five-year ban and CHF 100,000 fine are set aside.

d) Violation of Article 20: Failure to Report an Approach

88. However, our analysis cannot end there. Under Article 20 FDC, persons subject to the Code must immediately report any approach, attempt, or pressure to manipulate a match.

89. The witness statement proves that the Appellant's father pressured him. In his own witness statement, the Appellant admits he did not report this pressure to FIFA or the Iridonian FA (Exhibit 6).



90. The Panel finds this failure unacceptable. An athlete subjected to intense pressure to fix a major match cannot remain silent. By failing to report his father's pressure, the Appellant committed a serious violation of his regulatory duties under the FDC.

91. In calibrating the sanction, the Panel applies proportionality. A five-year ban is grossly disproportionate for a player who actively resisted corruption and played honestly.

92. Under CAS jurisprudence, first-time failure to report typically ranges from a 1-year to 2-year ban and a moderate fine (citing *Emanuel Briffa v. UEFA*, CAS 2018/A/5920, para. 120).

93. Taking into account the Appellant's cooperation in interviews, but also his serious breach in keeping the pressure secret, the Panel determines that a **two-year ban** from all football-related activities and a fine of **CHF 15,000** is appropriate and proportionate.

IX. COSTS

94. Under Article R64.4 of the CAS Code, the Panel determines that, given the mixed outcome of these proceedings, wherein the match manipulation charge is dismissed but the failures to cooperate and report are upheld the arbitration costs, as determined by the CAS Court Office, shall be borne 50% by the Appellant and 50% by the Respondent. Each party shall bear their own legal fees and expenses.



ON THESE GROUNDS

The Appeals Division of the Court of Arbitration for Sport renders the following decision rules:

1. The Appeal filed by Mr Antonio Fortuna on 23 April 2026 is **admissible**.
2. The Appeal is **partially upheld**, and the decision of the FIFA Appeal Committee dated 31 March 2026 is **modified**.
3. The five-year ban and CHF 100,000 fine for match manipulation under Article 20(1) FDC are **set aside**.
4. Mr Antonio Fortuna is found guilty of failing to report a corrupt approach under the FDC and is suspended for **two years** from all football-related activities, starting from 27 January 2026, and fined **CHF 15,000**.
5. The **CHF 10,000 fine** for failing to cooperate is **confirmed**.
6. All other motions or prayers for relief are **dismissed**.

Lausanne, 24 August 2026

THE COURT OF ARBITRATION FOR SPORT

Mr Shunsuke Papadopoulos

President of the Panel

Ms Valeria Iweala

Arbitrator

Mr Nahuel Krishnamurti

Arbitrator