

CAS 2024/A/10823 Israel Pereira Stroh v. International Table Tennis Federation (ITTF)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Prof Luigi Fumagalli, Professor and Attorney-at-Law, Milan, Italy

Arbitrator: Mr Mark Andrew Hovell, Solicitor, Manchester, United Kingdom
Mr Benoît Pasquier, Attorney-at-Law, Zurich, Switzerland

between

Israel Pereira Stroh

Represented by Mr Rogério Moreira Lins Pastl, Mr Francisco Balbuena Dal Forno and Ms Danielle De Freitas Cravo Souza, Attorneys-at-Law, Porto Alegre, Brazil

- Appellant -

and

International Table Tennis Federation (ITTF)

Represented by Ms Rebecca Dods and Mr Alistair McHenry, Leeds, England

- Respondent -

* * * * *

I. PARTIES

1. Mr Israel Pereira Stroh (the “Athlete” or the “Appellant”) is an international level Brazilian paralympic table tennis athlete born on 6 September 1986.
2. The International Table Tennis Federation (the “ITTF” or the “Respondent”) is an association under Swiss law, with registered seat in Lausanne, Switzerland. The ITTF is the world governing body of the sport of table tennis around the world.
3. The Appellant and the Respondent together are referred to as the “Parties”.

II. FACTUAL BACKGROUND

4. Below is a summary of the main relevant facts and allegations based on the Parties’ submissions as lodged with the Court of Arbitration for Sport (the “CAS”). Additional facts and allegations may be set out, where relevant, in connection with the legal discussion that follows. Although the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceeding, this Award refers only to the submissions and evidence it considers necessary to explain its reasoning.
5. On 12 April 2024, the ITTF Integrity Unit (the “ITTF IU”) received a complaint about the Athlete’s behaviour at the ITTF Polish Para Open 2024 in Wladyslawowo, Poland (the “Polish Open”), between 26 and 29 March 2024, and in respect of a bet placed in relation to the World Table Tennis Feeder event in Varazdin, Croatia on 4 April 2024.
6. On 20 May 2024, as a result, the ITTF IU sent to the Athlete an Interview Notice informing him of the following:

“Last month the ITTF Integrity Unit received a report containing allegations of attempted match manipulation by yourself during the 2024 ITTF Polish Para Open held in Wladyslawowo, Poland from the 26th to 29th March 2024.

Having made initial inquiries the Head of Integrity has determined that there is a Prima Facie Case (i.e. a likely breach of the ITTF Statutes) and a formal Investigation has been commenced in accordance with Regulation 9.16.5 of the ITTF Integrity Regulations (the ‘Regulations’).

Those Regulations are contained in the ITTF Statutes 2024 (enclosed with this letter) at Chapter 9 and provide the applicable procedure. The applicable substantive rules can be found in the Code of Ethics at Chapter 6. [References in bold are to the relevant provisions in the Statutes]

Request

As an Alleged Person (i.e. suspect) of the investigation, this Notice is a request to attend an interview. [...]”.

7. On 31 May 2024, the online interview took place between the Athlete, assisted by his then attorney, the Head of the ITTF IU, and a former Detective Superintendent with the UK Metropolitan Police, specialized in investigating serious and organized crime.
8. On 11 July 2024, a Notice of Charge was issued by the ITTF IU to the Athlete (the

“Notice of Charge”). In such Notice of Charge, the ITTF IU:

- i. summarized the investigation that had been conducted;
 - ii. set out the specific provisions of the ITTF Code of Ethics (the “Code of Ethics”) the Athlete was alleged to have violated, *i.e.*, Articles 6.9.2.1.1 (“*Betting*”) and 6.9.2.3.1 (“*Corrupt Conduct*”) thereof;
 - iii. described the facts alleged in support of the charges (listed as Charge 1 to Charge 5), together with the submissions made by the Athlete at the interview of 31 May 2024, referred to two matches at the Polish Open:
 - a. a Men’s Doubles Class MD14 group match 2 played on 28 March 2024 between the Athlete and [...] vs. [...] and [...], ending with a 0-3 defeat for the Athlete’s pair (“Match 1”); and
 - b. the final of the Men’s Doubles Class MD14, played 29 March 2024 again between the Athlete and [...] vs. [...] and [...], ending with a 3-2 win for the Athlete’s pair (“Match 2”);
 - iv. indicated the sanction that the ITTF IU said should be imposed if the charges were upheld, corresponding to “... *a total period of ineligibility of seven [7] years*”;
 - v. explained the options available to the Athlete in response to the Notice of Charge: admit the charges and accept the sanction; admit the charges and dispute (or seek to mitigate) the sanction; or to dispute both the charges and the sanction and to have the dispute determined by a tribunal. For such purpose a deadline expiring on 18 July 2024 was imposed.
9. On 17 July 2024, the Athlete’s current counsel sent a letter to the ITTF IU arguing that significant procedural violations had been committed in its investigation, including the denial of his right to present a written defence and the imposition of an unjustifiably short deadline to respond to the Notice of Charge. In addition, the Athlete submitted that the depositions of the “witnesses” on which the ITTF IU relied were “suspicious” and rendered by individuals having an interest in the disqualification of the Athlete, and requested to have access to all interview recordings or transcripts to ensure a fair defence. At the same time, the Athlete argued that the contended betting activities, limited to Olympic table tennis and not Paralympic events, did not violate the ITTF regulations, and in any case that the proposed sanction was disproportionate.
10. On 18 July 2024, the Athlete sent a second letter to the ITTF, stating that:
- “Considering that so far we have not received a response to the letter sent yesterday (July 17) by e-mail, as a matter of extreme caution and in compliance with the deadline established in the Notice of Charge (16:30 British Summer Time on 18th July 2024), we hereby submit this brief statement on behalf of Mr. Stroh.*
- In this context, we emphasize that the Notice of Charge expressly states that if the athlete does not respond to it within the established time limit (which was 7 days – a time limit that has been reduced by half, in dissonance with the provisions of article 9.19.1.6 of the ITTF Statutes), this would be interpreted as “(a) a waiver of his right to have the charges and/or sanctions determined at a hearing; (b) an admission of the charges; and (c) an acceptance of the sanctions*

in accordance with Regulation 9.22.1.1 of the ITTF Statutes”.

Therefore, given the peculiarities of the present case, but especially the fact that to Mr. Stroh was not given the opportunity to clarify the facts alleged and to fully defend himself, we believe that the investigation carried out is null and void. As mentioned in the letter sent, these circumstances led the Integrity Unit to conclude for the application of a severe, disproportionate and, moreover, unjustified sanction to Mr. Stroh. All of this was covered in more detail in the letter sent yesterday, whose terms, by the way, we reiterate entirely.

Thus, there is no possibility of the athlete admitting to the charges, since they were based on facts that simply did not occur, at least not in the way that the witnesses interviewed wants this Integrity Unit to believe. Consequently, there is no means for Mr. Stroh to accept the sanctions described in the Notice of Charge.

Therefore, we reiterate the grounds of the letter sent yesterday on behalf of Mr. Stroh, stating that, if the opinion of the ITTF Integrity Unit expressed in the Notice of Charge is upheld even after the athlete has been given his full right of defense – circumstance that we really believe that will not occur, the accused athlete will have no choice but to opt for a hearing before the ITTF Tribunal. [...]”.

11. On the same day, the Head of ITTF IU referred in a message to the Athlete’s counsel to the submissions received, informing that “[...] *I have read them in detail and will be consulting with the ... legal advisors ... prior to providing a full response. [...]*”.
12. On 26 July 2024, the ITTF through its counsel sent a letter to the Appellant denying the allegations of procedural violations, emphasizing that the Athlete’s right of defence had been respected, and submitting that the betting rules applied also to para-athletes and that the challenges to the witness credibility were premature. At the same time, a proposal was advanced as to the procedural steps for the hearing of the various charges brought against the Athlete.
13. On 2 August 2024, the ITTF’s counsel sent a new communication to the Athlete in the following terms:
 - i. the Athlete, despite his statement during the interview of 31 May 2024 that he had only one betting account with minimal usage, placed numerous bets on table tennis matches using a European-based betting company. More specifically, it had come to the attention of the ITTF that the Athlete had placed 67 bets in 2022 and 2023, with total stakes of EUR 797.30 and a profit of EUR 141.72;
 - ii. the omission of this information constituted a material non-disclosure and a breach of the Athlete’s duty to cooperate under the ITTF Statutes;
 - iii. Article 6.9.2.1 of the Code of Ethics explicitly prohibits any betting on table tennis events, including Olympic and Paralympic competitions, as outlined in its Preamble;
 - iv. the Appellant was requested to:
 - a. comment on the disclosed betting schedule and activities;
 - b. explain why he misled the ITTF IU about the extent of his gambling activity;
 - c. provide details of any gambling activity with all other operators;

- d. fully disclose all bets placed on table tennis during his career.
14. On 5 August 2024, the Athlete sent a letter to the ITTF IU reiterating his request that the testimonies of all witnesses heard during the investigation phase be made available to him, and addressing in details the ITTF's letters of 26 July 2024 and 2 August 2024.
15. In a second letter of 5 August 2024, then, the Athlete filed a complaint (the "Complaint") with the ITTF Integrity Board with respect to the necessity of reopening and amend the ITTF IU investigation procedure, in light of the facts of the case and of the provisions of the ITTF Statutes not complied with in that phase, and to the unreliability of the evidence regarding the case, and asking:
- "i) [...]
 - ii) *that the investigation phase of this case be reopened before the ITTF Integrity Unit;*
 - iii) *and that this Board immediately determines the suspension of the procedure before the ITTF Integrity Unit until these requests are duly analyzed by this respectable Integrity Board;*
 - iv. *[...] the confirmation if the procedure was open and if a Notice of Charge has been filed against [...]. If not, we are formally reporting the actions of [...] referred in this letter, asking that the respective procedure be initiated, communicating these measures to Mr. Stroh".*
16. On 13 August 2024, the ITTF Integrity Board, responding to the Complaint, invalidated the Notice of Charge, considering that *"the notice of charge requires under the currently applicable regulations the approval of the Board, [...] informing the Head of the Integrity Unit that if the Unit wishes to bring proceedings for violations of the Applicable Regulations against Mr. Stroh, they shall submit a request to the Board according with Regulations 9.5.4.4 of the Integrity Regulations"*.
17. On 17 August 2024, the ITTF IU, based on the interview of the Athlete and the depositions of [...], [...], [...], [...] and [...], as well as on the review of WhatsApp and Instagram messages and of voice notes regarding the alleged violations, issued an amended Notice of Charge to the Athlete (the "Amended Notice of Charge"), charging him with 74 breaches of the Code of Ethics, as follows:
- Charge 1: on 28 March 2024, before Match 1, he offered [...] a bribe or other benefit to intentionally lose the match. This act aimed to fix or improperly influence the outcome of Match 1, violating Article 6.9.2.3.1 of the Code of Ethics;
 - Charge 2: on 29 March 2024, before Match 2, he offered [...] a bribe or other benefit to intentionally lose the match. This act sought to fix or improperly influence the outcome of Match 2, in breach of Article 6.9.2.3.1 of the Code of Ethics;
 - Charge 3: on 29 March 2024, before Match 2, he offered [...]’s coach, [...], a bribe or other benefit to influence [...] to lose Match 2 in exchange for securing a win the following year. This constituted an attempt to fix or improperly influence the outcome of Match 2, violating Article 6.9.2.3.1 of the Code of Ethics;

- Charge 4: on 29 March 2024, before Match 2, he offered [...] a bribe or benefit to deliberately lose Match 2. In return, [...] was promised a future win. This was a breach of Article 6.9.2.3.1 of the Code of Ethics;
- Charge 5: on or before 4 April 2024, he placed a bet of 50 Brazilian Reals on a table tennis match between Adrienne Rassenfosse and Lauren Devos during the WTT Feeder event in Varazdin, Croatia. This act breached Article 6.9.2.1.1 of the Code of Ethics;
- Charges 6-73: by placing bets on 67 table tennis events at the Sao Paulo Challenger and Czech Liga Pro, he violated Article 6.9.2.1.1 of the Code of Ethics;
- Charge 74: he failed to fully cooperate as required by Article 6.2.4.6 of the Code of Ethics and Article 9.17.8 of the ITTF Integrity Regulations (the "Integrity Regulations"). This non-compliance constituted a violation of Article 6.9.2.5.5 of the Code of Ethics.

18. With respect to the sanction sought, the Amended Notice of Charge indicated that:

"The sanctions are set out in Regulation 6.9.6 of the Code of Ethics. The effect of R6.9.6.1 is that your victory at the Polish Open will be annulled (with qualification points forfeited), in addition to the ineligibility and financial sanctions prescribed at R6.9.6.3.

Pursuant to Regulation 6.9.6.3.2 of the Code of Ethics, the respective period of ineligibility for each violation of Corrupt Conduct, Betting and "other violations", which includes a failure to cooperate with any reasonable investigation carried out by the ITTF Integrity Unit, is prescribed as a minimum period of 2 years and a maximum period of 4 years.

In light of those Regulations, the ITTF Integrity Unit proposes the following sanctions for each of the Charges as follows:

- *For Charge 1, for your proposal to [...] in respect of Match 1, a period of ineligibility be imposed on you for a period of two (2) years;*
- *For Charges 2-4, for your proposals to [...], [...] and [...] in respect of Match 2, a period of ineligibility be imposed on you for a period of four (4) years;*
- *For Charges 5-73, a period of ineligibility is imposed on you for a period of two (2) years; and*
- *For Charge 74, a period of ineligibility is imposed on you for a period of two (2) years.*

These sanctions will run consecutively meaning a total period of ineligibility of ten (10) years."

19. The Amended Notice of Charge also included a request for a provisional suspension, as follows:

"Pursuant to Regulation 9.20, the ITTF Integrity Unit can make an application to the ITTF Integrity Board for your provisional suspension at any time.

We can confirm that, pursuant to Regulation 9.5.4.8 of the ITTF Statutes, the ITTF Head of Integrity will apply to the ITTF Integrity Board for a provisional suspension against you to start immediately. You will be notified of the outcome of that application for provisional suspension in due course.

In this respect, we refer you to the provisions contained in Regulation 9.20 and particularly:

- *Regulation 9.20.3 in which the provisional eligibility suspension will be effective from the date determined by the ITTF Integrity Board and it may be made public.*

- *Regulation 9.20.4 in which during the period of any provisional eligibility suspension you may not participate in any table tennis game, match and/ or competition.*
 - *Regulation 9.20.5 in which you have the right to apply to the ITTF Tribunal for an order lifting or limiting the provisional eligibility suspension.”*
20. On 19 August 2024, the Athlete sent to the Integrity Board a statement opposing the ITTF IU’s request for a provisional suspension, seeking its dismissal for the following reasons:
- i. many procedural violations and unfair treatment of the Athlete had been committed by the ITTF IU, particularly concerning new accusations introduced in the Amended Notice of Charge, without offering the Athlete a proper opportunity for defence. Despite prior requests, the Athlete was denied access to key evidence, such as the recordings of witness depositions and relevant documentation. The procedural flaws, such as to failure to invite the Athlete to submit written submissions, the granting of inadequate deadlines, and the reliance on biased testimony, breach the ITTF Statutes and the basic principles of due process;
 - ii. disproportionate sanctions had been proposed for application, including a provisional suspension, based on unsubstantiated allegations. In particular, a provisional suspension would prevent the Athlete from competing in the (then) upcoming Paralympic Games, to be held in Paris between 28 August 2024 and 8 September 2024 (the “Paris Paralympics”), causing irreparable harm to his career and livelihood. The Athlete’s preparation for the Paris Paralympics, spanning four years, further underscores the disproportionality of this measure. As a result, if imposed, a provisional suspension should be set to start after Paris Paralympics;
 - iii. the credibility of the witnesses, who the lack impartiality, having personal interests in the Athlete’s disqualification, can be doubted;
 - iv. the ITTF IU can be criticized for its inconsistent application of rules and the arbitrary nature of its decisions, which disregard mitigating factors and the Athlete’s right to a fair process.
21. On 20 August 2024, the ITTF Integrity Board issued a decision (the “Board Decision”) to:
- “a) *Impose a six (6) months Provisional Suspension (until February 19th of 2025) or until a final decision by ITTF Tribunal is issued, whichever happens first, subjected to the ITTF Regulations, in particular the Alleged Person’s right to appeal in accordance with Rule 9.20.5.*
 - b) *In application of Rule 9.20.3, the date of issuance of this decision to the Alleged Person to be considered as the date of effectiveness of the Provisional Suspension.*
 - c) *From the date of effectiveness, the Alleged Person may not participate in any capacity in any competition, program or other activity authorized or organized by the ITTF or any Table Tennis Parties, and may not associate with other Alleged Persons, in accordance with Rule 9.20.4.”*
22. On 22 August 2024, the Appellant filed an application with the Chairman of the ITTF Tribunal requesting an order lifting the provisional suspension imposed by the Board

Decision, or, alternatively, its enforcement only after the Paris Paralympics in order to allow him to compete, considering *inter alia* that:

- i. the suspension and the underlying proceedings were riddled with procedural violations, including the denial of fundamental rights, like the ability to present written submissions, the ITTF's failure to provide access to key witness testimonies, and a lack of impartiality in handling the investigation. He argued that the investigation introduced new charges after declaring the investigation closed and failed to adhere to ITTF Statutes;
 - ii. the disproportionate nature of the suspension, in light of the minimal harm caused by the alleged infractions, such as small-scale betting that did not impact the game integrity. In addition, the provisional suspension, if upheld, would inflict irreparable harm by ending his career and barring him from the Paris Paralympics, a significant milestone for any athlete, especially a para-athlete like him;
 - iii. the importance of the principles of due process, proportionality, and presumption of innocence.
23. Between 23 and 25 August 2024, an exchange of email messages between the Parties and with the Chairman of the ITTF Tribunal took place, regarding the timing and procedure for a decision on the Athlete's application that the provisional suspension be lifted.
24. On 25 August 2024, the ITTF IU submitted a reply to the Athlete's application, attaching a report of the Malta Gaming Authority with respect to the betting activity of the Athlete and a summary of the witness' testimonies collected in the investigation phase. The ITTF IU requested that the Athlete's application be dismissed, arguing that the provisional suspension had been imposed appropriately under Article 9.20.1 of the Code of Ethics, as it was based on 74 charges, including match-fixing, betting violations, and non-cooperation, was supported by substantial evidence and remained necessary to protect the integrity of table tennis. More specifically, the ITTF IU emphasized that the Athlete's application failed to meet any of the four criteria required under Article 9.20.5 for a suspension to be lifted:
- i. *prima facie* case: the allegation of violations clearly met this low threshold, with compelling evidence from witnesses, betting records, and the Athlete's own admissions;
 - ii. reasonable prospect of success: the charges have strong evidentiary support, including witness testimonies and reports from a gaming authority, making the likelihood of the ITTF's success high;
 - iii. risk to integrity: lifting the suspension would undermine the sport's integrity, especially given the serious allegations and the proximity of the Paris Paralympics, which place table tennis under global scrutiny;
 - iv. exceptional circumstances: the Appellant failed to demonstrate any truly exceptional circumstances that would justify the lifting of the suspension.
25. On 25 August 2024, the Chairman of the ITTF Tribunal issued the operative part of a

decision on the Athlete's request to lift the provisional suspension (the "Appealed Decision"), reading as follows:

- I. The request by Mr Israel Pereira Stroh dated 22 August 2024 to lift the 6-month provisional suspension imposed on him by the ITTF Integrity Board on 20 August 2024 is dismissed.*
- II. The costs of the present operational part of the Order and the costs of the reasoned Order, which will be determined and served on the parties in due course, shall be borne by Mr Israel Pereira Stroh.*
- III. Each party shall bear their own costs and expenses.*
- IV. Any other requests or motions are dismissed."*

26. On 29 August 2024, the grounds of the Appealed Decision were issued. They read as follows:

- "9. According the ITTF statutes (article 9.20.1):*
 - 9.20.1 In any case where the ITTF Integrity Unit issues a Notice of Charge to the Alleged Person, the ITTF Head of Integrity may submit an application to the ITTF Integrity Board for a provisional suspension of the Alleged Person pending determination of the charge(s) after considering one or more of the following factors:*
 - 9.20.1.1 the likelihood that the integrity of the sport of Table Tennis will be undermined;*
 - 9.20.1.2 the seriousness of the alleged violation(s);*
 - 9.20.1.3 the necessity or desirability of the provisional suspension in facilitating the conduct of any investigation or proceeding by ITTF Integrity Unit or any other relevant body; and*
 - 9.20.1.4 the potential prejudice to the Alleged Person in imposing provisional suspension.*
- 10. These are the criteria that the ITTF Integrity Board must apply when considering the ITTF Integrity Unit's request for the imposition of a provisional suspension.*
- 11. If the ITTF Integrity Board imposes such a provisional suspension, the Alleged person is entitled to request that the ITTF Tribunal lift or limit the suspension. The ITTF Tribunal may do so in accordance with the requirements of article 9.20.5 of the ITTF Statutes, which are not the same as those of article 9.20.1 of the ITTF Statutes which the ITTF Integrity Board applied to impose the provisional suspension in the first place.*
- 12. Article 9.20.5 of the ITTF Statutes reads as follows:*
 - 9.20.5 An Alleged Person whose eligibility is provisionally suspended has the right to apply to the ITTF Tribunal for an order lifting or limiting the provisional eligibility suspension. The provisional eligibility suspension may be lifted or limited if the Alleged Person demonstrates to the satisfaction of the ITTF Tribunal that:*
 - 9.20.5.1 the facts alleged in support of the charge(s) do not give rise to a Prima Facie Case;*
 - 9.20.5.2 the case against the Alleged Person has no reasonable prospect of success;*
 - 9.20.5.3 there is no real risk that the integrity of the sport of Table Tennis would be undermined*
 - 9.20.5.4; or other facts exist that make it clearly unfair, in all circumstances of the*

case, to make the Alleged Person serve a provisional suspension prior to the determination of the charge(s) against the Alleged Person. This ground is to be construed strictly, and applied only in truly exceptional circumstances.

9.20.5.4.1 The fact that the provisional eligibility suspension would prevent the Alleged Person from participating in a particular Table Tennis competition or event or to stand or election or appointment will not qualify as exceptional circumstances for these purposes.

- 13. Therefore, the Applicant's request to the ITTF Tribunal to lift and/or limit the provisional suspension is not a request for provisional measures, but a request which, in order to be granted, must satisfy the requirements set forth in article 9.20.5 of the ITTF Statutes. The Parties' arguments regarding the requirements for interim measures, in particular by reference or analogy to the CAS rules and jurisprudence on provisional measures, are therefore irrelevant.*
- 14. The question that needs to be resolved is whether the Applicant has demonstrated to the satisfaction of the ITTF Tribunal that the requirements provided at articles 9.20.5.1 to 9.20.5.4 have been met.*
- 15. The ITTF Tribunal finds that this is not the case for the following reasons:*
- 16. Article 9.20.5.1 of the ITTF Statutes requires the Applicant to demonstrate that the facts alleged in support of the charge(s) do not give rise to a Prima Facie Case. In this respect, the ITTF Integrity Unit rightly submits that, pursuant to article 9.2.1.15 of the ITTF Statutes, a "Prima Facie Case" means any case of any breach of any Applicable Rule that the ITTF Head of Integrity considers sufficient to warrant investigation." Therefore, there had to be a prima facie case against the Applicant, at least in the opinion of the ITTF Integrity Unit, before the investigation was opened and the Notice of charge was issued. The existence of 74 charges against the Applicant, based on various testimonies and circumstantial evidence, is not yet proof of Mr Stroh's culpability. His presumption of innocence must be respected and he will have a full opportunity to rebut all the evidence presented by the ITTF Integrity Unit before the ITTF Tribunal which will have to decide whether or not he has committed the violations of which he is accused. However, at this stage, the ITTF Tribunal is satisfied that the facts presented by the ITTF Integrity Unit in support of the charges against the Applicant constitute a prima facie case.*
- 17. Article 9.20.5.2 of the ITTF Statutes requires the Applicant to demonstrate that the case against him has no reasonable prospect of success. Again, the ITTF Tribunal emphasises that the Applicant must always be presumed innocent. However, reasonable prospect of success does not mean that the Applicant's guilt must be established. In this regard, the Applicant relevantly cites CAS jurisprudence (CAS 2017/A/4987) regarding provisional suspensions imposed for antidoping rule violations. According to this jurisprudence:*

"Provisional suspensions have therefore a necessarily preliminary character. The burden of proof and legal thresholds applicable must reflect the appealed suspension's provisional nature and track the rules specific to its imposition. A provisional decision is overturned if it has "no reasonable prospect of being upheld". In other words, the imposition of a provisional suspension requires a "reasonable possibility" that the suspended athlete has engaged in an ADRV. A reasonable possibility is more than a fanciful one; it requires evidence giving rise to individualized suspicion. This standard, however, is necessarily weaker than the test of "comfortable satisfaction"

18. *In the present case, the ITTF Integrity Unit and the ITTF Integrity Board are not relying on a “fanciful possibility” that the Applicant has committed the violations of which he is accused. They are relying on various testimonies, that will constitute important evidence in the case to be submitted to the ITTF Tribunal, as well as on written evidence, Whatsapp messages and reports issued by a European betting regulator, based on data provided by a licensed operator, which tend to show that the Applicant placed a considerable number of illegal bets. Therefore, the Applicant has not demonstrated that the case has no reasonable prospect of success, although he will have a full opportunity to rebut all the evidence that the ITTF Integrity Unit will present to the ITTF Tribunal in due course. For the avoidance of doubt, the onus remains on the ITTF Integrity Unit to prove all allegations against the Applicant to the comfortable satisfaction of the ITTF Tribunal.*
19. *Article 9.20.5.3 of the ITTF Statutes requires the Applicant to demonstrate that there is no real risk that the integrity of the sport of table tennis would be undermined. The ITTF Tribunal considers that the Applicant has also failed to provide such demonstration. It concurs with the ITTF Integrity Board’s position in the provisional suspension decision, that “[a]llowing the Alleged Person to participate in Table Tennis events while existing compelling evidence regarding prohibited conducts directed to manipulate competitions in his favor would be detrimental for the sport” and that the Applicant would “endanger or compromise the integrity of the sport during the Paralympic games”. Recent experience in another sport, where an athlete who perhaps should have been provisionally suspended but was allowed to compete despite prima facie evidence that he had committed a serious violation, illustrates the damage that can be done to the image of sport, when competitors and the press express doubts about how the rules are applied and as to whether all athletes are treated equally. Moreover, such a situation is likely to lead to violent confrontations between athletes charged with very serious allegations and other athletes competing in the same sport. The ITTF Tribunal therefore considers that, from a prima facie perspective, there is a real risk that the integrity of the sport of table tennis would be undermined if the provisional suspension were to be lifted and that, at the very least, the Applicant has not demonstrated the contrary.*
20. *Article 9.20.5.4 of the ITTF Statutes requires the Applicant to demonstrate that other facts exist that make it clearly unfair, in all circumstances of the case, to make him serve a provisional suspension prior to the determination of the charges against him. This ground shall be strictly construed and applied only in truly exceptional circumstances. Article 9.20.5.4.1 specifies that the Applicant may not argue that the provisional suspension would prevent him from participating in a particular table tennis competition or event. Therefore, the Applicant’s arguments regarding the importance to him of participating in in the Paralympics cannot be considered. With regard to the due process violations alleged by the Applicant, whether or not they are well-founded, they have no bearing on the Applicant’s failure to fulfil the requirements set forth at articles 9.20.5.1 to 9.20.5.3 of the ITTF Statutes. Without prejudice to the presumption of innocence of the Applicant, the existence of a prima facie case against the Applicant, based on the evidence gathered by the ITTF Integrity Unit, does not make it unfair in all the circumstances to impose a provisional suspension on the Applicant. Therefore, the ITTF Tribunal is of the opinion that the Applicant has not demonstrated that the provisional suspension imposed on him is clearly unfair nor that there are truly exceptional circumstances justifying the lifting or limitation of the provisional suspension.*
21. *Finally, the ITTF Tribunal wishes to emphasise that it is not insensitive to the Applicant’s argument regarding his fragile medical condition, as described by the submitted reports from psychologists and psychiatric therapists. However, an athlete’s medical condition has no bearing on the fairness or unfairness of the imposition of a measure such as the*

provisional suspension at stake.

22. *As a final remark, the ITTF Tribunal would like to urge the ITTF Integrity Unit to refer the case to the ITTF Tribunal as soon as possible, as the current provisional suspension of the Applicant requires that the charges be determined with the utmost urgency.”*

III. PROCEEDING BEFORE THE COURT OF ARBITRATION FOR SPORT

27. On 26 August 2024, the Athlete lodged with the CAS a Statement of Appeal, in accordance with Article R47 of the Code of Sports-related Arbitration (the “CAS Code”), to challenge the Appealed Decision. In his Statement of Appeal, the Appellant declared pursuant to Article R51 of the CAS Code that it should be considered also as his Appeal Brief, and nominated Mr Mark A. Hovell, Solicitor in Manchester, United Kingdom, as an arbitrator.
28. The Statement of Appeal contained also an urgent request, addressed to the President of the Appeals Arbitration Division of the CAS, for the adoption of a provisional measure to stay the execution of the Appealed Decision.
29. On the same day, the CAS Court Office informed the Parties that the operative part of the Order on Request for a Stay would be rendered *ex parte* by the President of the CAS Arbitration Division, “*given the urgency of the matter and in accordance with article R37 of the [CAS] Code*”.
30. On 26 August 2024, the President of the CAS Arbitration Division issued the operative part of an order staying the execution of the Appealed Decision (the “Order *Ex Parte*”). As noted in a letter of the CAS Court Office of the same day to the Parties, the Respondent was granted a deadline to file its observations on the Appellant’s application for provisional measures.
31. On 29 August 2024, the Respondent submitted its observations on the Appellant’s request for stay and its annexes, stating that “*ITTF strongly opposes the Request and respectfully asks this Court to reverse the Order.*” In support of its position the Respondent made several submissions, regarding the fact that (i) the charges brought against the Appellant, which included match-fixing, betting violations and non-cooperation, regarded severe violations, corroborated by strong evidence; (ii) the provisional suspension aligned with its obligations under the ITTF Statutes to maintain the integrity of the sport and ensure fair competition; (iii) the Appellant’s arguments with respect to irreparable harm, based on his inability to compete at the Paris Paralympics, were insufficient; (iv) the sport’s reputation outweighs the personal ambitions of an individual athlete, particularly given the serious nature of the allegations and the need to serve the broader interests of table tennis and to maintain compliance with the ethical principles of the International Olympic and Paralympic Committees; (v) the evidence included witness testimonies, betting records, and the Appellant’s admissions, collectively demonstrating a *prima facie* case with a strong likelihood of success; (vi) procedural aspects had been misrepresented.
32. On 29 August 2024, the Appellant sent two letters to the CAS Court Office:
- i. in a first letter the Appellant, noting that the grounds of the Appealed Decision had

been issued on that day, submitted his consideration in their respect. More specifically, the Appellant emphasized that his exclusion from the Paris Paralympics due to a flawed and irregular procedure profoundly impacted both his career and life. Specifically, he underlined that (i) the ITTF Integrity Unit's refusal to provide critical evidence, including witness recordings and relevant WhatsApp messages, undermined transparency and the Appellant's right to a fair defence; (ii) the biased and prejudiced nature of key witnesses, notably [...], further eroded the credibility of the accusations; (iii) the Appealed Decision suggested a presumption of guilt, contradicting the principle of innocence and demonstrating procedural inconsistencies; (iv) the unprecedented severity of the proposed penalties and the lack of precedent for such harsh measures in similar high-profile cases; and (v) the fact that the Chair's demanded to expedite sanctions against the Appellant, despite the ongoing disciplinary process reflected partiality.;

- ii. in another letter, the Appellant submitted a "Request for urgent consideration", in which he criticized the ITTF's representation in the present proceeding.
33. On 29 August 2024, the Respondent submitted its power of attorney signed by the ITTF Secretary General and by the President granting authority to counsel to act on behalf of the ITTF.
34. On 30 August 2024, the CAS Court Office informed the Parties, under request of the Respondent, that *"the reasoned Order on Request for Stay is currently under drafting and the CAS Court Office cannot guarantee that it will be notified today before 6.00 p.m. The CAS Court Office will endeavour to issue the reasoned Order without delay. In the interim, the Order notified on 26 August 2024 remains in force."*
35. On 2 September 2024, the Respondent submitted its answer to the Appellant's two letters dated 29 August 2024 and commented as follows:

"[...] Appellant's Solicitors' First Letter

The ITTF notes by its first letter that the Appellant now wishes to reserve its position to confirm whether or not its Statement of Appeal dated 26 August 2024 should stand as its Appeal Brief, pursuant to R51 of the CAS Code. The ITTF does not object, and is content for the Appellant to confirm its position within 10 days of the Statement of Appeal (dated 26 August) in accordance with R51.

Subject to that point, the position of the ITTF is that the balance of the contents of the first letter are properly matters for the Notice of Appeal / Appeal Brief, and not for correspondence.

Appellant's Solicitors' Second Letter

The ITTF considers this issue has been dealt with by way of the first letter from the CAS Court office dated 29 August 2024 (sent at 08.49 CEST) which confirmed that the ITTF was now represented by Ms Rebecca Dods and Mr Alistair McHenry, of this firm, and that the CAS Court office would accept correspondence from them on its behalf. This position was presumably adopted because the CAS Court office had received satisfactory assurances pursuant to R.30 which requires written confirmation of acting (and which had been provided). Since then, a power of attorney has been filed by the ITTF in any event. [...]"

36. On the same day, the Appellant confirmed to the CAS Court Office that the Statement of

Appeal had to be considered as his Appeal Brief.

37. On 5 September 2024, the Respondent nominated Mr Benoît Pasquier, Attorney-at-Law in Zurich, Switzerland, as an arbitrator.
38. On 23 September 2024, the Respondent submitted its Answer to the appeal, pursuant to Article R55 of the CAS Code, seeking its dismissal and the confirmation of the Appealed Decision.
39. On 24 September 2024, the CAS Court Office confirmed receipt of the Respondent's Answer, and requested the Parties "*... to inform the CAS Court Office by 1 October 2024 whether they prefer a hearing to be held in this matter or for the Panel to issue an award based solely on the Parties' written submissions*".
40. On 1 October 2024, the Respondent, in a letter to the CAS Court Office, expressed its preference for an award to be rendered by CAS based solely on the Parties' written submissions.
41. On the same day, because of "*new relevant information has come to the Appellant's attention*" the Appellant made a new submission raising serious concerns about procedural irregularities and lack of transparency in the handling of evidence by the ITTF. In particular, the Appellant noted that on 3 September 2024, after the Paris Paralympics, the Appellant was made aware of an Instagram conversation indicating that a Swedish player, Mr Gustafsson, who is not a witness or part of the proceedings, was aware of confidential details about the case, in violation of the ITTF Statutes. At the same time, the Appellant submitted some remarks concerning the Respondent's Answer, reiterating (i) that the ITTF had failed to provide recordings or transcripts of witness testimonies, despite repeated requests from both the Appellant and the ITTF Tribunal Chair. Instead, the ITTF submitted a summary of testimonies, which raised doubts due to inconsistencies and omissions; (ii) that the allegations involving [...] and [...] appeared contradictory, with testimonies attributing certain actions or comments to other individuals, such as [...], and even indicating that some statements were made as jokes; (iii) that the complaint against the Appellant originated from an anonymous email with the sender's identity redacted, further undermining credibility and fairness. As a result, the Appellant argued that these procedural flaws rendered the provisional suspension baseless, and that, the irregularities having already been sufficiently demonstrated, a hearing on this matter was unnecessary.
42. On 1 October 2024, the CAS Court Office wrote the following:

"[...] I note that both Parties consider that neither a hearing, nor a case management conference are necessary in this matter.

Furthermore, I note that the Appellant, in its letter of today, make new submissions after the filing of his Appeal Brief. I remind the Appellant that, unless the Parties agree or the President of the Panel orders otherwise on the basis of exceptional circumstances, Article R56 of the Code provides that the Parties shall not be authorized to supplement or amend their requests or their argument, nor to produce new exhibits, nor to specify further evidence on which they intend to rely, after the submission of the Appeal Brief and of the Answer.

In light of the foregoing, the Respondent is invited to comment both on the admissibility and the content of the Appellant's new submissions by 8 October 2024. [...]"

43. On 8 October 2024, the Respondent filed its observation about the Appellant submission dated 1 October 2024, as follows:

"Admissibility"

The ITTF does not agree for the Appellant to supplement his argument by way of new evidence / exhibits. R56 of the Code is clear. There are no exceptional circumstances in the Appellant's letter of 1 October 2024; rather the letter is another attempt by the Appellant to introduce issues which are not relevant to this Appeal, which is about a suspension.

The Appellant's letter of 1 October is even more surprising in the sense that it wilfully ignores the letter from the CAS office dated 24 September 2024.

Content

The text messages disclosed by the Appellant between two players unconnected to the ITTF charges against the Appellant do not prove knowledge of the proceedings against him. For the avoidance of any doubt, the ITTF has at all times adhered to the obligation of strict confidentiality required by the ITTF Statutes.

The Appellant seeks again to complain of the fact that witness testimonies have not been made available to it. This is the same point dealt with in the ITTF's Answer - see paragraphs 44, 45, 50, 55, 56 - namely, witness statements in support of the ITTF's case against the Appellant will be adduced in evidence in the proceedings before the ITTF Tribunal (and not the Appeal before this Court). In its letter of 1 October, the Appellant tries to engage with the summary of the anticipated evidence provided by the ITTF. This summary was first provided to the Appellant as long ago as Sunday 25 August 2024 (as part of the ITTF's response to the Appellant's application to the ITTF Tribunal to lift the suspension). The Appellant was free to include that comment in its Statement of Appeal, filed at the CAS the next day, but did not do so. It cannot now seek to do so over a month later.

Finally, the ITTF is disappointed to see what are continued attempts by the Appellant to try to have this Court adjudicate on issues which are not before it. For example, at page 5 of the Appellant's solicitors' letter they say "...which is why the Appellant hereby gently requires that this be determined by this Panel..."

That is an unacceptable, thinly veiled attempt at prejudicing the proceedings before the ITTF Tribunal which are still to take place. All such attempts should not be condoned and should be dismissed accordingly by this Court."

44. On 9 October 2024, the CAS Court Office requested the Parties to refrain from filing unsolicited submissions and stated that the present issue would be determined by the Panel, once constituted.
45. On 10 October 2024, the President of the CAS Appealed Division issued her reasoned Order on Request for a Stay rendered (the "Order to Stay") in the terms of the Order *Ex Parte*, as, in essence, the three conditions for the grant of a stay (*i.e.*, irreparable harm, likelihood of success on the merits of the appeal and balance of interests) were deemed satisfied.
46. On 10 October 2024, in accordance with Article R54 of the CAS Code, and on behalf of the President of the CAS Appeals Arbitration Division, the CAS Court Office informed

the Parties that the Panel appointed to decide the present matter was constituted as follows:

President: Prof Luigi Fumagalli, Professor and Attorney-at-law in Milan, Italy;
Arbitrators: Mr Mark A. Hovell, Solicitor in Manchester, United Kingdom; and
Mr Benoît Pasquier, Attorney-at-law in Zurich, Switzerland.

47. On 25 October 2024, the CAS Court Office invited the Appellant:

“[...] taking into consideration the grounds of the Order issued by the ITTF Tribunal Chair on 29 August 2024 [...] to indicate [...] whether the Panel shall proceed with his appeal. In the affirmative, [...] to file his position with respect to the grounds of the Order rendered by the ITTF Tribunal Chair [...]”.

48. On the same day, the Appellant submitted a letter to the CAS Court Office and wrote the following:

“[...] it is not so clear to the Appellant whether the President’s decision is to be considered the Panel’s final award on the matter and, thus, whether the appealed decisions have been definitively set aside.

Accordingly, in order to be able to state whether he wishes to proceed with this appeal, the Appellant needs to know whether the grounds of the decision are to be considered as the final award of the Panel in relation to the suspension and thus, the decisions appealed against are definitively overruled and, consequently, in case of eventual withdrawal of the appeal - a circumstance stated only for argumentative purposes -, the suspension is definitively lifted and the paraathlete can continue to participate in the next championships while the merits of the dispute are still not settled before the ITTF. [...]”

49. On 28 October 2024 the CAS Court Office informed the Appellant that:

“[...] The Order on Request for Stay issued by the President of the Appeals Arbitration on 26 August 2024 (grounds notified on 10 October 2024) can certainly not be considered as the Panel’s final arbitral award.

As indicated in the CAS letter dated 25 October 2024, the Panel shall now turn to the analysis of the merits of the provisional suspension imposed by the ITTF Tribunal Chair on the Appellant.”

50. On 4 November 2024, the Appellant filed his position with respect to the grounds of the Appealed Decision.

51. On 5 November 2024, the CAS Court Office informed the Respondent that it was granted a deadline to comment on the Appellant’s letter dated 4 November 2024.

52. On 15 November 2024, the Respondent replied to the Appellant’s letter of 4 November 2024.

53. On 27 November 2024, the CAS Court Office issued on behalf of the President of the Panel an order of procedure (the “Order of Procedure”), which was signed by the Appellant on 29 November 2024 and by the Respondent on 2 December 2024.

IV. THE PARTIES' SUBMISSIONS

54. 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, however, has carefully considered all the submissions made by the Parties, even if no explicit reference is made in what immediately follows.

A. The Appellant

55. In his Statement of Appeal, intended to serve also as his Appeal Brief, the Appellant submitted the following requests for relief:

"Taking into account the facts and legal arguments set out above, the Appellant request:

- (a) provisional measure to grant the stay of the execution of the appealed decisions, inaudita altera pars, ordering the ITTF to include the Appellant's name (or ask the body responsible for it) in the draw for the para table tennis matches as a matter of urgency, considering that the draw will take place on this Monday (August 26th) at 5.pm CET;*
- (b) to confirm the suspension of all effects of the appealed decisions until the issuance of a proper Arbitral Award by the CAS Panel regarding the matter at stake;*
- (c) subsidiarily, for the sake of argument, if CAS understands that the Appellant must be suspended provisionally, that the date of effectiveness of the suspension be determined to start from the end of the Paralympics, thus allowing the Appellant to take part in the Games.*
- (d) to issue a new decision which replaces the decisions challenged, in order:*
 - (i) to declare the appealed decisions null and void;*
 - (ii) to dismiss the eligibility provisional suspension imposed;*
- (e) to condemn the Respondent to solely bear any eventual legal expenses or costs faced by the Appellant;*
- (f) to condemn the Respondent to solely bear the costs of the present arbitration;*
- (g) to order the Respondents to pay the Appellant a contribution towards the legal fees and other expenses incurred in connection with the present proceedings."*

56. In essence, in support of his requests, the Appellant *inter alia*:

- i. contested the ITTF Tribunal's provisional suspension, arguing that it was imposed in violation of fundamental rights and the ITTF Statutes, and in that connection highlighted severe procedural flaws, including a lack of access to evidence, and arbitrary decision-making by the ITTF IU and by the ITTF Tribunal;
- ii. asserted that the requirements under Article 9.20.5 of the Integrity Regulations for lifting the suspension, and particularly the autonomous criterion of unfairness (Article 9.20.5.4), have been met due to the irregularities in the investigation;
- iii. emphasized that the charges moved against him are based on unreliable evidence, including prejudiced testimonies and WhatsApp messages;
- iv. criticized the Chair of the ITTF Tribunal for presuming guilt, disregarding the presumption of innocence, and treating the Athlete as if he had already been convicted;

- v. noted that the ITTF IU's actions, such as resisting the CAS decision to include him in the Paris Paralympics' draw, demonstrate a broader intention to harm his career and livelihood;
 - vi. raised concerns about a confidentiality breach, citing a Swedish player's unexpected knowledge of specific details regarding the investigation, despite the ITTF Statutes mandate strict confidentiality.
57. In that context, the Appellant submitted that, even though his Appeal exclusively concerns the provisional suspension imposed on him by the Appealed Decision, the merits of the disciplinary proceeding need to be addressed in order to demonstrate why the provisional suspension is unfair and illogical. As a result, the Appellant submitted in that connection the following:
- i. the ITTF failed to adhere to its own regulations during the investigation and the subsequent disciplinary process:
 - a. the Appellant was not afforded the opportunity to submit written defences, a right guaranteed under the ITTF regulations, and was denied access to critical evidence, including witness testimonies and interview recordings. Despite repeated requests, the ITTF refused to provide these materials. Additionally, the inclusion of new allegations in the Amended Notice of Charge, after the ITTF IU had declared the investigation closed, is highlighted as a significant procedural breach that deprived the Appellant of a fair chance to respond. The credibility and impartiality of the witnesses relied upon by the ITTF is also disputed. These witnesses, who allegedly provided evidence of betting violations and other infractions, are biased and had personal interests in the Appellant's disqualification;
 - b. the disproportionate nature of the suspension is emphasized, since the alleged betting activities were minimal and had no impact on the integrity of the sport. The Appellant did not bet on his matches or competitions in which he was involved, nor did the bets influence the match outcomes;
 - c. the suspension, when adopted, was suitable to cause irreparable harm caused, particularly as it produced the exclusion from the Paris Paralympics;
 - d. the provisional suspension was imposed prematurely, without sufficient evidence, and in a manner inconsistent with the principles of fairness and proportionality;
 - ii. regarding specifically the betting accusations:
 - a. his betting activities should be viewed in light of mitigating circumstances, as recognized by CAS in similar cases. His actions involved minor amounts, did not influence match outcomes, and were unrelated to competitions in which he participated. Furthermore, as a para-athlete, he did not bet on para table tennis, but rather on unrelated table tennis events, and he was unaware of ITTF rules prohibiting such activities, as he had never signed any document acknowledging these regulations;
 - b. the ITTF IU accused the Appellant of failing to disclose all his betting

activities, citing discrepancies between his interview statements and the subsequent discovery of another betting account. However, this accusation stems from a misunderstanding. During the interview, he openly admitted to betting, acknowledged his ignorance of ITTF rules, and committed to respecting the prohibition once it was explained to him. As a result, he was transparent throughout the investigation, providing all requested account details and correspondence;

- c. the principle of insignificance (“*Geringfügigkeitsprinzip*”), as exposed by Claus Roxin, should be respected: according to that principle, the conduct conforming to the legal definition of an offence, but causing minimal harm to the protected legal interests, should not be punishable. In this case, a profit of EUR 141.72 from betting activity is insignificant, not compromising the integrity of the sport or its competitions, especially when compared to higher-profile cases (like a football player of international level, who bet over EUR 100,000, but received only a suspended two-month ban). This disparity highlights the proportionality issue, since the provisional suspension imposed on the Appellant, under a flawed and null process, exceeded the severity of many final sanctions and disregarded fairness;
- d. the ITTF Integrity Unit’s interpretation that Olympic and Paralympic table tennis are the same sport is contested, since they are governed by separate legal frameworks. According to Article 6.9.2.1.1 of the Code of Ethics, a betting violation occurs only when an athlete places bets on the sport they play. Therefore, since the Appellant’s bets were on Olympic and not on Paralympic table tennis matches, they should not be considered violations of the regulations.

58. With specific respect to the conditions set out by Article 9.20.5 of the Integrity Regulations, the following has to be noted from the Appellant’s submissions:

- i. in general terms: Article 9.20.5 of the Integrity Regulations establishes two possibilities for lifting the provisional suspension: (i) when the requirements of Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 are cumulatively fulfilled or (ii) when the hypothesis of Article 9.20.5.4, which is unrelated to the previous mentioned above, is satisfied. However, in total contravention of that provision, the ITTF Tribunal understood that the requirements are cumulative and that the Athlete had not met them. Nevertheless, the wording of the provision demonstrates that the hypothesis of Article 9.20.5.4 is autonomous, independent and isolated. The point is important, since the autonomous hypothesis of Article 9.20.5.4 applies perfectly to the Appellant’s case, because very serious procedural violations have occurred;
- ii. as to the cumulative requirements of Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 of the Integrity Regulations:
 - a. as to Article 9.20.5.1, the facts alleged in support of the charges do not give rise to a *prima facie* case, since the declarations of a biased person ([...]), with clear hate for the Athlete and direct interest in the Appellant’s spot at the Paris Paralympics, do not support it. This person is the very same person

that breached the Code of Ethics – a fact supported by documental evidence and that is being ignored by the ITTF IU. In addition, the [...], one of the witnesses also heard by the ITTF, received an e-mail from someone he did not know, which suggests that the e-mail was not sent by any coach or player. Despite the seriousness of such a request and the importance of this information, this person's name was arbitrarily concealed by the ITTF, which makes this persecution towards the Appellant even more suspicious. In other words, the sources that led to the complaint before the ITTF are not reliable and, therefore, could not be used as a basis for establishing a *prima facie* case against the Appellant;

- b. as to Article 9.20.5.2, the case against the Athlete has no reasonable prospect of success: as it has been demonstrated, the Appellant is being provisionally suspended as a result of a procedure in which his legal rights of defence were not respected: the depositions of completely suspicious and biased people were considered as the main reason for the application of the sanctions, inclusively the provisional suspension; the Respondent arbitrarily chose to believe the word of those with a vested interest in harming the Athlete and intentionally misinterpreted the depositions, consistently biasing them against the Appellant; the Appellant was not invited to present his written submission during the investigation phase, despite this was an obligatory provision; the treatment during his interview was already as if the Athlete was already considered guilty, ignoring the fact that he was answering truthfully all questions; the Amended Notice of Charge was issued as a retaliatory measure by the ITTF IU, introducing new allegations, increasing the sanction to 10 years of ineligibility, and seeking a provisional suspension;
- c. as to Article 9.20.5.3, there is no real risk that the integrity of the sport of table tennis would be undermined: the nature of the offence does not suggest the existence of an attempt to manipulate results or influence match performance; the amount staked is very low and further reduces the likelihood of any significant impact on the sport. The Athlete's situation therefore posed no real risk to the integrity of the Paris Paralympics, as there is/was no concrete evidence (apart from the testimony of highly suspected witnesses) of any attempt to compromise the fairness of the sport. In fact, it should be noted that the procedure before the ITTF (initiated in April 2024) has been ongoing for several months, that the Appellant participated in the Paris Paralympic and that there is nothing to support an alleged risk to the integrity of the sport;
- iii. as to the independent requirement of Article 9.20.5.4 of the Integrity Regulations, circumstances exist that make it clearly unfair to have the Appellant serve a provisional suspension prior to the determination of the charges against him. The evidence presented not only before CAS, but also before the ITTF bodies, clearly demonstrates that the imposition of a provisional suspension on the Appellant is unfair. Fundamental rights, such as the core principles of due process, including the right to a fair hearing and the right to present a written defence, have been violated. In synthesis, it is clear that the Athlete's right to be heard has been seriously

disregarded, since he could not express himself either in writing or freely during the interview, having a very short time to respond to the Notice of Charge, and without any opportunity to defend himself against Charges 5-74 that were simply added to the Amended Notice of Charge. The insistent refusal of the Respondent to follow the relevant rules contained in the ITTF Statutes shows its lack of respect and consideration, taking also in consideration that the case concerns the suspension of a paralympic athlete with cerebral paralysis, on the verge of the Paris Paralympics, when he was already in France, and was banned for staying in the Olympic Village with the other para-athletes. The strain caused by the improperly applied suspension significantly hampered the Athlete's performance at the Paris Paralympics, so much so that he was eliminated in the first match he played in both the singles and doubles, since, due to his pathology, his muscles are stiffer than usual in stressful situations. In addition, the provisional suspension has an impact on spheres that go far beyond the Paris Paralympics, such as the fight for inclusion, a career, a job and, most importantly, the mental health and life of the Athlete, who has started to have suicidal thoughts. The physical limitations and brain injuries, a reason of the problems with his cognitive development, were not taken into account by the ITTF IU.

B. The Respondent

59. In its Answer, the Respondent submitted the following prayers for relief:

"In light of the above, the Respondent respectfully requests that the CAS Panel rule as follows:

- a. Dismiss the Appeal;*
- b. Uphold the Provisional Suspension Decision in its entirety and bring the stay of the provisional suspension effected by the CAS Operative Decision to an end;*
- c. Dismiss all other requests by the Appellant for relief which have been either rendered obsolete by the CAS Operative Decision or which were always rightly and properly a matter for the proceedings before the ITTF Tribunal; and*
- d. the ITTF's legal costs be borne by the Appellant."*

60. In essence, the Respondent requested that the Appeal filed by the Appellant be dismissed and submitted that, since the Order *Ex Parte* allowed the Appellant to participate in the Paris Paralympics, much of the Appeal's content became obsolete. The remaining issues before CAS concern the procedural complaints regarding the ITTF IU's investigation and whether the provisional suspension should be lifted during the ongoing ITTF Tribunal proceedings. While these procedural concerns have already been addressed by the ITTF Integrity Board and ITTF Tribunal, the CAS appeal remains limited to the provisional suspension, with the substantive issues deferred to the ITTF Tribunal where the Appellant retains full rights to defend and challenge the evidence.

61. In support of its requests, the Respondent:

- i. rejected the claim that the ITTF Tribunal treated cumulatively the requirements under Article 9.20.5 of the Integrity Regulations, as each criterion was addressed

separately and properly:

- a. Article 9.20.5 of the Integrity Regulations sets out the grounds under which a provisional suspension may be appealed. The Appealed Decision rightly considered this provision. The Appellant's argument that the ITTF Tribunal treated Articles 9.20.5.1 to 9.20.5.4 as cumulative are not understood. Nowhere in the Appealed Decision did the ITTF Tribunal say they are cumulative. The ITTF Tribunal considered all four of the requirements of Articles 9.20.5.1 to 9.20.5.4 separately;
- b. the ITTF Tribunal clearly preferred the ITTF's submissions on Article 9.20.5 to the submissions of the Athlete's representatives:
 - as to Article 9.20.5.1 ("*prima facie* case"): according to Article 9.2.1.15 of the Integrity Regulations, "*'Prima Facie Case' means any case of any breach of any Applicable Rule that the ITTF Head of Integrity considers sufficient to warrant investigation.*" This is an extremely low legal threshold which is comfortably met. The "*prima facie* case" stage of the procedure is several stages before the Notice of Charge stage, there still remaining the stages of (i) an investigation notice to be sent out; (ii) an interview to take place; and (iii) an assessment to be made whether there is a case to answer. All of those subsequent stages were passed, the Athlete having attended an interview with the ITTF IU on 31 May 2024, and the ITTF Head of Integrity considered the evidence sufficient to issue a Notice of Charge. The fact that an Amended Notice of Charge was issued, charging Mr Stroh 74 times under three different provisions of the Code of Ethics, is incontrovertible confirmation that the facts alleged give rise to a "*prima facie* case" under the ITTF regulations;
 - as to Article 9.20.5.2 ("reasonable prospect of success"): this is again a low legal threshold and is lower than the standard of proof the ITTF IU will have to prove its case. On any analysis, there is a reasonable prospect of the ITTF succeeding in this case, since, to be successful, the ITTF IU would only have to prove one of its 74 charges;
 - as to Article 9.20.5.3 ("risk to integrity of table tennis"): in light of the sheer number of charges against the Athlete, there is a significant risk that the integrity of the sport of table tennis would be undermined if his suspension is lifted. The Code of Ethics under which the Athlete is charged is based on the IOC Code of Ethics and its respect is fundamental to the integrity of the sport. If only some of the charges contained in the Amended Notice of Charge are found, the sanctions are nevertheless severe. As prescribed by the ITTF Statutes, each charge entails a mandatory period of ineligibility for a minimum period of 2 years. That would be the case if just 1 of the 73 corruption, betting or non-cooperation offences the Athlete is charged with was proven;
 - as to Article 9.20.5.4 ("other unfairness"): there is nothing in the Athlete's case, which makes it exceptional. This is a simple case of an

athlete who has been charged with breaches of the Code of Ethics. The charges are supported by credible evidence, both documentary and via witness testimony, which the Athlete will have the opportunity to test. There are no other credible considerations which make the Athlete's provisional suspension unfair, or otherwise mean that his provisional suspension should be lifted;

- ii. confirmed that the ITTF Tribunal correctly dismissed the Appellant's assertions of procedural violations and clarified that his decision to accelerate the disciplinary proceedings was not an indication of a presumption of guilt;
- iii. reiterated its position on the recurring arguments from the Appellant, including the allegations of witness bias and of a supposed denial of fundamental rights, and the claims that the low financial stakes of betting mitigate the charges;
- iv. reiterated that the Appellant would have the opportunity to fully defend himself and challenge the witness credibility during ITTF Tribunal proceedings;
- v. dismissed the Appellant's claim that his mental or physical condition was disregarded, stating that these factors were considered appropriately;
- vi. strongly rejected the accusations of improper conduct or deviations from the ITTF Statutes;
- vii. concluded that many points raised by the Appellant lack relevance to the Panel's current determination on the provisional suspension;
- viii. in details, with respect to the numerous complaints about the ITTF investigation process, emphasized that:
 - a. since May 2024, the Appellant has been aware of the investigation, participated in an interview with legal representation, and had opportunities to provide input, including submitting responses to the Notice of Charge and to the Amended Notice of Charge;
 - b. the Appellant's lawyers have misunderstood the procedural stages outlined in the ITTF Statutes. The Amended Notice of Charge, which displaced the Notice of Charge, resolved complaints about reduced deadlines, and the substantive matters, such as witness testimony or allegations of bias, would be addressed during ITTF Tribunal proceedings;
 - c. the ITTF is not obligated to disclose information on potential investigation of other athletes, including [...], although the related evidence can be examined in tribunal hearings.

V. JURISDICTION OF THE CAS

62. Article R47 of the CAS Code provides as follows:

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

to it prior to the appeal, in accordance with the statutes or regulations of that body.

An appeal may be filed with CAS against an award rendered by CAS acting as a first instance tribunal if such appeal has been expressly provided by the rules of the federation or sports-body concerned.”

63. In the case at hand, the Appellant relies on Article 8.37.1 of the ITTF Tribunal Regulations (the “Tribunal Regulations”), which provides that:

“Subject to R8.37.2, the ITTF Tribunal’s decision may be appealed to the Court of Arbitration for Sports [sic] (“CAS”) by a party to the proceedings”.

64. The jurisdiction of CAS is not disputed by the Parties and was confirmed by them when signing the Order of Procedure.
65. It follows that the CAS has jurisdiction to hear the Appeal filed by the Appellant against the Appealed Decision.

VI. ADMISSIBILITY

66. The admissibility of the Appeal is not challenged by the Parties. The Statement of Appeal was filed within the deadline set by Article 8.37.3.1 of the Tribunal Regulations and complied with the requirements of Articles R47, R48 and R64(1) of the CAS Code, including the payment of the CAS Court Office fee.
67. It follows that the Appeal is admissible.

VII. APPLICABLE LAW

68. Pursuant to Article R58 of the CAS Code, in an appeal arbitration procedure before the CAS:

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

69. As a result, the Panel will apply primarily the rules and regulations of the ITTF, and more specifically those set out in the ITTF Statutes, which comprise:
- i. the Code of Ethics (Article 6 of the ITTF Statutes);
 - ii. the Tribunal Regulations (Article 8 of the ITTF Statutes);
 - iii. the Integrity Regulations (Article 9 of the ITTF Statutes);
 - iv. the Code of Conduct on Sport Betting for Players and Officials (attached to the ITTF Statutes) (the “Code of Conduct”).

70. Swiss law applies subsidiarily.

VIII. MERITS

71. The object of this arbitration is the Appealed Decision, whereby the ITTF Tribunal dismissed the Appellant's request to lift the provisional suspension imposed on him by the ITTF Integrity Board. The Appellant wishes to have the Appealed Decision and the provisional suspension set aside. The Respondent seeks the dismissal of the Appeal and the confirmation of the provisional suspension.
72. The Panel notes:
- i. that the execution of the Appealed Decision, and therefore of the provisional suspension it confirmed, has been stayed by the President of the CAS Appeals Arbitration Division in the Order *Ex Parte* and then in the Order to Stay; and
 - ii. it has not been informed of any decision rendered or of any step taken in the disciplinary proceedings before the ITTF bodies based on the Amended Notice of Charge, relating to the commission by the Athlete of the violations alleged against him.
73. In light of the foregoing, the Panel finds it necessary to underline that the present arbitration:
- i. concerns only the Appealed Decision and the provisional suspension issued by the ITTF bodies;
 - ii. is not about the stay granted on an *interim* basis by the President of the CAS Appeals Arbitration Division and whether it was proper or not;
 - iii. does not regard the commission by the Athlete of any violation of the ITTF regulations; and
 - iv. is not about the imposition of any sanction on the Appellant.
74. As a result, the present proceedings concern only the existence of the conditions for the imposition, or lifting, of a provisional suspension on the Athlete and is without prejudice to any evaluation as to the disciplinary responsibility of the Athlete and the consequences thereof. The Panel notes that any evaluation in that respect might be subject, for instance, to different rules and to different evidentiary burdens and standards, other than those which fall to be applied in the present case (see below: § 78). In the same way, the Panel is not faced with the issue, beyond the provisions set by the ITTF regulations, whether the execution of the provisional suspension should be stayed (or set aside) because (i) there is a necessity to protect the Appellant from irreparable harm, (ii) the Appellant has a reasonable chance to succeed on the merits, and (iii) his interests outweigh those of the ITTF. Such conditions pertain in fact to the exercise of the power of CAS to grant an interim measure of stay under Article 37 of the CAS Code, and not to the application or removal of a provisional suspension under the ITTF rules (unless directly mentioned by them). Therefore, the Panel has to consider, in dealing with the Appeal, only those ITTF

rules.

75. Before turning to their examination, however, the Panel needs to address an issue that was left open in this procedure. In fact, as noted above (§ 41), the Appellant filed on 1 October 2024 a submission concerning *inter alia* some alleged irregularities and lack of transparency by the ITTF in the handling of evidence, which would deprive the provisional suspension of any basis; on 8 October 2024, then, the Respondent objected to the admissibility of such unauthorized submission.
76. The Panel finds the matter to be moot. In fact, notwithstanding the deviation from Article R56 of the CAS Code (because that new submission was filed without the agreement of the other party and without the authorization of the Panel), the Panel finds it unnecessary to declare formally its inadmissibility, because the Respondent in any case had the opportunity to reply to it in writing and because a new exchange of submissions was later authorized by the Panel with respect to the grounds of the Appealed Decision. As a result, no declaration of inadmissibility must be issued, and the Panel can turn to the examination of the merits of the Appeal.
77. The issue to be decided, as mentioned, is whether the provisional suspension imposed on the Athlete had to be lifted by the ITTF Tribunal.
78. The ITTF rules which apply in that respect, and which have been discussed by the Parties in this arbitration, are set by Article 9.20.5 of the Integrity Regulations in the following terms:
- “9.20.5 *An Alleged Person whose eligibility is provisionally suspended has the right to apply to the ITTF Tribunal for an order lifting or limiting the provisional eligibility suspension. The provisional eligibility suspension may be lifted or limited if the Alleged Person demonstrates to the satisfaction of the ITTF Tribunal that:*
- 9.20.5.1 *the facts alleged in support of the charge(s) do not give rise to a Prima Facie Case;*
- 9.20.5.2 *the case against the Alleged Person has no reasonable prospect of success;*
- 9.20.5.3 *there is no real risk that the integrity of the sport of Table Tennis would be undermined*
- 9.20.5.4 *or other facts exist that make it clearly unfair, in all circumstances of the case, to make the Alleged Person serve a provisional suspension prior to the determination of the charge(s) against the Alleged Person. This ground is to be construed strictly, and applied only in truly exceptional circumstances.*
- 9.20.5.4.1 *The fact that the provisional eligibility suspension would prevent the Alleged Person from participating in a particular Table Tennis competition or event or to stand or election or appointment will not qualify as exceptional circumstances for these purposes.”*
79. The Appellant submits, and the Respondent agrees, that Article 9.20.5 of the Integrity Regulations contains two distinct groups of conditions for the lifting of a provisional suspension: (i) those set by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3, to be satisfied cumulatively; and (ii) the one set by Article 9.20.5.4, to be individually satisfied in

alternative to the cumulative satisfaction of the conditions of the first group. As a result, in order for the Athlete to obtain the lifting of the provisional suspension imposed on him, and prevail in his Appeal against the Appealed Decision, he must demonstrate to the satisfaction of this Panel that either:

- i. the facts alleged in support of the charges do not give rise to a “*Prima Facie Case*”, that the case against him has no reasonable prospect of success, and that there is no real risk that the integrity of the sport of table tennis would be undermined by the lifting of his provisional suspension; or
 - ii. other facts exist that make it clearly unfair, in all circumstances of the case, to make him serve a provisional suspension prior to the determination of the charges brought against him.
80. Conversely, if the Appellant does not prove that all conditions of the first group are satisfied or, in the alternative, that, notwithstanding the non-satisfaction of one of the conditions of the first group, the condition set by 9.20.5.4 is met, his Appeal is bound to fail.
81. The Panel agrees with such construction of the relevant regulatory framework for a decision on the Appeal. For such purposes, the Panel notes that the following needs also to be underlined:
 - i. pursuant to Article 9.2.1.15 of the Integrity Regulations, “*Prima Facie Case*” (as used in a capitalized form in Articles 9.20.5.1) means “*any case of any breach of any Applicable Rule that the ITTF Head of Integrity considers sufficient to warrant investigation*”; and
 - ii. pursuant to Article 9.20.5.4 of the Integrity Regulations, the ground therein contemplated for lifting a provisional suspension is to be construed strictly, and applied only in truly exceptional circumstances, and the fact that the provisional suspension would prevent the Appellant from participating in a particular table tennis competition or event or to stand or election or appointment does not qualify as exceptional circumstances for the same purposes.
82. In light of the foregoing, the issues before this Panel are therefore whether:
 - i. all conditions set by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 are satisfied; or
 - ii. if all conditions set by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 are not satisfied, whether the condition set by 9.20.5.4 is met.
83. The Panel will examine those issues in sequence.
 - i. As to the conditions set by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 of the Integrity Regulations*
84. The first question before this Panel is whether all conditions set by the mentioned rules are satisfied. As explicitly indicated by Article 9.20.5, the Appellant bears the burden to

prove the meeting of all those conditions “*to the satisfaction*” of the Panel. The cumulative nature of those conditions means that if one of them is not met, the provisional suspension cannot be lifted.

85. The first point, pursuant to Article 9.20.5.1, is about whether the Appellant has proved that the facts alleged in support of the charges brought against him do not give rise to a “*Prima Facie Case*”, *i.e.*, that they were not sufficient to warrant an investigation.
86. The Panel finds that he has not. It is in fact to be remarked (as the ITTF Tribunal did and it was already underlined above: § 73), that the issue is not whether there are sufficient element to secure the imposition of a sanction on the Athlete or even that a charge should be issued against him. What the provision requires from the Athlete is evidence establishing that the elements before the ITTF IU were not sufficient to start an investigation against him. The Panel notes that the evidentiary elements available to the ITTF have been disputed by the Athlete as unreliable or collected in violation of the Athlete’s right to be heard. However, their existence cannot be denied, irrespective of any evaluation as to their sufficiency to lead to a final finding of disciplinary responsibility: they certainly warranted an investigation into the Athlete’s behaviour. In fact, they consisted of a plurality of witness declarations, of text messages sent, admissions made by the Athlete and a report provided by an independent authority on betting activities.
87. For the sake of clarity, the Panel repeats that it is not expressing any view regarding the Athlete’s responsibility: the evidence available to the ITTF, which bears the burden to prove the commission of the violations it alleges against the Athlete, needs to be carefully scrutinized by the hearing bodies, and the right to be heard of the Athlete in their respect needs to be enforced. However, the Panel notes that those elements existed and that an investigation into the Athlete is far from unreasonable.
88. In summary, the Panel finds that the Athlete failed to establish that the condition set by Article 9.20.5.1 of the Integrity Regulations is satisfied.
89. This conclusion would allow the Panel to conclude that the Appellant has failed to prove all conditions contemplated by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3, because at least one of them is not satisfied. However, the Panel underlines that also the conditions set by Articles 9.20.5.2 or 9.20.5.3 are not met, and therefore that under no condition set by Articles 9.20.5.1, 9.20.5.2 or 9.20.5.3 can the provisional suspension be lifted.
90. The Panel finds in fact that the Appellant has not proved, for the purposes of Article 9.20.5.2, that the case against him has no reasonable prospect of success.
91. In the Panel’s opinion, in fact, the Appellant’s criticism of the case brought against him, consisting mainly in a challenge to the reliability of the evidence brought in support, does not appear suitable to render unreasonable the prospect of success of the charges brought against him. Whether those charges will eventually be successful is not a matter before this Panel. However, the possibility of success cannot be discarded: the Athlete has not proved that possibility that, in the end, he could be sanctioned is unbelievable,

extravagant or absurd. The evidence available to the ITTF consists not only of witness declarations, but also of documentary evidence, which could (but not necessarily would) offer a basis for a conviction of the Athlete. At the same time, the Panel underlines, at this stage, that the possibility that the Athlete will be in the event acquitted cannot also be ruled out: in fact, the Athlete must be given full opportunity to defend himself, bring evidence and confront the evidentiary elements submitted by the ITTF. However, this is not the test required by of Article 9.20.5.2: the existence of a reasonable chance of success of the Athlete does not mean *per se* that the case against him has no reasonable prospect of success.

92. The Panel holds, then, that the Appellant has not proved, as required by Article 9.20.5.3, also that that there is no real risk that the integrity of the sport of table tennis would be undermined by the lifting of the provisional suspension.
93. The Panel, in fact, agrees with the finding of the ITTF Tribunal that allowing an athlete to compete in table tennis events, while evidence is brought against him that he may have engaged in corrupt practices or indulged in illegal activities (which warranted the opening of an investigation and which are not deprived of any chance of success), might compromise the integrity of the sport: in fact, not only tensions or even confrontations with other athletes might be possible, but also doubts could be raised as to the equality of treatment of the athletes and as to the seriousness of the attitude of the ITTF disciplinary bodies in enforcing the rules of the system. In the end, the image of the sport could be affected and put into disrepute.
94. The Panel notes in that regard the observations of the Athlete concerning his betting activities, and their unsuitability to compromise the integrity of the sport. However, the Panel also remarks (i) that the charges against the Athlete are not limited to a violation of the rules prohibiting betting, but extend to alleged episode of attempted corruption; and (ii) that the point is not whether his alleged (and at this moment not finally established) violations affected the integrity of the sport, but whether his return to competition during the proceedings could produce such effect, and (iii) that the possibility he had to compete at the Paris Paralympics was given him by the Order *Ex Parte* on the basis of different considerations, which play no role with respect to the final decision of the lifting or not of the provisional suspension.
95. On the basis of the foregoing, the Panel finds that none of the conditions set by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 of the Integrity Regulations are satisfied.

ii. As to the condition set by Article 9.20.5.4 of the Integrity Regulations

96. As a result of the above conclusion relating to the non-satisfaction of the conditions set by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 of the Integrity Regulations, the question is therefore whether other facts exist that make it clearly unfair, in all circumstances of the case, to make the Appellant serve a provisional suspension prior to the determination of the charges against him (Article 9.20.5.4). Indeed, most of the submissions advanced by the Appellant focus on this specific ground for the lifting of the provisional suspension.

97. With respect to this ground, the Panel notes that the ITTF rules define it to be exceptional, and therefore to be strictly interpreted. Indeed, the Panel finds it to have a sort of residual value with respect to the conditions set by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 of the Integrity Regulations. In fact, it refers to “*other facts*” (i.e., not the same), and cannot have an overlapping scope of application. In fact, its (apparently) broad wording, referring to the “unfairness” of a provisional suspension, if considered to have an all-comprising latitude of application would render the conditions set by Articles 9.20.5.1, 9.20.5.2 and 9.20.5.3 moot.
98. In light of the foregoing, the Panel finds that the Appellant has not proved that the condition set by Article 9.20.5.4 is met. On the contrary, the totality of the evidence available to the ITTF (sufficient or not to secure a final conviction of the Athlete) excludes the unfairness of the suspension.
99. The Athlete’s submissions in respect of this condition, in fact, revolve around (i) his criticism of the evidence brought against him or of the way the investigation was conducted and his right to be heard, on issues common to all his submissions relating to the distinct grounds on the basis of which a provisional suspension can be lifted; or (ii) the impact of a provisional suspension on his physical and mental health. The Panel, however, finds, in agreement with the Respondent’s submissions, that the Appellant’s case is not exceptional (as required by Article 9.20.5.4): the Appellant in fact is disputing the evidence, which however remains credible, as he is (and any other athlete would be) entitled to do; the impact on the Athlete’s health correspond to the impact that any provisional suspension would have on any other athlete of like physical and psychological condition: being subject to a provisional suspension, or even to investigation, is certainly not a “pleasant” condition, but this corresponds to an effect produced in all cases, and cannot be considered exceptional when credible evidence exists which warranted the opening of an investigation and which can be the basis of proceedings that are not deprived of any chance of success. In addition, its impact appears to be limited to its maximum duration of six months.
100. On the basis of the foregoing, the Panel finds that the condition set by Article 9.20.5.4 of the Integrity Regulations is not satisfied.

iii. Conclusion

101. In conclusion, the Panel holds that the Appellant has not established the conditions justifying the setting aside of the Appealed Decision and the lifting of the provisional suspension imposed against him. The Appeal, therefore, must be dismissed.
102. As a result, the stay of the execution of the Appealed Decision, granted by the President of the CAS Appeals Arbitration Division, ceases to have effect.

IX. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 26 August 2024 by Mr Israel Pereira Stroh against the decision rendered by the ITTF Tribunal on 25 August 2024 is dismissed.
2. The stay of the execution of the decision rendered by the ITTF Tribunal on 25 August 2024, granted by the President of the CAS Appeals Arbitration Division on 26 August 2024, ceases to have effect.
3. (...).
4. (...).
5. All the other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 6 January 2025

THE COURT OF ARBITRATION FOR SPORT

Luigi Fumagalli
President of the Panel

Mark Andrew Hovell
Arbitrator

Benoît Pasquier
Arbitrator