

CAS 2025/A/11347 Ali Sofuoğlu v. World Karate Federation (WKF)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Mr Mark A. Hovell, Solicitor in Manchester, United Kingdom

in the arbitration between

Ali Sofuoğlu, Istanbul, Turkey

Represented by Mr Arda Kutay Kaya, Attorney-at-Law in Istanbul, Turkey

Appellant

and

World Karate Federation (WKF), Madrid, Spain

Represented by Mr Adam Klevinas, Attorney-at-Law in Lausanne, Switzerland

Respondent

I. PARTIES

1. Mr Ali Sofuoğlu (the “Appellant” or “Mr Sofuoğlu”) is a Turkish karate athlete born in 1995 and based in Istanbul, Turkey. He competes in the kata discipline and was considered an International-Level Athlete within the meaning of the WKF Anti-Doping Rules (“WKF ADR”) at the time of the alleged Anti-Doping Rule Violation (“ADRV”).
2. World Karate Federation (the “Respondent” or “WKF”) is the world governing body for karate based in Madrid, Spain. WKF has delegated its Anti-Doping Programme implementation to the International Testing Agency (the “ITA”), an independent body specializing in anti-doping operations. This delegation includes the management of results and prosecution of potential ADRVs under the WKF’s jurisdiction. By virtue of this delegation, the ITA is acting on behalf of WKF in these proceedings and references to the ITA in this Award shall be construed accordingly.
3. The Appellant and the Respondent shall each be referred to as a “Party” and, collectively, as the “Parties”.

II. FACTUAL BACKGROUND

4. The following outline is a non-exhaustive summary of the factual background based on the Parties’ submissions and documents on file. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, he refers in the present Award only to the submissions and evidence he considers necessary to explain his reasoning.

A. Introduction

5. This case concerns an appeal filed by the Appellant against the decision rendered by the Single Judge of the International Hearing Panel (the “IHP”) dated 17 April 2025 (the “Appealed Decision”), which found that the Appellant had committed an ADRV under Article 2.4 of the WKF ADR (the “Appeal”).

B. Inclusion in the WKF Registered Testing Pool (“RTP”)

6. The Appellant is a Turkish international-level karate competitor specialising in the kata discipline. He has represented Turkey in major international competitions, including the Olympic Games and World Championships, and was included in the World Karate Federation’s RTP as of 3 February 2023 (the “RTP Inclusion Letter”).
7. Upon his inclusion in the RTP, the Appellant was notified of his obligations under the WKF ADR, including the requirement to submit accurate whereabouts filings and to be available for testing during a specified 60-minute time slot each day. The Appellant acknowledged these obligations in writing on 18 April 2023. According to the Respondent, between May and October 2023, three whereabouts failures were recorded

against the Appellant, each of which was notified and processed in accordance with the WADA International Standards for Results Management, as by reference into the WKF ADR (the “ISRM”).

C. Missed Test – 13 May 2023 (“First Whereabouts Failure”)

8. A “Missed Test” is defined in the ISRM as follows:

“Missed Test: A failure by the Athlete to be available for Testing at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.”

9. On 13 May 2023, the Appellant was unavailable for out-of-competition (“OOC”) testing during his designated 60-minute time slot at the location he had filed in Anti-Doping Administration & Management System (“ADAMS”). The Doping Control Officer (the “DCO”) attempted to locate the Appellant between 05:50 and 07:03 at the specified address in Istanbul, but the Appellant was not present. The Missed Test notification was issued on 23 May 2023, and the Appellant was initially given until 6 June 2023 to respond.
10. Despite the lack of a response, the ITA granted the Appellant an extension until 25 July 2023. On 26 September 2023, the ITA formally notified the Appellant that a Missed Test was being recorded. The Appellant later explained that he was in Rabat, Morocco, competing at the Karate 1 Premier League. He claimed he was unable to update his whereabouts due to technical issues with the ADAMS, specifically the inability to receive SMS authentication codes while abroad.
11. On 30 January 2024, the Appellant was invited to confirm whether he wished to request an administrative review of the First Whereabouts Failure. No response was received within the deadline, and it was deemed that no review was requested.

D. Missed Test – 21 September 2023 (“Second Whereabouts Failure”)

12. On 21 September 2023, the Appellant failed to be available for OOC testing during his designated 60-minute time slot at the location he had filed in ADAMS. The Appellant was notified of the apparent Missed Test on 26 September 2023. He responded on the same day and again on 20 October 2023, acknowledging that his whereabouts information was inaccurate due to his failure to update it. He explained that he was attending a national team training camp in Izmir from 31 August to 21 October 2023 and had forgotten to indicate this change in ADAMS.

E. Missed Test – 11 October 2023 (“Third Whereabouts Failure”)

13. On 11 October 2023, the Appellant failed to be available for OOC testing during his designated 60-minute time slot at the location he had filed in ADAMS. The DCO attempted to locate the Appellant between 06:10 and 07:15 at the location he had filed

in ADAMS in Istanbul but was unsuccessful. The Appellant was formally notified of the apparent Missed Test on 19 October 2023.

14. On 20 October 2023, the Appellant provided an initial explanation, stating that he had no intention of avoiding testing and attributed the error to a notification error. He expressed his willingness to be tested at any time and attached a letter from the Turkish Karate Federation dated 31 August 2023, which listed him as being on leave for a training camp in Izmir from 31 August to 21 October 2023.
15. On 16 January 2024, a second Missed Test was formally recorded against the Appellant in relation to the Second Whereabouts Failure.
16. In subsequent correspondence dated 17, 18, and 23 January 2024, the Appellant reiterated his apology, queried the process for challenging the recorded failure, and expressed his willingness to undergo testing at any time. The Appellant further explained that he had been notified at the last minute to attend the training camp in Izmir in October 2023 and that failure to comply with such instructions could be considered criminal offence under Turkish law. He stated that he left his home immediately upon receiving the call, but the DCO arrived before he reached the camp. This explanation was supported by the President of the Turkish Karate Federation, Mr Aslan Abid Uğuz, in an email dated 18 January 2024.
17. On 21 March 2024, the Appellant requested an administrative review of the decision to record the Third Whereabouts Failure. In support of his request, he claimed that he had been informed late on the night of 10 October 2023 that he was required to attend the camp immediately, and that failure to do so could result in criminal sanctions under Turkish law. He explained that he left home in haste, discovered his phone was out of battery, and was unable to update his whereabouts or communicate during the journey. Upon arrival at the camp, he plugged in his phone and fell asleep before it charged up and turned back on. He was later informed that the DCOs had come to his home. The Appellant stated that he explained the situation to them.
18. Despite these explanations, the administrative review concluded that the Appellant had not rebutted the presumption of negligence. On 18 March 2024, the Third Whereabouts Failure was confirmed and formally recorded as his third Missed Test.

F. The Results Management Proceedings

19. On 23 May 2024, the ITA notified the Appellant of an apparent ADRV under Article 2.4 of the WKF ADR, based on three recorded Missed Tests. By email dated 6 June 2024, the Appellant accepted responsibility for the first two recorded Missed Tests but disputed the validity of the third. Following further exchanges, the Appellant declined the proposed consequences and requested a hearing, leading to the matter being referred to the IHP.

G. WADA SMS-Based Authentication

20. On 21 May 2025, WADA announced the removal of SMS-based authentication from ADAMS, citing improved reliability. The Appellant contended that this change confirmed systematic technical issues that had prevented him from updating his whereabouts during the First Whereabouts Failure on 13 May 2023 and argued that he should not be held negligent for that failure.

H. Proceedings before the IHP

21. On 17 September 2024, the ITA, acting on behalf of the WKF, referred the matter to the IHP for adjudication. The Appellant filed his answer on 6 December 2024.
22. In his submissions, the Appellant denied committing an ADRV under Article 2.4 of the WKF ADR. He argued that technical issues with the ADAMS system had prevented him from updating his whereabouts information in relation to the first and second failures. He further claimed that the third failure should not have been recorded due to systemic shortcomings in ADAMS, which he alleged disadvantaged non-native English speakers. The Appellant also stated that he had received no training on how to use ADAMS and described himself as not being computer literate.
23. On 13 December 2024, the ITA filed rebuttal submission. It argued that ADAMS had been available in Turkish since at least May 2021, undermining the Appellant's claim of language-related difficulties. The ITA further noted that the Appellant had not provided any direct evidence of technical issues or language barriers affecting his ability to use ADAMS in connection with any of the three whereabouts failures. The ITA maintained that the Appellant's explanations amounted to admissions of forgetfulness or haste, rather than evidence of system-related obstacles, and concluded that no valid grounds had been raised to prevent the disqualification of results from 11 October 2023.
24. On 7 February 2025, the Appellant submitted an expert report by Timothy LaTulippe of iDiscovery Solutions Ltd, alleging technical flaws in ADAMS. The ITA did not submit a counter-expert report but provided records of the Appellant's whereabouts filings and ADAMS usage logs for the relevant period.
25. On 11 March 2024, a hearing was held on, during which an arbitrator heard testimony from the Appellant and his witness, Ms Dilara Bozan (the "IHP Hearing").
26. On 31 March 2025, the IHP issued its operative award, finding that the Appellant had committed an ADRV under Article 2.4 of the WKF ADR, and imposed a two-year period of ineligibility commencing from the date of the decision, with disqualification of all competitive results obtained by the Appellant from 11 October 2023 onward (the "IHP Operative Award"). The Appealed Decision was issued on 17 April 2025 and notified to the Parties on 30 April 2025.

III. SUMMARY OF THE PROCEEDINGS BEFORE THE CAS

27. On 14 April 2025, the Appellant filed an urgent Application for Provisional Measures before the CAS Appeals Arbitration Division, seeking to stay the execution of the IHP Operative Award pending the submission of his appeal, in accordance with Article R37 of the CAS Code of Sports-related Arbitration (the “CAS Code”).
28. On 25 April 2025, the ITA, acting on behalf of the WKF, filed its response to the Appellant’s application, as directed by the CAS Court Office.
29. On 30 April 2025, the Appellant filed his comments on the ITA’s response to his Application. These were forwarded on to the President of the CAS Appeals Arbitration Division for her consideration.
30. On 1 May 2025, the CAS Court Office notified the Parties that the request had been denied by the President of the CAS Appeals Arbitration Division and provided them with a copy of the Operative Part of the Order on Provisional Measures.
31. On 20 May 2025, the Appellant filed his Statement of Appeal against the Appealed Decision in accordance with Article R47 of the CAS Code. In his Statement of Appeal, the Appellant requested that the proceedings be expedited in accordance with Article R52 of the CAS Code and proposed that the matter be heard by a Sole Arbitrator.
32. On 28 May 2025, the ITA informed the CAS Court Office that the Parties agreed to appoint Mr Mark A. Hovell as the Sole Arbitrator. The ITA consented to expedited proceedings, reserving its right to request an oral hearing depending on the content of the Appeal Brief.
33. On 6 June 2025, the CAS Court Office notified the Parties of an expedited procedural calendar, setting deadlines for the Appeal Brief and Answer in accordance with Article R52 of the CAS Code.
34. On 10 June 2025, the Appellant filed his Appeal Brief with the CAS Court Office in accordance with Article R51 of the CAS Code.
35. On 27 June 2025, the Respondent filed its Answer with the CAS Court Office in accordance with Article R55 of the CAS Code.
36. On 7 July 2025, both Parties confirmed to the CAS Court Office that they did not consider a hearing to be necessary, and were content for the Sole Arbitrator to issue an award based on their written submissions.
37. On 9 July 2025, the CAS Court Office notified the Parties of the reasoned Order on the Request for Provisional Measures.
38. On 10 July 2025, the CAS Court Office informed the Parties that the Panel was constituted as follows:

Sole Arbitrator: Mr Mark A. Hovell, Solicitor in Manchester, United Kingdom

39. On 14 July 2025, the CAS Court Office circulated the Order of Procedure to the Parties which confirmed that the Sole Arbitrator considered himself to be sufficiently well informed to decide the matter based solely on the Parties' written submissions, in accordance with Article R57 of the CAS Code.
40. On 14 July 2025, both Parties signed and returned their respective copies of the Order of Procedure, in which they *inter alia* confirmed that their right to be heard had been respected.
41. On 15 July 2025, the CAS Court Office notified the Parties of the operative award issued by the Sole Arbitrator in the matter.

IV. SUBMISSIONS OF THE PARTIES AND REQUESTS FOR RELIEF

42. This section of the Award does not contain an exhaustive list of the Parties' contentions, its aim being to provide a summary of the substance of the Parties' main arguments. In considering and deciding upon the Parties' claims in this Award, the Sole Arbitrator has accounted for and carefully considered all of the submissions made and evidence adduced by the Parties, including allegations and arguments not mentioned in this section of the Award or in the discussion of the claims below.

A. Appellant's Position

43. In his Statement of Appeal and Appeal Brief, the Appellant requested:
 - "i. *The Appealed Decision, hereby appealed, shall be entirely set aside.*
 - ii. *Reject all claims of the Respondent.*
 - iii. *Declare that the Appellant has not committed an anti-doping rule violation under the WKF ADR;*
Alternatively:
Reduce the imposed sanction to the minimum possible, with retroactive commencement from the date of the third whereabouts failure (11 October 2023);
 - iv. *No competitive results obtained by the Appellant are disqualified.*
 - v. *Declare that the Respondent is liable to bear all costs and expenses relating to these proceedings.*
 - vi. *World Karate Federation shall be ordered to pay Mr. Ali Sofuoğlu a contribution towards his legal and miscellaneous costs incurred within the framework of these proceedings in an amount that will be specified at a later stage."*
44. A summary of the Appellant's submissions follows:

a) *The Alleged Whereabouts Failures did not result from the Appellant's Fault or Negligence*

45. The First Whereabouts Failure was not the result of the Appellant's fault or negligence but rather stemmed from systemic technical barriers inherent in the ADAMS platform, specifically its reliance on SMS-based authentication, which he could not access while abroad. He submitted supporting evidence, including expert analysis and athlete affidavits.
46. WADA subsequently discontinued this feature, citing improved reliability, which demonstrates the system's shortcomings, and supported his claim that the failure was not due to negligence.
47. The Appellant was treated unequally compared to Mr Mohammed Al Mosawu, who faced identical circumstances at the same event but whose whereabouts failure was withdrawn by his national anti-doping authority. The inconsistent treatment between athletes in the same situation is discriminatory and contrary to the principles of equality.
48. Given the absence of intent, negligence, or any evasive conduct – and considering the Appellant's genuine attempt to comply, which was thwarted by circumstances beyond his control – the Sole Arbitrator was invited to annul the alleged First Whereabouts Failure under Article 2.4 of the WKF ADR and to find that the Appellant bears no fault or negligence pursuant to Article 10.5 of the WKF ADR.

b) *Third Alleged Whereabouts Failure (11 October 2023): Force Majeure, Technical Impossibility, and an emergency National Team Call up.*

49. On the night of 10 October 2023, the Appellant received an urgent and compulsory call-up from the Turkish National Karate Team, reversing prior instructions that the Appellant would not be required to attend the national camp. In his Appeal Brief, the Appellant submitted a supporting statement from the Turkish Karate National Team Coach, who confirmed the last-minute call to attend the camp and the urgency of the situation.
50. The Appellant attempted to update his whereabouts in ADAMS before leaving but was unable to do so due to persistent technical issues with the system, including browser incompatibility and language barriers. The Appellant noted that ADAMS functioned poorly on his device and lacked support in his native language. These claims were supported by the expert report, and statements from other international athletes.
51. During the Appellant's overnight travel, his mobile phone battery died and he was unable to recharge it due to the late hour and lack of access to compatible chargers. The mobile operator records confirm that his phone was inactive during the relevant period.
52. The Appellant's failure to update his whereabouts was not due to negligence but arose from exceptional circumstances: an unforeseeable national team call-up, technical issues with ADAMS, and the physical impossibility of updating while traveling.

overnight without access to communication tools. These circumstances constituted force majeure and technical impossibility.

53. At the time of the Third Whereabouts Failure, the Appellant was unaware that the previous two incidents had been officially recorded as Missed Tests. Had he been properly informed, he would have taken exceptional measures to prevent any further failures. This misunderstanding was a direct consequence of procedural delays and the ITA's failure to provide timely notifications.

c) Procedural Irregularities and the Violation of Due Process

54. The disciplinary proceedings were marred by several procedural irregularities:
- a. The IHP incorrectly determined his location on 13 May 2023, the date of the First Whereabouts Failure. Contrary to the IHP's finding that he was in Izmir, Turkey, the Appellant provided compelling evidence – including official WKF documentation and video footage – proving his participation in the Karate 1 Premier League in Rabat, Morocco. This factual error, acknowledged informally by the IHP during its hearing, undermined the validity of the Missed Test designation and deprived the Appellant of fair evaluation;
 - b. The results management process was neither timely nor transparent, in breach of the ISRM and the WKF ADR. Each of the three alleged whereabouts failures was notified with delays ranging from four to five months. The first failure was only communicated after the second occurred, causing confusion and leading the Appellant to mistakenly respond regarding the wrong incident. This misattribution was later relied upon by the IHP in assessing fault and intent. The Appellant emphasized his inability to speak English, combined with limited financial resources that prevented him from obtaining legal representation, significantly hindered his capacity to understand the proceedings and respond effectively to the allegations; and
 - c. The IHP misattributed his apology and explanation – intended for the Second Whereabouts Failure – to the first incident. This procedural error contributed to an incorrect assessment of his fault and intent.

55. The significant delays in notification and processing of the alleged whereabouts failures violated key procedural safeguards under the ISRM. These delays compromised the fairness of the proceedings and the Appellant's right to a timely and effective defence, as protected under CAS jurisprudence and Article 6 of the European Convention of Human Rights (the "ECHR"). Such procedural shortcomings should be considered in favour of annulling or reducing the sanction imposed.

d) Disqualification and Return of Medals

56. The Appellant has maintained a spotless anti-doping record throughout his career, with multiple negative tests – including those conducted in close proximity to the alleged whereabouts failures. Moreover, the Appellant was tested immediately before receiving

his World Championship title (on 28 October 2023), and the result was negative. These results, the Appellant submitted, confirm the absence of any doping concealment, or unfair advantage.

57. The sanction penalized him for administrative shortcomings – largely attributable to systemic issues with the ADAMS platform – rather than for anti-doping related misconduct. The ‘fairness exception’ under Article 10.10 of the WKF ADR, asserts that fairness requires his results be preserved.
58. In support, the Appellant cited CAS jurisprudence, including *CAS 2022/A/9033*, where disqualification of such results was deemed excessive in the absence of doping evidence. The Appellant further submitted that disqualification “*could be moderated where the violation is purely administrative, no advantage was gained, and the athlete stands to suffer disproportionate harm*”.
59. The Sole Arbitrator should therefore refrain from enforcing the disqualification of results or the return of medals, on the grounds that:
 - i. The violation is purely administrative, with no involvement of a prohibited substance or method;
 - ii. The Appellant’s testing history is clean and uninterrupted (i.e., no “dark period”); and
 - iii. Disqualification would be manifestly disproportionate and serve no legitimate anti-doping purpose.
- e) *Any Period of Ineligibility should commence on the date of the Third Whereabouts Failure*
60. In the event that the Sole Arbitrator does not annul the two-year suspension imposed under Article 2.4 of the WKF ADR, and grounded on the Article 10.13.1 of the WKF ADR – which allows an earlier start date where substantial delays in the hearing process are not attributable to the Appellant – the Appellant requests that the period of ineligibility be retroactively commenced on 11 October 2023, the date of the Third Whereabouts Failure, rather than on 31 March 2025, the date of the IHP’s operative award.
61. The Appellant acted in good faith and complied fully with all procedural requirements, requesting only a single 15-day extension. The 18-month delay in issuing a reasoned decision is not attributable to the Appellant. Penalizing the Appellant with a later start date would unfairly extend the sanction.
62. Since October 2023, the Appellant has already suffered significant consequences, including disqualification of results, loss of ranking points, exclusion from major competitions and reputational harm. Starting the ineligibility period from the decision date would effectively extend the sanction to nearly four years, which is

disproportionate and punitive, especially in a case involving no doping substance, no intent to evade testing, and documented technical failures in the ADAMS system.

63. The sanction imposed – disqualification of results since October 2023 and a two-year ineligibility period – is disproportionate and unjust, given the purely administrative nature of the violation and the absence of any doping substance or performance advantage. The delays in notification, combined with systemic issues in the ADAMS system and language barriers, severely prejudiced the Appellant’s right to a fair hearing.

B. The Respondent’s Position

64. The Respondent made the following prayers for relief in its Answer:

- “1. *The ITA’s request is admissible.*
2. *The Award is upheld.*
3. *Mr Ali Sofuoglu is found to have committed an anti-doping rule violation pursuant to Article 2.4 of the WKF Anti-Doping Rules.*
4. *Mr Ali Sofuoglu is sanctioned with a period of Ineligibility of two years for the ADRV.*
5. *The period of Ineligibility shall start on the date on which the CAS award enters into force, taking into consideration the time served under the period of Ineligibility imposed by the Award.*
6. *All competitive results of Mr Ali Sofuoglu from 11 October 2023 are Disqualified with all resulting Consequences, including forfeiture of any medals, points and prizes.*
7. *The costs of the proceedings, if any, shall be borne by Mr Ali Sofuoglu.*
8. *The ITA is granted an award for its legal and other costs pursuant to Art. 10.12.1 of the WKF Anti-Doping Rules and that no cost shall be borne on the WKF for The Appellant’s legal costs or otherwise.*
9. *Any other prayer for relief that the Panel deems fit in the facts and circumstances of the present case.”*

65. A summary of the Respondent’s arguments is as follows:

a) Binding Effect of the WKF ADR and Jurisdiction

66. The WKF ADR apply to all athletes participating in WKF events or affiliated with WKF national federations. At the time the ADRV occurred, the Appellant was both a member of the Turkish Karate Federation and an active participant in WKF competitions and was therefore bound by the WKF ADR. The WKF, acting through the ITA, served as

the Results Management Authority, and the IHP had jurisdiction to adjudicate the matter. The CAS has jurisdiction to hear the appeal.

b) The ADRV – Three Whereabouts Failures Committed by the Appellant

i. Out-of-Competition Testing and Whereabouts Duties of RTP Appellants

67. The Respondent submits that No Advance Notice Out-of-Competition testing is essential to WKF's anti-doping programme.
68. CAS jurisprudence confirms that athletes must be held accountable for failures to comply with whereabouts obligations, which are fundamental to maintaining the credibility of the anti-doping system.
69. As set out in Articles 4.8.8.2, 4.8.8.3 and 4.8.8.6 of the International Standard for Testing and Investigations (the "ISTI"), athletes in the RTP are required to provide accurate daily whereabouts information and promptly update it when circumstances change. The Appellant was included in the WKF RTP in February 2023 and initially complied, allowing for an unannounced OOC test on 7 June 2023. However, he subsequently committed three whereabouts failures within a twelve-month period, on 13 May, 21 September and 11 October 2023.
70. All procedural requirements under the ISRM were met and that the three failures were properly recorded and should be upheld by the Sole Arbitrator.

ii. The Three Whereabouts Failures

1) The Appellant was duly notified of his RTP inclusion (First requirement under B.2.4 (a) ISRM)

71. The Appellant was duly notified of his inclusion in the WKF RTP on 3 February 2023, in accordance with Article B.2.4(a) of the ISRM. The Appellant acknowledged receipt by signing and returning the RTP inclusion form, confirming his understanding of the obligations and consequences associated with RTP status.
72. Such notification satisfies the procedural requirement for recording a Missed Test. CAS jurisprudence confirms that Anti-Doping Organizations are not required to tailor notifications to an athlete's language proficiency, and that standards notification in an international language, such as English, is sufficient.
73. Accordingly, the Appellant was properly informed of his RTP obligations and that the first condition of Article B.2.4(a) of the ISRM for recording each of the three whereabouts failures is met.

2) The Missed Test of 13 May 2023

74. The First Whereabouts Failure occurred on 13 May 2023, when the Appellant failed to be available for testing during the designated 60-minute time slot at the location specified in his whereabouts information. The DCO made reasonable efforts to locate

the Appellant, including multiple attempts to contact him and waiting him at the residence, but was unsuccessful.

75. The Appellant initially stated he was in Turkey on 13 May 2023 but later clarified during IHP proceedings that he was in Rabat, Morocco, competing at an international event which was publicly known. However, it is unreasonable to expect the DCO to have known or investigated whether the Appellant was actually in Morocco, absent any indication to the contrary. The DCO acted in accordance with the information provided, and there was no obligation to question its accuracy without cause.
76. Based on the evidence presented, the Respondent does not dispute that the Appellant was in Morocco on 13 May 2023 and that his explanation provided on 26 September 2023 related to a different whereabouts failure. Nonetheless, the Appellant was not present at the location listed in his whereabouts information during the relevant 60-minute slot, constituting a Missed Test under the applicable rules.
77. The Appellant claimed in his Appeal Brief that he was unable to update his whereabouts due to technical issues with ADAMS, including difficulties receiving SMS verification codes abroad. Moreover, the Appellant submits that he was unable to update his whereabouts before departing for Morocco due to not having precise accommodation details. However, the Appellant failed to take reasonable steps to update his whereabouts before and during his stay in Morocco, despite having sufficient time and access. No evidence was provided to support claims of technical difficulties with ADAMS, nor did the Appellant seek assistance from the ITA, WKF, or the Turkish Anti-Doping Commission (the “TADC”).
78. The Appellant’s failure to update his whereabouts information and be available for testing was at least negligent, and that all procedural requirements under Article B.2.4 of the ISRM were met. Accordingly, the first Missed Test was properly recorded and should be upheld.

3) The Missed Test of 21 September 2023

79. The Appellant failed to be available for testing during his designated 60-minute time slot on 21 September 2023, at the location specified in his whereabouts information. The DCO made reasonable efforts to locate the Appellant, including contacting his residence and mobile phone.
80. The Appellant admitted to the DCO to forgetting to update his whereabouts before leaving for the training camp in Izmir. Based on this admission, the Respondent considers that the Appellant’s negligence is established under Article B.2.4(e) of the ISRM.
81. The Appellant had previously been notified of his first Missed Test on 23 May 2023, satisfying the procedural requirement under Article B.2.4(d) of the ISRM. Further, the Respondent states that the Appellant’s claim – that he would have updated his whereabouts had he known the first failure would be recorded – is irrelevant and does not excuse his obligation to maintain accurate whereabouts information.

82. Accordingly, all conditions under Article B.2.4 of the ISRM are met and the second Missed Test was properly recorded and should be upheld.

4) The Missed Test of 11 October 2023

83. The Appellant failed to be available for testing during his designated 60-minute time slot on 11 October 2023, at the location specified in his whereabouts information. The DCO attempted to locate the Appellant at the registered address but was unable to access the residence due to gated community restrictions. The security guard escorted the DCO to the Appellant's door, where there was no response. The DCO was then required to wait outside the gate. During this time, the security guard contacted the Appellant by phone, at which point the Appellant informed the DCO that he was at a training camp in Izmir and had forgotten to update his whereabouts information.
84. The Appellant claimed he was called to the training camp late at night and left in haste, without his phone charger, and was unable to update his whereabouts due to technical issues with ADAMS. However, the Respondent notes that no supporting evidence, such as screenshots, was provided to demonstrate any login difficulties. Moreover, the Respondent submits that this explanation is undermined by the fact that the Appellant successfully logged into ADAMS and updated his whereabouts within minutes of being contacted by the DCO that morning. This indicates that the Appellant had both the means and ability to comply, contradicting his assertion of technical impossibility.
85. Moreover, the Appellant's claim that he would have made "very different efforts" had he known the consequence of a Third Whereabouts Failure is inconsistent with his assertion that circumstances beyond his control prevented compliance. This contradiction undermines the credibility of his explanation and should be weighed accordingly by the Sole Arbitrator.
86. The Respondent suggests that Appellant's claim of urgent, last-minute travel to the training camp is not supported by credible evidence. It also notes that such travel offers no clear performance benefit and that the only supporting statements are self-serving.
87. Further, the Appellant, in his Appeal Brief, stated he forgot his phone charger during his drive from Istanbul to Izmir and was unable to purchase one en route. However, he later claimed to have charged his phone upon arriving at the hotel on 11 October 2023, prior to receiving the DCO's call. This inconsistency raises questions regarding the reliability of the Appellant's account.
88. Accordingly, all conditions for recording the Missed Test are satisfied, and that the third Missed Test must remain validly recorded. Therefore, the three Whereabouts Failures stand, which constitutes an ADRV under Article 2.4 of the WKF ADR.

c) Other issues

89. The Respondent addressed only those additional arguments raised in the Appellant's Appeal Brief which is considered necessary. It expressly denied any remaining arguments not addressed, and its silence on such points shall not be construed as

acceptance. The Appellant argues that WADA acknowledged technical shortcomings in the ADAMS system. This interpretation misrepresents WADA's 21 May 2025 letter, which refers to improvements in security and reliability, not as an admission of prior system failure.

90. Further, this change does not imply that Missed Tests should be attributed to system faults rather than athlete negligence. The Appellant was informed of his inclusion in the WKF RTP and had the option to opt out of the two-factor authentication. He also had ample opportunity to update his whereabouts prior to traveling to Morocco in May 2023, which he failed to do so while still in Turkey.
91. The Appellant claims limited English proficiency prevented him from understanding ADAMS. This claim is contradicted by publicly available interviews and social media activity demonstrating the Appellant's working knowledge of English. In any event, ADAMS has been available in Turkish since at least 2021, and the Appellant's own account settings confirm he used the system in Turkish. Accordingly, language barriers did not prevent compliance.
92. The Appellant alleges that delays in the processing of his whereabouts failures amounted to procedural irregularities. Article 4.2 of the ISRM sets a non-binding guideline of six months since notification for Results Management and that no breach of the ISRM occurred. Notifications for each Missed Test were issued within days of their occurrence, providing the Appellant sufficient opportunity to gather evidence. Further, the Appellant has not demonstrated that any delay impaired his ability to defend himself and confirms that the Appellant exercised his right to be heard fully before both the IHP and the CAS.
93. The Appellant's affidavit does not provide direct evidence of technical issues or language barriers affecting his use of ADAMS in relation to any of the recorded whereabouts failures. Similarly, the affidavits from other athletes reflect general concerns or personal experiences unrelated to the Appellant's case and do not constitute exculpatory evidence.
94. The Appellant claims he was not adequately trained on the ADAMS system. However, the Appellant had been part of a RTP since 2018, received ADAMS training in Turkish prior to his inclusion in the WKF RTP, and was provided with access to a standard tutorial.
95. The Appellant alleges that the IHP erroneously stated he was in Izmir during the First Whereabouts Failure, despite evidence he was in Rabat. The Appellant misinterprets the IHP's decision, noting that the reference in paragraph 11 is a factual recital, not a finding. In any event, the alleged error is immaterial, as the evidence supports the recording of his First Whereabouts Failure.

d) *Applicable Consequences*

- i. Period of Ineligibility

96. The Appellant did not present any argument or evidence regarding his degree of fault or how it should affect the period of ineligibility under Article 10.3.2 of the WKF ADR, he simply requested the minimum sanction without justification. As a result, according to Article R55 of the CAS Code, he is barred from raising new fault-based arguments. The Appellant's Fault is significant and supports the standard two-year period of ineligibility.
97. The Appellant breached his duty of care by failing to update his whereabouts information before and during travel, despite being aware of his obligations and having prior experience in the RTP since 2018. The Appellant's explanations – particularly regarding technical issues with ADAMS and language barriers – are unsupported by evidence and contradicted by his demonstrated ability to update his whereabouts promptly when contacted by the DCO.
98. In relation to the Third Whereabouts Failure, the inconsistency in the Appellant's claim that circumstances were beyond his control, while also stating he would have acted differently had he known the consequences. This contradiction undermined the credibility of his explanation and supports a finding of negligence.
99. The Appellant's conduct – leaving home with a dead phone and no charger, failing to update his whereabouts upon arrival, and relying on speculative technical issues – reflects a lack of diligence, particularly given his awareness of two prior failures. CAS precedent supports the imposition of the maximum sanction in similar circumstances.
100. The Appellant's degree of fault is significant and, in accordance with Article 10.3.2 of the WKF ADR, the standard two-year period of ineligibility must be imposed.

ii. Commencement of the Period of Ineligibility

101. Under Article 10.13 of the WKF ADR, the Appellant's period of ineligibility begins on the date of the decision in this matter, with credit for the time served since 31 March 2025. The Appellant did not accept a voluntary provisional suspension and is not entitled to credit on that basis.
102. The Appellant requested backdating to 11 October 2023, citing delays not attributable to him. However, the record shows that multiple postponements – including late submissions and extension requests – were caused by the Appellant, and no evidence was provided to justify backdating.
103. Moreover, under Article 10.13.1 of the WKF ADR, any retroactive commencement of the period of ineligibility would require disqualification of all competitive results obtained during that period, which the Appellant seeks to avoid. The rules do not permit retroactive application of the suspension without this consequence.
104. Furthermore, the nature of the violation and its consequences (e.g., ranking drop or financial loss) are not relevant to determining the start date for a period of ineligibility.

iii. Disqualification of Results

105. Pursuant to Article 10.10 of the WKF ADR, all results obtained by the Appellant from 11 October 2023 are subject to disqualification, including medals, points, and prizes. While the Appellant contends that fairness considerations should prevent such disqualification, the Respondent maintains that this is not justified, particularly in light of the Missed Tests during the relevant period.
106. Further, should the period of ineligibility be backdated, the disqualification of results within that timeframe remains mandatory under the applicable rules. The Appellant's clean testing history and assertions of administrative error do not, in the Respondent's view, justify any deviation from the strict application of Article 10.10 of the WKF ADR.

iv. Financial Consequences

107. Pursuant to Article 10.12 of the WKF ADR, WKF may recover costs related to the Appellant's ADRV and impose a fine up to CHF 1,000 provided that the maximum period of ineligibility is imposed.
108. Accordingly, the Respondent requests reimbursement of all costs incurred in connection with the Appellant's ADRV.

V. JURISDICTION OF THE CAS

109. The jurisdiction of CAS is derived from Article R47 of the CAS Code, which provides that:

“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.”.

110. Article 13.2.1 of the WKF ADR (2021 Edition) provides that:

“13.2.1 Appeals Involving International-Level Appellants or International Events

In cases arising from participation in an International Event or in cases involving International-Level Appellants, the decision may be appealed exclusively to CAS.”

111. Article 30.3 of the Procedural Rules of the IHP provides that:

“The Secretariat shall also notify the Decision of the Hearing Panel to the parties with a right of appeal as per the Anti-Doping Organisation's anti-doping rules.”

112. Paragraphs 100 and 101 of the Appealed Decision are set out as follows:

“100. This decision may be appealed to the Court of Arbitration for Sport (“CAS”) located at Palais de Beaulieu, Av. Des Bergieres 10, CH-1004 Lausanne, Switzerland (procedures@tas-cas.org) in accordance with Article 13.2.1 of the WKF ADR.

101. In Accordance with Article 13.6.1 of the WKF ADR, the parties shall have 21 days from receipt of the decision with grounds to lodge an appeal with the CAS.”

- 113. The Sole Arbitrator acknowledges that the Parties have not contested the jurisdiction of the CAS which was subsequently confirmed in a duly signed Order of Procedure.
- 114. It follows that the CAS has jurisdiction to adjudicate and decide on the present dispute.

VI. ADMISSIBILITY

- 115. Under Article R49 of the CAS Code, the time limit for appeal shall be *“twenty-one days from the receipt of the decision appealed against”* unless otherwise provided for in the statutes or regulations of the federation concerned.
- 116. WKF ADR (Article 13.6.1 2021 Edition) provide that *“13.6.1 Appeals to Cas The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal, but which was not a party to the proceedings that led to the decision being appealed: [...]”*.
- 117. The Statement of Appeal was filed on 20 May 2025, i.e. 21 days after the Appellant received the Appealed Decision on 30 April 2025, hence within the deadline and in accordance with the CAS Code and WKF ADR.
- 118. The Appellant completed his Appeal as per the terms of Articles R48 and R51 of the CAS Code and within the deadline set by the CAS Court Office for him to do so. The Appeal complied with all of the requirements of Article R47 *et seq.* of the CAS Code, including the payment of the CAS Court Office fee.
- 119. It follows that the Appeal is admissible.

VII. APPLICABLE LAW

- 120. Article R58 of the CAS Code provides as follows:

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

121. The Sole Arbitrator notes that the ADRVs in question occurred in 2023 and are governed by the 2021 Edition WKF ADR, which were in force at the relevant time and remain the applicable regulatory framework for this matter.
122. The Parties do not contest the applicability of these rules in the present proceedings.

VIII. MERITS

123. The Sole Arbitrator notes that the IHP has, through the Appealed Decision, sanctioned the Appellant for a breach of Article 2.4 of the WKF ADR, which states:

“The following constitute anti-doping rule violations:

[...]

2.4 Whereabouts Failures by an Appellant

Any combination of three (3) missed tests and/or filing failures, as defined in the International Standard for Results Management, within a twelve (12) month period by an Appellant in a Registered Testing Pool.”

124. As set out at paragraph 8 above, a “Missed Test” is defined in the ISRM as:

“A failure by the Athlete to be available for Testing at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.”

125. The Respondent set out in its Answer the requirements that need to be cumulatively met in order for the Results Management Authority (the “RMA”, in this case, the ITA) to establish that an athlete has committed a Missed Test (as per Art. B.2.4 of the ISRM):

“[...]

- a. The Appellant was duly notified (i) that they had been designated for inclusion in an RTP; (ii) they were advised that they would be liable for a Missed Test if they were unavailable for Testing during the 60-minute time slot specified in their Whereabouts Filing at the location specified for that time slot (Art. B.2.4 (a) ISRM).*
- b. That a DCO attempted to test the Appellant on a given day in the quarter, during the 60-minute time slot specified in the Appellant’s Whereabouts Filing for that day, by visiting the location specified for that time slot (Art. B.2.4 (b) ISRM).*
- c. That during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified location) to try to locate the Appellant, short of giving the Appellant any advance notice of the test (Art. B.2.4 (c) ISRM).*

- d. *That Article B.2.3 does not apply or (if it applies) was complied with (Art. B.2.4(d) ISRM).*
 - e. *That the Appellant's non-availability for Testing at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the Appellant will be presumed to have been negligent upon proof of the matters set out at sub-Articles B.2.4 (a) to (d). That presumption may only be rebutted by the Appellant establishing that no negligent behaviour on their part caused or contributed to their failure (i) to be available for Testing at such location during such time slot, and (ii) to update their most recent Whereabouts Filing to give notice of a different location where they would instead be available for Testing during a specified 60 minute time slot on the relevant day (Art. B.2.4(e) ISRM)."*
126. If the RMA has established an ADRV to the comfortable satisfaction of the hearing panel, then the burden of proof passes to the Appellant to prove (on the balance of probabilities) that the ADRV should not be considered as such, or that the applicable period of Ineligibility should be reduced on the grounds provided for in the WKF ADR.
127. The Sole Arbitrator notes that the Appellant does not dispute that there were three Whereabouts Failures, however, he raised arguments as to whether two of the three should have been recorded as Missed Tests and therefore whether he has committed an ADRV.
128. Additionally he challenges the assessment of his level of Fault and the sanctions handed down to him as a result; not just in terms of any ban, but also regarding the commencement date and the period that his results should be disqualified for. As such, the Sole Arbitrator shall consider:
- i. The First Whereabouts Failure;
 - ii. The Second Whereabouts Failure;
 - iii. The Third Whereabouts Failure;
 - iv. Whether the Appellant has committed an ADRV;
 - v. If so, what period of ineligibility should be imposed;
 - vi. If imposed, the commencement date of any period of ineligibility; and
 - vii. The impact of the ADRV on the Appellant's results.

A. The First Whereabouts Failure

129. It is undisputed that the Appellant had set his whereabouts through the ADAMS system to his home address for 13 May 2023 between 6-7am. It is also undisputed that when the DCO turned up to test him, he was not there.
130. There may have been some confusion as to whether the Appellant admitted the First Whereabouts Failure and apologised for it, due to the timing of the correspondence between himself and the ITA.
131. The ITA notified the Appellant of his First Whereabouts Failure on 23 May 2023. When he did not respond, the ITA contacted him again on 18 July 2023.
132. The Appellant was notified of a Second Whereabouts Failure on 26 September 2023 and on the same day was told that his First Whereabouts Failure was being recorded as a Missed Test. He responded the same day, as follows:

“I ask Wada to forgive me for not being able to fulfill my responsibility in this matter. I have never been an athlete who goes against the rules. On the date in question, I was not at home but in the city of Izmir at the national team camp. I am ready to do everything that is expected of me. I apologize again. I wish you good work.”
133. This was initially seen as an admission and apology relating to the First Whereabouts Failure, however, the Appellant stated that he was referring here to the Second Whereabouts Failure, which he has never challenged.
134. The Sole Arbitrator accepts that this response/apology was in relation to the Second Whereabouts Failure. Whilst there is no reference to the date of the alleged failure, there is a reference to him being in Izmir at the national team camp. It is clear from his passport stamps that he was in Morocco between 10 and 15 May 2023, where he was competing, when the First Whereabouts Failure occurred, not Izmir.
135. The Appellant now looks to challenge the First Whereabouts Failure being recorded as a Missed Test on numerous grounds: (a) the DCO should have known he was in Morocco; (b) he was unable to update ADAMS before he left, as he did not know where he would be staying; (c) he experienced technical difficulties in Morocco; (d) he does not understand English; and (e) he was treated unequally when compared to another athlete.
 - a. As to the Appellant’s first argument above, the Sole Arbitrator notes that there is no evidence that the DCO had actual knowledge that he was competing in Morocco at that time, rather there is the submission that he should have known. This is simply the wrong way round.
 - It is the Appellant’s obligation pursuant to Article 4.8.8.2(e) of the ISTI (in addition to being clearly indicated in the RTP Inclusion Letter) to update his whereabouts on the ADAMS system. There is no obligation on a DCO to

carry out an internet search or any search to attempt to see where an athlete is on any given day.

- The DCO referred to ADAMS and it is undisputed that it showed that the Appellant was to be at home on 13 May 2023.
- b. As to his second argument above, the Appellant submitted that athletes often are unaware of where they would be staying when they travel abroad to represent their country at an event. The Sole Arbitrator notes the lack of evidence to demonstrate that he asked anyone at the Turkish Karate Federation (the “TKF”) where he was staying before he left – even the name and address of the hotel would have sufficed, and the room number could have been added later. If they could not provide that to him, had he asked, then the location of the competition venue could have been used. He arrived in Morocco on 10 May 2023, three days before the First Whereabouts Failure occurred. He therefore had three days to update his whereabouts information before the First Whereabouts Failure occurred with the details of the hotel;
 - c. As to his third argument relating to issues regarding the ability to access the ADAMS system when abroad, the Appellant produced evidence from another athlete, Mr Dilara Bozan, who stated that he had struggled to use ADAMS when abroad, as the system looked to send him a code through SMS, but his phone did not pick up SMS messages when he was abroad. Again, the Sole Arbitrator notes the lack of direct evidence here. It is not that Mr Bozan witnessed the Appellant experiencing the same difficulties. Indeed, no one witnessed this. Rather, the Appellant had 3 days to update his details on ADAMS before the First Whereabouts Failure, yet there is no evidence that he attempted to obtain assistance – via the team, a fellow athlete, using email in the hotel, etc to address any alleged technical difficulties that he was having logging in to ADAMS so that he could update his whereabouts information. There were no screenshots from his phone to show the issue of the alleged error messages he received when attempting to log in to ADAMS, or the alleged messages he received when trying to bypass the SMS verification step. Ultimately, no screenshots of trying to get onto ADAMS at all;
 - d. As to the Appellant’s fourth argument above, the Sole Arbitrator notes that the Appellant is Turkish and claims not to understand English. It is clear that the correspondence from the ITA was in English. The Sole Arbitrator notes that the Appellant’s command of English was sufficient for him to immediately respond to the notice of the Second Whereabouts Failure, and to do so in English (see above). He seems to have simply ignored the notification of the First Whereabouts Failure and the ITA’s correspondence that followed. The Sole Arbitrator can accept that he may not have the financial means to engage a lawyer to assist him with the correspondence, however, there is no evidence that he did anything (such as looking to translate the correspondence himself with Google Translate or by asking a friend for assistance). Further, he had already failed to update ADAMS and the DCO had turned up at his house. Whether he could understand English or

not would not affect that. The Appellant does state that ADAMS is not user-friendly for Turkish athletes. That point is further considered below;

- e. Finally, to support the Appellant's fifth argument above, he cited the case of another athlete, Mr Al Mosawi, who he alleges was treated differently by WKF for the same issue. It appears that Mr Al Mosawi responded to his RMA's enquiry after being notified of a whereabouts failure and that resulted in him not having that recorded as a Missed Test against him. The Sole Arbitrator notes that the reason accepted by Kuwait Anti-Doping Agency was that he was competing in Morocco at the time. Whether the decision of its review committee was correct or not can be left moot, as it is undisputed that the Appellant failed (despite being reminded) to provide any explanation to the ITA and its review committee. There was no discrimination against him, rather he failed to react to the ITA's correspondence. As noted above, the Sole Arbitrator is not persuaded that this is because he could not understand what was sent to him. There is no evidence that he attempted to deal with what he was sent.

- 136. In summary, the Sole Arbitrator is not persuaded that the ITA was wrong in recording the First Whereabouts Failure as a Missed Test when it did so on 26 September 2023.

B. The Second Whereabouts Failure

- 137. The Sole Arbitrator notes that the Second Whereabouts Failure was recorded on 21 September 2023, when the DCO again attended the Appellant's home address for same time in the morning. Again, he was not there.
- 138. As above, he was at the national training camp.
- 139. He acknowledged that he did not update his whereabouts in the ADAMS system, he apologised and, whilst he was offered an administrative review, he did not respond within the deadline, so a Missed Test was recorded on 16 January 2024.
- 140. Again, the Sole Arbitrator agrees with this recording as a Missed Test.

C. The Third Whereabouts Failure

- 141. The Sole Arbitrator notes that the Third Whereabouts Failure was on 11 October 2023 – again, his whereabouts was set at home between 6.00 and 7.00 in the morning.
- 142. The Appellant submitted that he went to training with Turkish National Karate Team in Izmir, having been called up on evening of 10 October 2023.
- 143. He was notified of the recording of his third Missed Test on 18 March 2024 and he asked on 21 March 2024 for an administrative review of this. The requirements to record a Missed Test as specified in Article B.2.4 of the ISRM are indicated above. On 3 April 2024, the review committee confirmed the recording of this Missed Test.
- 144. The Appellant maintains his challenge to this decision on the following grounds: (a) that due to the urgency/late call up to the national team, he was unable to change his

whereabout on ADAMS; (b) he experienced technical difficulties with ADAMS before he left home; (c) there are systemic issues with the ADAMS system; and (d) he was unable due to *force majeure*.

145. The Sole Arbitrator considers each of these:

- a. First, the Appellant submitted that he received a late call up by the TKF (on the evening of 10 October 2023). He would have to drive nearly 500km through the night to be there, ready to train in the morning. He explained that it would be extremely serious if he did not attend. He stated it would be a criminal offence. The Sole Arbitrator can accept that this may have been a last minute instruction and that it might have had serious implications for him (selection-wise, financially etc) should he fail to attend, however, there was no reference to what criminal sanctions he might face. Furthermore, the Appellant seemed to have sufficient time to log on to the ADAMS system before he left, so this urgency does not provide him with an excuse for not making the changes to the ADAMS system;
- b. Second, the Appellant claims to have attempted to update the ADAMS system before he left, but it was not working properly and he could not get the “green tick” to confirm that he had successfully changed where he would be. He gave up around midnight and set off in his car for Izmir.
 - The Sole Arbitrator again notes the lack of evidence to support this claim. There is no evidence that he calls anyone, sends an email, or even takes screenshots to show that he has tried to update his whereabouts location, but that any changes were not accepted and he failed to get the green tick;
 - The Sole Arbitrator further notes that as he’s leaving, the Appellant realises that he’s forgotten his phone charger and that his phone’s battery has died. He apparently stops a couple of times on the way to Izmir to buy another charger, but does not manage to find anywhere selling one. When he arrives in Izmir, the Appellant is able to then charge his phone (how he does this without a charger is unclear), but is so tired he falls to sleep, only to be woken by the DCO who’s called him to see why he’s not at his stated address, i.e. at his home. The Respondent pointed out that during IHP Hearing, the Appellant admitted that he was able to log into ADAMS and update his whereabouts information for 12-17 October 2023 within a few minutes of being informed by the DCO that his whereabouts information was inaccurate using his iPhone. The Respondent summarised this:

“... the evidence demonstrates that at 4:08 GMT (7:08 in Turkey), the DCO called the Appellant to inform him that he was attempting to test him at the location indicated in his whereabouts information; then, at 4:11 GMT (7:11 in Turkey), the Appellant logged into ADAMS through a classic web browser (which he admitted during the hearing before the IHP was Google Chrome through his iPhone), and by 4:15 GMT (7:15 in Turkey), he had added his new whereabouts information in Izmir.”

This series of events highlights some inaccuracies in the Appellant's version of events, but also demonstrates to the Sole Arbitrator that he was perfectly able to make changes to his whereabouts on his phone, within a short period of time and using Google Chrome.

- c. Third, it follows that not only was the Appellant eventually able to promptly update ADAMS after the DCO called him, but further that he could do this without being fluent in English. Indeed, the Respondent highlighted that since at least May 2021, ADAMS and Athlete Central have been available in more than 20 languages, including Turkish. Athletes have also been able to change the language settings in ADAMS to Turkish since at least March 2020, well before the Appellant was included in the WKF RTP in February 2023. The general criticisms of the ADAMS system did not stop the Appellant from using it once the DCO had spoken to him and as such the Sole Arbitrator is not convinced that these would have prevented him from doing the same before he set off to Izmir;
- d. Finally, the Sole Arbitrator noted the principle of *force majeure* that the Appellant raises. The ITA submitted that this is a high hurdle, when a party is prevented from fulfilling an obligation by circumstances beyond their control. The ITA noted that he acknowledged he would have taken "*extraordinary additional steps to avoid any possible third failure*" had he been aware this could have been his third strike. As such, he could have done things to fulfil his obligations. Indeed the Sole Arbitrator notes that whilst he only receives the notification that the Second Whereabouts Failure was recorded as a Missed Test on 16 January 2024, whereas the Third Whereabouts Failure occurs on 11 October 2023, he had already accepted that the Second Whereabouts Failure was his fault and apologised for this previously, on 26 September 2023. He knew the formal recording of this as a Missed Test would follow. So, by 10 or 11 October 2023 he knew he was on two "strikes" – as such he should have taken these extraordinary steps to avoid the third strike. Further the Sole Arbitrator agrees with the position of the ITA on this issue – being called to a national team camp is not an event of *force majeure*. The Sole Arbitrator agrees with the Panel in CAS 2015/A/3909 for *force majeure* to exist, there must be "*an objective (rather than a personal) impediment, beyond the control of the 'obliged party', that is unforeseeable, that cannot be resisted and that renders the performance of the obligation impossible*". In the case at hand the Appellant has already acknowledged that he could have done things differently, hence the situation he describes would not render his ability to update the ADAMS system impossible.

146. Again, the Sole Arbitrator is satisfied that the Third Whereabouts Failure was correctly recorded as a Missed Test.

D. Was an ADRV committed?

147. On 23 May 2024, the ITA notified the Appellant of an apparent ADRV pursuant to Article 2.4 of the WKF ADR as three Missed Tests had been recorded against him within a 12-month period. The Appellant was informed of his procedural rights, including his right to accept a voluntary Provisional Suspension, and was asked to

provide explanations. He was also informed of the scope of Article B.3.5 of the ISRM and the possibility to file new evidence pertaining to each of his individual Whereabouts Failures. It was undisputed that he had been included in the RTP since February 2023 and was in it at all material times.

148. On 21 June 2024, and after having reviewed the case file considering the explanations submitted by the Appellant, the ITA informed him that it remained satisfied that he had committed an ADRV and charged him with a violation of Article 2.4 of the WKF ADR.
149. On 17 September 2024, the ITA referred the matter to the IHP for adjudication and on 31 March 2025, the IHP Operative Award confirmed that he had committed an ADRV pursuant to Article 2.4 of the WKF ADR, and that the applicable Consequences were a two-year period of Ineligibility starting from the date of the final hearing decision, as well as the Disqualification of his competitive results since 11 October 2023.
150. The IHP issued the Appealed Decision dated 17 April 2025 on 30 April 2025.
151. Having considered all three Missed Tests, each resulting in a Whereabouts Failure (paragraphs 129-146 above), the Sole Arbitrator notes that the procedures under the ADR were followed and agrees that Appellant has committed an ADRV in accordance with Art 2.4 of the WKF ADR.

E. What period of Ineligibility should be imposed?

152. An ADRV having been established, the Sole Arbitrator now turns to sanction, noting that Article 10.3.2 of the WKF ADR deals with the period of Ineligibility:

“For violations of Art. 2.4, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Appellant’s degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Article is not available to Appellants where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Appellant was trying to avoid being available for Testing.”

153. The Sole Arbitrator additionally notes that “Fault” is defined within the WKF ADR as follows:

“Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Appellant’s or other Person’s degree of Fault include, for example, the Appellant’s or other Person’s experience, whether the Appellant or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Appellant and the level of care and investigation exercised by the Appellant in relation to what should have been the perceived level of risk. In assessing the Appellant’s or other Person’s degree of Fault, the circumstances considered must be specific and relevant to explain the Appellant’s or other Person’s departure from the expected standard of behavior. Thus, for example, the fact that an Appellant would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Appellant

only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Art. 10.6.1 or 10.6.2.”

154. The Appellant sought a reduction of the standard 2-year Ineligibility on numerous grounds. Additionally, he cited some CAS jurisprudence, as indeed did the ITA. There are further aspects of the ADR that need consideration too.
155. The Sole Arbitrator considers the following need weighing up: (a) the procedural complaints from the Appellant; (b) his alleged impairment, in terms of his IT skills and inability to communicate in English; (c) his lack of training on ADAMS; (d) his clean record; (e) his experience; and (f) the jurisprudence.
156. Taking these issues in turn:
 - a. First, the Appellant complained about the time taken from a Whereabouts Failure to be recorded as a Missed Test as athletes’ memory can fade. He noted that each time it took 4 to 5 months to record the Missed Tests – “[a]s such, these delays should weigh heavily in favor of annulling or reducing the sanction imposed.” The Sole Arbitrator notes that a thorough system of investigating Whereabouts Failures before recording them as Missed Tests or not, ultimately benefits the athletes. In the case at hand, the ITA notified the Appellant of the Failures within a couple of weeks each time. The Appellant repeatedly ignored these notifications and did not ask for reviews (only doing so for the Third Whereabouts Failure, after it was recorded as a Missed Test). He also had no difficulty in remembering where he actually was on each of the three occasions. Further, there was no evidence that any alleged delays have actually affected his right to be heard or to defend himself. The Sole Arbitrator did not believe the time taken to record the Missed Tests prejudiced the Appellant in any way, so does not consider this allegation merits any reduction in the sanction;
 - b. Second, the Sole Arbitrator notes that the Appellant submitted that his level of Fault should be assessed as low, as his lack of IT skills and struggles with English were impairments and affected his ability to use the ADAMS system. This should reduce his level of Fault. The ITA referred to interviews conducted with the Appellant which demonstrated that he has a sufficient working knowledge of English, that he also regularly posted in English on social media and that he seemed able to correspond with the ITA in English, all of which undermines his position that he could not understand ADAMS. Further, as noted above, ADAMS and Athlete Central have been available in more than 20 languages, including Turkish. Athletes have also been able to change the language settings in ADAMS to suit them. The Sole Arbitrator determines that the Appellant is not sufficiently impaired as to reduce his level of Fault;
 - c. Third, it is undisputed that the Appellant did receive training once he was added to the RTP in February 2023. The TADC stated:

“...the athlete entered the online training on 01.02.2023 and attended 101 minutes of the training, which lasted approximately 2 hours in total.

In this program, each session consisted of three parts, athletes were informed about Whereabouts Failures, Information About RTP Processes, Retirement from Sport and Return to Sport Processes.

He was removed from TADC’s Registered Testing Pool as of 14.02.2023 when he was included in the WKF’s Testing Pool.

It is generally remembered that this athlete was contacted by phone to provide information regarding submitting his whereabouts or to complete deficiencies.

We do not have an SMS system that athletes can use if they cannot access the ADAMS. However, we encourage athletes to use e-mail when they cannot access. And also, we ask athletes to notify us via email if they have made a change in whereabouts in less than 24 hours.”

The Sole Arbitrator notes that on 18 April 2023, the Appellant returned a copy of the RTP inclusion acknowledgement form, duly filled out and signed by him, confirming that he understood (a) that he was part of the RTP, (b) his obligations as an RTP athlete, and (c) the consequences of any failure to comply with the whereabouts requirements. The Sole Arbitrator additionally notes all the evidence from other athletes explaining difficulties they had with ADAMS, but none of them were direct witnesses, testifying that they saw the Appellant struggle with the system. Nor was the Forensic Report specific to him. It’s clear that he did undertake the training. It’s always possible to have additional training and different methods of training, but these come at a cost to the TADC. The TADC had offered their athletes an email support system. There is no evidence that the Appellant attempted to email anyone during his Missed Tests. In conclusion, it was not a lack of training that resulted in these Missed Tests, rather the Sole Arbitrator was left with the impression that the Appellant simply forgot to update his details when going to compete or train and is now looking to pass the blame to others;

- d. Fourth, the Sole Arbitrator notes that a “clean record” does not typically result in the reduction of an athlete’s level of Fault. Every athlete starts with a clean record. However, the Sole Arbitrator does note the timing of clear tests and the lack of any “presence or use” findings. These negative tests were within a matter of weeks of his Missed Tests. Whilst these do not assist him in terms of Fault, as can be seen below, this is relevant for the disqualification of results.
- e. Fifth, whilst the Appellant had only been on the RTP for a few months prior to his first Missed Test, he had been competing in International Events since 2018, including the 2020 Olympic Games, where he won the bronze medal in the individual kata competition and the World Championships in 2018, 2021 and 2023, where he also won medals, including gold in 2023 in the individual kata competition. He listed many more successes in his written submissions. Since 2018, he has been included in either the WKF RTP or the RTP of the TADC. The Sole Arbitrator notes that he was an extremely successful and experienced athlete. Inexperience may be a reason to assess an athlete’s level of Fault as lower than

expected, however, that is simply not the case here, with an experienced athlete like the Appellant;

- f. Finally, the Sole Arbitrator notes that both Parties were able to find jurisprudence that supported their respective positions. The ITA argued for a two year period of Ineligibility, whereas the Appellant submitted he should be nearer 1 year.
 - The ITA submitted that CAS panels have not hesitated to impose the maximum sanction where the athlete showed a lack of care for their Whereabouts obligations, citing *CAS 2020/A/7526 & 7559*. There, the panel imposed the standard two-year period of Ineligibility on the athlete despite the fact that, for one of the failures, she only failed to provide a sufficiently specific address to enable the DCO to locate her. In *CAS 2022/A/8809*, the sole arbitrator imposed the two-year period of Ineligibility in circumstances where the athlete forgot to update his whereabouts on two occasions and was at a birthday party a mere 500 meters away from the registered location for the third failure.
 - The Appellant cited *CAS 2022/A/9033*, where the athlete received a departure from two years to 18 months due to “culpable negligence” where the player had delegated his responsibility to his agent, who made the mistake. He was entitled to delegate and had taken steps to properly instruct his agent, however his agent was negligent. He was found to bear some responsibility for his agent’s negligence, but the majority of the Panel determined this warranted a reduction in the ban. The Sole Arbitrator distinguishes the matter at hand from this decision. There was no delegation.

The Sole Arbitrator notes *CAS 2022/A/8809*, in which it was held: “*in line with CAS jurisprudence, [...] when determining the Appellant’s degree of Fault, he must take account of the circumstances surrounding all three whereabouts failures*”. This exercise has been done above, however, in summary, the Sole Arbitrator notes that the Appellant is an experienced athlete, who had received training on the ADAMS system, who had successfully used the ADAMS system to change his Whereabouts location and who had a sufficient level of IT skills and use of English to make changes or to ask for help to make changes, but simply failed to do so on three occasions. What is worse, is that he ignored the initial correspondence from the ITA, which should have served as a warning to him. Instead, he missed a second test. The Appellant says that he had not received the final warning of this second Missed Test and his lawyer looks to therefore blame the ITA for delays in getting this to him:

“...at the time of the third whereabouts failure, the Appellant did not even know that second whereabouts failure had already recorded as missed test. If the athlete had known that the second whereabouts failure had been recorded as missed test, he would have made a very different effort to avoid committing the third whereabouts failure.”

The Sole Arbitrator does not accept this line of argument. The Appellant had already apologised for the Second Whereabouts Failure. He knew it would be

recorded as a Missed Test. He knew he had two strikes and he knew that one more would lead to an ADRV.

157. Quite simply, the Appellant ignored the final warning and failed to update his location on ADAMS before he left for Izmir. He may have been in a hurry, as the call up came late at night, he may have tried to change the location before he left (but there is no evidence to support that), he may have forgotten his charger and his phone may have died, and he may have fallen asleep when he arrived in Izmir after he started to charge his phone, but equally he may simply have forgotten to change his location or not bothered to do it. Ultimately, his level of Fault here is high.
158. The Sole Arbitrator notes that No Advance Notice Out-of-Competition Testing is an important and fundamental element of the WKF anti-doping programme to combat the threat of doping to the integrity of karate. The WKF cannot simply rely on In-Competition Sample Collection when athletes know that the majority of testing takes place during a Competition. This type of testing is nothing new – it is almost 20 years since the Christine Ohuruogu case (*CAS 2006/A/1165*). This was perhaps the first case of its type and was a warning that Whereabouts is a vital part of the battle against doping in sport, yet top level athletes, such as the Appellant are failing to heed the warning.
159. As a result, the Sole Arbitrator determines that the period of Ineligibility the Appellant should face is the standard two years.

F. Commencement of Ineligibility Period

160. The Sole Arbitrator notes that Art. 10.13 of the WKF ADR states:

“Where an Appellant is already serving a period of Ineligibility for an anti-doping rule violation, any new period of Ineligibility shall commence on the first day after the current period of Ineligibility has been served. Otherwise, except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.”

161. The Sole Arbitrator notes the Appellant’s submissions that pursuant to Art. 10.13.1 of the WKF ADR, it is possible for him to determine that the commencement of the period of Ineligibility can be ordered to start earlier, as far back as the date of the third Missed Test, on 11 October 2023, if there have been unreasonable delays caused by the ITA. He points to the fact that the time between that Whereabouts Failure and his receiving the Appealed Decision on 31 April 2025 was approximately 18 months.
162. On the other hand, the Respondent submitted that the Appellant failed to mention that his case was set to go to a hearing in mid-January 2025, but this date had to be vacated after he made a late-filed production request in January 2025 and then sought to supplement his 6 December 2024 submissions with an expert report, despite making no reference to such a report in his submissions. These requests resulted in the hearing being pushed to mid-March 2025, particularly after he sought “*several and generous extensions*”, all of which can be entirely attributed to the Appellant.

163. The Sole Arbitrator notes that 18 months is a long time for a matter to be determined, however, the first 4 months were dealing with the recording of the Third Whereabouts Failure as a Missed Test. The Appellant participated in that process, as he sought an administrative review of the third Missed Test. The Charge followed a couple of months later and was completely dealt with within a year. The process would have been quicker, but for the Appellant wanting to adduce expert evidence, as he was entitled to do so.
164. There was nothing out of the ordinary with the process or time taken that persuades the Sole Arbitrator to alter the start date from the first instance hearing date of 31 March 2025.

G. Disqualification of Results

165. The Sole Arbitrator notes that Art. 10.10 of the WKF ADR states:

“In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Art. 9, all other competitive results of the Appellant obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.”

166. The Appellant submitted that commencing the Disqualification of his results back to the date of the Third Whereabouts Failure i.e. 11 October 2023 was unfair. With the lack of results during his period of Ineligibility, he would lose nearly 18 months of ranking points. He cited CAS 2022/A/9033 where the panel brought the commencement of the Disqualification of results in line with the commencement of the period of Ineligibility.
167. The Sole Arbitrator notes that through the “*unless fairness requires otherwise*” wording, this is within his gift. He notes that the panel in CAS 2022/A/9033 did this as it found that there were negative tests for the athlete concerned and as there was no suspicion that the results achieved between the Whereabouts failure and the commencement of the period of Ineligibility were tainted by doping, then it would be fair to align the two dates. This is the same position the Sole Arbitrator finds in the case at hand, and as such he only Disqualifies the results from 31 March 2025.

H. Conclusion

168. Based on the Sole Arbitrator’s assessment of the merits above, the Appellant’s appeal against the Appealed Decision shall be partially upheld.
169. The decision rendered by the Single Judge of the IHP constituted in accordance with the WKF ADR dated 17 April 2025, is modified by the replacement of paragraph iv) of the decision, with the following:

“iv. No results occurring between the time of the third missed test on 11 October 2023 and the date of this award are disqualified.”

170. In all other regards, the decision rendered by the Single Judge of the IHP constituted in accordance with the WKF ADR dated 17 April 2025, is confirmed.

IX. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed on 20 May 2025 by Mr Ali Sofuoğlu against the decision rendered by the Single Judge of the International Hearing Panel constituted in accordance with the World Karate Federation Anti-Doping Rules dated 17 April 2025 is partially upheld.
2. The decision rendered by the Single Judge of the International Hearing Panel constituted in accordance with the World Karate Federation Anti-Doping Rules dated 17 April 2025, is modified by the replacement of paragraph iv) of the decision, with the following:

“iv. No results occurring between the time of the third missed test on 11 October 2023 and the date of this award are disqualified.”
3. In all other regards, the decision rendered by the Single Judge of the International Hearing Panel constituted in accordance with the World Karate Federation Anti-Doping Rules dated 17 April 2025, is confirmed.
4. (...).
5. (...).
6. All other and further motions or prayers for relief are dismissed.

Seat of the arbitration: Lausanne, Switzerland
Operative part of the award rendered on 15 July 2025
Date: 1 July 2026

THE COURT OF ARBITRATION FOR SPORT

Mark A. Hovell
Sole Arbitrator