



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

CAS 2025/A/11416 Andrés Mauricio Moreno Bedoya v. World Taekwondo

AWARD

issued by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Stefano Bastianon, Professor of Law in Bergamo, Italy, and Attorney-at-law in Busto Arsizio, Italy

in the arbitration between

Andrés Mauricio Moreno Bedoya, Colombia

Represented by Mr Frank Huguet, Attorney-at-law in Sogamoso Boyacá, Colombia

- Appellant -

and

World Taekwondo, South Korea

Represented by Ms Dominique Leroux-Lacroix and Mr Adam Klevinas, International Testing Agency, Lausanne, Switzerland

- Respondent -

* * *

I. PARTIES

1. Mr Andrés Mauricio Moreno Bedoya (the “Appellant” or the “Athlete”) is a 23-year-old Colombian taekwondo athlete. The Athlete was the silver medallist at the 2022 Pan American Championship in the 54 kg weight category.
2. World Taekwondo (“WT”) is the world governing body for the sport of taekwondo. As a signatory to the World Anti-Doping Code (“WADC”), WT has enacted the WT Anti-Doping Rules (“WT ADR”). WT has delegated the implementation of its anti-doping programme to the International Testing Agency (the “ITA”). Such delegation includes amongst others the Result Management and subsequent prosecution of potential Anti-Doping Rule Violations (“ADRV”) under the WT’s jurisdiction.
3. The Athlete and WT are jointly referred to as the “Parties”.

II. FACTUAL BACKGROUND

4. Below is a summary of the relevant facts and allegations based on the Parties’ written and oral submissions, pleadings and evidence adduced during these proceedings including at the remote hearing held on 4 November 2025. Additional facts and allegations 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, it refers in its Award only to the submissions and evidence it considers necessary to explain its reasoning.
5. The present appeal arbitration proceedings concern an appeal filed by the Athlete against WT with respect to the decision rendered by the CAS Anti-Doping Division (“CAS ADD”) on 25 April 2025 in which it was held that the Athlete had committed an ADRV of Articles 2.1 and/or Article 2.2. of the WT ADR and a two-year period of ineligibility was imposed on the Athlete.

A. Background facts

6. On 3 July 2022, the Athlete competed in the Pan Am Series 2 in Heredia, Costa Rica, during which he provided an In-Competition urine sample (sample No. 1048052) (the “A Sample”).
7. The A Sample was analysed at the WADA-accredited laboratory in Salt Lake City, Utah (the “Utah Laboratory”).
8. On 12 August 2022, the Utah Laboratory reported that the Athlete’s A Sample had returned an Adverse Analytical Finding (“AAF”) for furosemide at an estimated concentration of 800 ng/ml. Furosemide is a diuretic and masking agent that is prohibited at all times and is classified as a Specified Substance on the 2022 WADA Prohibited List.

9. According to the Athlete's testing history in ADAMS, he had not been tested prior to 3 July 2022. Moreover, according to the Athlete's national Anti-Doping Organisation, the Athlete did not possess a Therapeutic Use Exemption allowing him to take any Prohibited Substance for medical purposes.
10. On 29 August 2022, the ITA notified the Athlete of the AAF and informed him of the possibility of providing Substantial Assistance. The Athlete asserted that he had never used any performance-enhancing substances and stated that he had no knowledge of how furosemide could have entered his system. However, the Athlete explained that, a few days prior to the 3 July 2022 sample collection, he experienced COVID-19 like symptoms and went to the emergency room in a hospital where he received medication.
11. On 30 August 2022, the ITA, on behalf of WT, provided the Athlete with written notice of his AAF. The Athlete was also informed that the ITA was considering that he may have committed an ADRV pursuant to Articles 2.1 and/or 2.2. of the WT ADR. Specifically, the ITA notified the Athlete that due to the classification of furosemide as a Specified Substance, he could voluntarily accept a Provisional Suspension and that the time served under the voluntarily Provisional Suspension would be deducted from any period of ineligibility that might be imposed against him. The Athlete was also informed of his right to request the analysis of the B Sample and of the potential consequences under the WT ADR and was invited to provide an explanation for the presence of furosemide by 6 September 2022.
12. The Athlete did not respond to the ITA's letter dated 30 August 2022 by 6 September 2022.
13. On 8 September 2022, the ITA extended the Athlete's deadline for responding to 22 September 2022. The extension included providing the Athlete with the opportunity to request analysis of his B Sample, failing which the ITA would deem that he had waived this right.
14. The Athlete did not respond to the ITA's letter dated 8 September 2022. Consequently, on 23 November 2022, the ITA issued a Notice of Charge against the Athlete, asserting an ADRV pursuant to Article 2.1 and/or Article 2.2 of the WT ADR, due to his deemed waiver of the right to request analysis of his B Sample. Accordingly, the ADRV was confirmed pursuant to Article 2.1 of the WT ADR. The Notice of Charge also outlined the potential consequences of the ADRV, the grounds for possible reductions in any eventual period of ineligibility, and, once again, sought the Athlete's explanations no later than 7 December 2022.
15. After being contacted by the Athlete's counsel on 6 December 2022, the ITA extended the deadline for the Athlete's explanations to 13 December 2022.
16. On 13 December 2022, the Athlete responded to the ITA through his counsel and argued that he had not received the ITA's notification regarding his right to have his B sample analyzed dated 8 September 2022. The Athlete's counsel alleged that the ITA had not properly managed the administration of the case in accordance with the WADC,

and sought, among other things, to have the Provisional Suspension lifted, the investigation terminated, and the Athlete acquitted of any doping charge. The Athlete's counsel also questioned the National Anti-Doping Organization of Colombia's failure to notify the Athlete of the AAF.

17. On 13 December 2022, the ITA informed the Athlete's counsel that the Results Management and prosecution of the Athlete's case was not referred to the National Anti-Doping Organization of Colombia since the Athlete's sample was collected under the Testing and Results Management Authority of the WT, that all correspondence had been sent to the Athlete's email address, the Colombian Taekwondo Federation, the National Anti-Doping Organization of Colombia and to WADA, and that the Athlete had not been provisionally suspended. The ITA extended the deadline for the Athlete's explanation to 28 December 2022.
18. On 28 December 2022, the Athlete's counsel provided the ITA with the Athlete's explanations, which are summarized as follows:
 - It was difficult to logically and coherently explain why furosemide entered the Athlete's body;
 - He suspected that his hydration kit could have been contaminated while he was warming up. While the explanation is difficult to verify, it is the closest to reality since the Athlete is certain he did not consume any Prohibited Substances;
 - The Athlete did not receive any of the ITA's previous notifications;
 - The Athlete sought to have his B Sample opened and analysed;
 - The Athlete sought an early hearing date; and
 - The Provisional Suspension must be taken into account.
19. On 9 January 2023, the ITA confirmed that the Athlete's deadline to provide his explanations had been extended to 23 January 2023. On that day, the Athlete's counsel re-sent the Athlete's 28 December 2022 explanations.
20. On 27 January 2023, the ITA informed the Athlete's counsel that, as a courtesy and in good faith, the Athlete's B Sample analysis could be conducted on 7 February 2023, and that an independent witness could be appointed to verify the integrity of the analytical process. The Athlete's counsel asked to be permitted to attend the opening and analysis of the sample and informed the ITA that the Athlete did not have the financial means to cover the cost of the B Sample analysis.
21. On 1 February 2023, the ITA informed the Athlete's counsel that it would inform him of the time and identity of the independent witness and that the WT would assume the costs of the B Sample analysis, but that the ITA/WT could seek to recover the costs

related to the AAF pursuant to Article 10.12.1 of the WT ADR, and that the Athlete would be responsible for any travel expenses to attend his B Sample analysis.

22. On 3 February 2023, the Athlete's counsel confirmed that neither he nor the Athlete would attend the B Sample opening and analysis. The ITA responded the same day, informing the Athlete's counsel of the identity of the independent witness and advising him that he would be informed of the B Sample analysis results.
23. On 7 March 2023, the Athlete's counsel wrote to the ITA expressing his displeasure with how the Athlete had been treated - particularly regarding the delay between the 30 August 2022 notification and the date of his letter, as a first instance hearing had not been held yet. The Athlete's counsel relied on Article 4.2 of the International Standard for Results Management ("ISRM"), which requires that ADRVs be prosecuted in a timely manner. He also noted that the Athlete had still not received the B Sample results and again requested that the case not proceed.
24. On 21 March 2023, the ITA provided the Athlete's counsel with the results of the Athlete's B Sample analysis, which confirmed the detection of furosemide in the Athlete's A Sample. The ITA also expressed its view that it did not consider that there had been unreasonable delays in the Results Management process. The ITA further noted that the Athlete had still not provided any explanation for how the furosemide had been detected in his Sample. The ITA informed the Athlete's counsel that the Athlete had two options: to accept a two-year period of ineligibility and the Disqualification of all competitive results from 3 July 2022 or have his case referred to adjudication.
25. On 4 April 2023, the Athlete's counsel expressed his dissatisfaction with the ITA's response, stating that the Athlete was unable to explain how the Prohibited Substance entered his body since he had never willingly consumed it. The Athlete's counsel also informed the ITA that he had filed a complaint with the General Prosecutor of Colombia to find out who had provided the furosemide to the Athlete and that an investigation had been initiated.
26. On 25 April 2023, the Athlete's counsel requested that ITA suspend the prosecution of the case for one year for the General Prosecutor of Colombia's investigation to be completed.
27. On 28 April 2023, the ITA informed the Athlete's counsel that, while it could not grant the Athlete a one-year extension, it would extend the deadline for him to decide whether he wished to provide explanations regarding the furosemide, accept a two-year period of ineligibility, or request a hearing.
28. On 3 May 2023, the Athlete's counsel confirmed that the Athlete requested a hearing before the WT Hearing Panel.
29. On 9 May 2023, the ITA confirmed to the Athlete's counsel that the Athlete's case would be referred to the WT Hearing Panel.

30. On 10 July 2023, the ITA asked the Athlete's counsel to seek the Athlete's agreement to have his case heard before the CAS ADD rather than the WT Hearing Panel.
31. On 7 August 2023, the Athlete's counsel returned a signed copy of the Disciplinary Proceeding Agreement, confirming the Athlete's desire to have the matter adjudicated by the CAS ADD.

B. Proceedings before the CAS ADD

32. On 9 February 2024, the ITA, on behalf of WT, filed its Request for Disciplinary Proceedings (the "Request") before the CAS ADD.
33. On 10 March 2024, the Athlete filed his Answer to the Request and requested an oral hearing.
34. On 9 July 2024, an oral hearing was held before the CAS ADD.
35. On 25 April 2025, the CAS ADD issued a reasoned decision, finding that the Athlete had committed an ADRV pursuant to Articles 2.1 and/or 2.2 of the WT ADR. The Athlete was sanctioned with a period of ineligibility of two years from the date of the decision (i.e. 25 April 2025), and the disqualification of his competitive results from 3 July 2022 (i.e. the date of the Athlete's ADRV) to the date of the decision.
36. On 8 May 2025, following the issuance of the CAS ADD decision, the details of the Athlete's ADRV were publicly disclosed by the ITA in accordance with Article 14.3 of the WT ADR.

C. Proceedings before the Court of Arbitration for Sport

37. On 13 May 2025, the Athlete filed his Statement of Appeal before the Court of Arbitration for Sport ("CAS") against the decision rendered by the CAS ADD on 25 April 2025 (the "Appealed Decision"), requested that Spanish be set as the language of the proceedings pursuant to Article R29 of the CAS Code of Sports-related Arbitration (the "CAS Code") and legal aid to cover the CAS Court Office fee. He also proposed that the case be submitted to a Sole Arbitrator and suggested Ms Reyes Bellver.
38. On 13 May 2025, the Athlete filed a request for provisional measures in Spanish, seeking an order from the CAS requiring the ITA and WT to remove the publication of his sanction from their respective websites, as well as from the website Taekwondo Data.
39. On the same date, the ITA informed the CAS Court Office that it did not agree that the proceedings be conducted in Spanish.
40. On 20 May 2025, the Athlete filed the request for provisional measures duly translated into English.

41. On 1 July 2025, after the Athlete's Commission of the International Council of Arbitration for Sport (ICAS) granted the Athlete's request for Legal Aid, the CAS Court Office initiated an appeals arbitration procedure under the reference *CAS 2025/A/11416 Andrés Mauricio Moreno Bedoya v. World Taekwondo*. In this respect, the CAS Court Office informed the Parties that "[u]nless the Appellant objects by 7 July 2025, pursuant to Article R29 of the Code, all written submissions shall be filed in English and all exhibits submitted in any other language should be accompanied by a translation into English. In case of objection, it will be for the President of the CAS Appeals Arbitration Division, or her Deputy, to decide on the language of the proceedings".
42. On the same date, the Appellant reiterated that the language of the proceedings should be Spanish, referring to (i) the fact that "*the first instance was conducted in English and [the Appellant's counsel] had no objection*", invoking the principle of '*par pari referenda*', (ii) the fact that the ITA allegedly has "*good professionals who speak perfect Spanish*", with the ability to accept Spanish as language and (iii) Article R29 of the CAS Code, which allows to set Spanish as the language of the proceedings.
43. On 3 July 2025, the ITA informed the CAS Court Office that it maintained its objection that the proceedings should not be conducted in Spanish, "*particularly as the Results Management phase and CAS ADD proceedings were conducted in English*". It also agreed that the proceedings be conducted before a Sole Arbitrator, but it did not agree to the appointment of Ms Reyes Bellver as Sole Arbitrator and, instead, proposed the appointment of Mr Hervé Le Lay.
44. On 4 July 2025, the CAS Court Office informed the Parties that it would be for the President of the CAS Appeals Arbitration Division, or her Deputy, to appoint the Sole Arbitrator and determine the language of the proceedings.
45. On 7 July 2025, the CAS Court Office informed the Parties that the Appellant's request for an extension until 18 July 2025 to file his Appeal Brief was granted.
46. On 10 July 2025, the Deputy President of the CAS Appeals Arbitration Division, pursuant to Article R29 of the CAS Code, ruled that "*the language of the arbitral procedure CAS 2025/A/11416 Andrés Mauricio Moreno Bedoya v. World Taekwondo shall be English*".
47. On 16 July 2025, the ITA filed its Reply to the Appellant's request for provisional measures.
48. On 18 July 2025, the Appellant filed his Appeal Brief pursuant to Article R51 of the CAS Code.
49. On 24 July 2025, the CAS Court Office, on behalf of the Deputy President of the CAS Appeals Arbitration Division, informed the Parties that the Panel appointed to decide the present case was constituted as follows:

Sole Arbitrator: Stefano Bastianon, Professor of law in Bergamo, Italy, and Attorney-at-law in Busto Arsizio, Italy.

50. On 8 August 2025, the Respondent filed its Answer in accordance with Article R55 of the CAS Code.
51. On 26 August 2025, the CAS Court Office informed the Parties that the application for provisional measures filed by the Appellant had been rejected.
52. On 17 September 2025, the CAS Court Office, on behalf of the Sole Arbitrator, informed the Parties that a hearing will be held by video-conference on 4 November 2025.
53. On 13 October 2025, the CAS Court Office, on behalf of the Sole Arbitrator, invited the Parties to sign and return a copy of the Order of Procedure to the CAS Court Office, by 20 October 2025.
54. On 20 October 2025, the Parties signed the Order of Procedure.
55. On 4 November 2025, a hearing was held by videoconference (via Cisco Webex).
56. In addition to the Sole Arbitrator and Mr Francisco Mateo Pavía (CAS Counsel), the following persons attended the hearing:
 - For the Appellant:
 - Mr Andrés Mauricio Moreno Bedoya (Athlete)
 - Mr Frank Huguet (counsel)
 - Dr Schajaira Díaz Castro (expert witness)
 - Ms Alba Lucero Gómez Varela (witness)
 - Mr Salmon Jhon Loreto (interpreter)
 - For the Respondent:
 - Mr Adam Klevinas (counsel)
 - Mr Trivon Punto (counsel)
57. At the outset of the hearing, the Parties confirmed that they had no objection to the appointment of the Sole Arbitrator.
58. During the hearing, the Parties were given a full opportunity to present their case, submit their arguments and submissions, and answer the questions posed by the Sole Arbitrator. The Parties and the Sole Arbitrator had the opportunity to examine and cross-examine the witness and the expert, who were informed by the Sole Arbitrator to tell the truth subject to sanction of perjury under Swiss law.

59. After the Parties' final arguments, the Parties' counsels confirmed that they were satisfied with the conduct of the hearing and that their right to be heard had been fully respected.

III. SUBMISSION OF THE PARTIES

A. The Appellant

60. In his Appeal Brief, the Appellant requested the following reliefs:

“32. The appellant respectfully requests the full annulment of the decision issued on April 25, 2025, by Ms. Carol Roberts, Sole Arbitrator of the Anti-Doping Division of the Court of Arbitration for Sport, imposing a two-year sanction, based on an incorrect assessment of the facts and the applicable anti-doping rules.

33. I request the application of Article 10.5: Elimination of the Ineligibility Period When There Is No Fault or Negligence. If an athlete or other person establishes in an individual case that they have no fault or negligence, then the otherwise applicable ineligibility period will be eliminated.

34. Order the World Taekwondo Federation (WT) to pay the costs, assuming all administrative expenses and general fees.

35. Return to the status quo, the athlete's situation prior to the sanction, maintaining the medals and other sporting achievements that were withdrawn in the arbitration award appealed here.

36. (...)."

61. In supporting his requests for relief, the Appellant relied on the following main arguments:

(a) The Athlete had no need to take any substance that could enhance his performance, let alone a diuretic, which made him uncomfortable during the competition and dangerously dehydrated him.

(b) Unlike in previous international tournaments where the Athlete was accompanied by his team, at the Pan American Championships in Heredia, Costa Rica, he travelled alone and therefore did not benefit from the usual assistance in safeguarding his belongings. As a result, he was obliged to leave his competition equipment and drinks unattended in the stands between fights, which created the opportunity for sabotage of his hydration and ultimately led to the AAF at issue in these proceedings.

(c) The Athlete has always been a disciplined athlete and respectful of sports in general.

(d) [...].

(e) The Athlete's age must be taken into account, as well as the fact that he was alone, because his Colombian team was at another event on that same date, which led to the theft of some of his belongings.

(f) Given the relevance of such an important competition and the fact that the Athlete was without a coach or the support of his Colombian team, he was under considerable stress, which facilitated the sabotage of his drink, allowing the furosemide to enter his system.

(g) Therefore, it is unreasonable to impose a sanction on the Athlete without considering the risk to his life and the outcome itself, which could have presented an opportunity to win gold medals again, as evidenced by his athletic record.

(h) The ITA did not respect the standard set out in Article 4.2 of the ISRM regarding the timeframe to complete Results Management.

(i) During the CAS ADD proceedings, the Athlete's right to the presumption of innocence was violated and the evidence presented was ignored

B. The Respondent

62. In its Answer, the Respondent requested the following reliefs:

“1. The ITA's Answer is admissible.

2. The Challenged Decision is upheld.

3. Mr Andrés Mauricio Moreno Bedoya is found to have committed an ADRV of Article 2.1 and/or 2.2 of the WT Anti-Doping Rules.

4. Mr Andrés Mauricio Moreno Bedoya is sanctioned with a period of Ineligibility of two years.

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 Challenged Decision.

6. All competitive results of Mr Andrés Mauricio Moreno Bedoya from the date of Sample collection (i.e., from 3 July 2022) 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 Andrés Mauricio Moreno Bedoya.

8. The Athlete is asked to reimburse all costs associated with the ADRV.

9. The ITA is granted an award for its legal and other costs pursuant to Art. 10.12.1 of the WT Anti-Doping Rules and that no cost shall be borne on WT for Mr Andrés Mauricio Moreno Bedoya's legal costs or otherwise.

10. Any other prayer for relief that the Panel deems fit on the facts and in the circumstances of the present case”.

63. In supporting its requests for relief, the Respondent relied on the following main arguments:

(a) The Athlete has not submitted any evidence or explanation that concretely establishes, on a balance of probabilities, how the Prohibited Substance Furosemide entered his system and caused his AAF on 3 July 2022.

(b) The Athlete has admitted, on more than one occasion, that he cannot explain how the Furosemide entered his body, and that he suspected that someone must have put it in his water bottle while he was warming up to compete or while he was in competition.

(c) The Athlete has only speculated his “sabotage” theory on the basis that he was travelling alone at the Pan Am Series 2 in Heredia, Costa Rica, forcing him to leave his equipment, water bottles and isotonic drinks in the stands, unaware that they could be sabotaged.

(d) The sabotage theory has not been supported by a single piece of evidence (documentary or otherwise) that points toward it amounting to a mere possibility, let alone a likely explanation for his AAF.

(e) Although the ITA has no reason to question the Athlete's health condition, the Athlete's denial that he would never take Furosemide because it could put his life at risk does not bring him any closer to establishing how the Prohibited Substance entered his system on 3 July 2022.

(f) The Athlete has not submitted any evidence that demonstrates that he was ever warned by a medical professional, either before or after his September 2019 surgery, not to take Furosemide because of the alleged health risks that it poses, nor did he report any elevated heart rate on or around 3 July 2022, which he alleges is an effect of taking Furosemide.

(g) It is insufficient for the Athlete to simply deny any wrongdoing and contend that the explanation must be spiking or some other innocent cause. Instead, there is a stringent requirement on the Athlete to offer persuasive evidence that the explanation the Athlete offers for an AAF is more likely than not to be correct, by providing specific, objective and persuasive evidence of his submissions.

(h) Establishing how the Prohibited Substance entered the Athlete's system is not a formal requirement; instead, it is clear, based on the relevant and applicable CAS jurisprudence, that establishing how the Prohibited Substance entered the Athlete's

system is a vital “condition precedent” or “threshold requirement” to any plea of No Significant Fault or Negligence. Without such information, hearing panels would be unable to conduct any meaningful analysis of whether an athlete is at fault for the presence of the Prohibited Substance found in their system.

(i) Article 4.2 of the ISRM indicates that Anti-Doping Organizations should – not shall – be able to conclude Results Management within six months of notification. The comment to this Article says that the six months’ period is a guideline, which may lead to consequences in terms of compliance for the Results Management Authority in the case of severe and/or repeated failures. This comment does not say that a failure to respect the suggested six-month timeline to complete Results Management constitutes a violation of the ISRM or otherwise invalidates any case taken against an athlete.

(j) CAS case-law has held that guidelines are suggestions for best practice, and are not mandatory, as is the case with the WADC, anti-doping rules or the International Standards. Accordingly, any alleged failure to follow Article 4.2 of the ISRM shall have no impact on whether the Athlete committed an ADRV, or the appropriate consequences to be imposed.

(k) The Athlete’s ADRV has been confirmed pursuant to Article 2.1.2 of the WT ADR, notably since the analysis of his B Sample confirmed the presence of Furosemide in his A Sample. Since the CAS has held that athletes benefit from the presumption of innocence as long as the presence of a Prohibited Substance in his/her system is not established, there can be no violation of this principle when both the Athlete’s A and B Samples confirm the presence of a Prohibited Substance in an athlete’s Sample.

(l) The Athlete did not identify in his Appeal Brief what evidence he considers was ignored. Accordingly, to the extent that the Athlete may seek to introduce such evidence or arguments at a hearing, he is foreclosed from doing so pursuant to R56 of the CAS Code.

(m) While it is not the ITA’s duty to try to divine which evidence the Athlete alleges was ignored by the Sole Arbitrator during the CAS ADD proceedings, it assumes that he is referring to the anticipated evidence of his expert witness, Dr Nelson Padilla Anaya, a sport scientist, who he planned to call as a witness to explain the consequences of using furosemide in a sport like taekwondo, and to answer questions regarding the Prohibited Substance.

(n) However, not only did the Athlete not present a witness statement for Dr Anaya before the CAS ADD, he also did not appear at the 9 July 2024 hearing. In fact, the only witness that was heard before the CAS ADD was Nancy Orduz Hurtado, one of the Athlete’s coaches.

(o) Accordingly, it cannot be said that the Sole Arbitrator failed to assess the Athlete’s evidence when it was, in fact, the Athlete that failed to bring forward any such evidence.

(p) Nevertheless, during the CAS ADD proceedings the Sole Arbitrator assessed the anticipated evidence of Dr Anaya, and determined that it would not have affected her conclusions, particularly since Dr Anaya's evidence would not have assisted the Athlete with establishing how the Furosemide entered his system.

(q) In any event, under Article R57 of the CAS Code, the Panel has full power of review on a *de novo* basis. As such, even if there were any flaws in the first instance proceedings, which is denied, they can be "cured" on appeal.

IV. JURISDICTION OF THE CAS

64. In accordance with Article 186 of the Swiss Private International Law Act ("PILA"), the CAS has the power to decide upon its own jurisdiction.
65. Article R47 para. 1 of the CAS Code states that "[a]n 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".
66. The Disciplinary Proceeding Agreement signed by the Athlete confirming the Athlete's desire to have the present case adjudicated by the CAS ADD provides that "[t]he award issued by CAS ADD may be appealed in accordance with Article 13 of the WT ADR".
67. Article A21 of the CAS ADD Arbitration Rules ("CAS ADD Rules") provides as follows:

"(...) the award may be appealed to the CAS Appeals Arbitration Division within 21 days from receipt of the notification of the final award with reasons by mail or courier in accordance with Articles R47 et seq. of the Code of Sports-related Arbitration, applicable to appeals procedures".
68. In the case at hand, the Appellant relies on Article 13.2.1 of the WT ADR which provides as follows:

"In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS".
69. It is not disputed by the Parties that the Athlete is an International-Level Athlete.
70. The ITA has not challenged the jurisdiction of the CAS.
71. In view of the above, the Sole Arbitrator considers that the CAS has jurisdiction to decide on the present dispute.

V. ADMISSIBILITY

72. Article R49 of the CAS Code provides as follows:

“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document. When a procedure is initiated, a party may request the Division President or the President of the Panel, if a Panel has been already constituted, to terminate it if the statement of appeal is late. The Division President or the President of the Panel renders her/his decision after considering any submission made by the other parties”.

73. The Sole Arbitrator notes that Article 13.6.1 of the WT ADR provides that “[t]he time limit to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party”.

74. The Appealed Decision was issued on 25 April 2025. The Appeal was filed on 13 May 2025, i.e., within the deadline of twenty one days established by the WT ADR. Furthermore, the admissibility of the Appeal is not disputed by the Parties. The Statement of Appeal also complied with the requirements of Article R48 of the CAS Code.

75. Therefore, the Sole Arbitrator finds that the appeal is admissible.

VI. APPLICABLE LAW

76. 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 the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

77. In the present case the Appeal is directed against a decision issued by the CAS ADD concerning an ADRV under the WT ADR occurred in 2022. Accordingly, the “applicable regulations” for the purposes of Article R58 of the CAS Code are those of the 2021 WT ADR, currently in force.

78. Article 24.3 of the WT ADR provides that “[t]hese Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code [i.e the WADC] and the International Standards and shall be interpreted in a manner that is consistent with applicable provisions of the Code and the International Standards. The Code and the

International Standards shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict”.

79. By way of introduction, the Sole Arbitrator notes that the WADC is the regulatory document on which the World Anti-Doping Program is based. As provided in the WADC and mentioned in several CAS awards (see e.g., *CAS 2020/A/7528*, para. 96; *CAS 2020/A/7256, 7559*, para. 108), the World Anti-Doping Program is formed of three levels, following a top-down hierarchical order:
- (i) The WADC, whose provisions “*are mandatory in substance and must be followed as applicable by each Anti-Doping Organization and Athlete or Other Person*”, but do not replace the rules that shall be adopted by each anti-doping organization. In this respect, WT, as a signatory to the WADC, has adopted the WT ADR, whose provisions are in part identical to the WADC and whose application is mandatory.
 - (ii) The International Standards, which contain “*much of the technical detail necessary for implementing the Code*” and are “*mandatory for compliance with the Code*”. In the case at hand, the Sole Arbitrator will rely on the ISRM.
 - (iii) WADA’s Guidelines which provide recommended practices for several aspects of anti-doping programs. While they are not mandatory, they offer technical guidance in the implementation of an anti-doping program.
80. By reason of those provisions, pursuant to Article R58 of the CAS Code, the Sole Arbitrator must adjudicate the present dispute taking into consideration the WT ADR, the ISRM and the pertinent WADA’s Guidelines.

VII. THE MERITS

81. In his Appeal Brief, the Athlete submits that the Furosemide entered his body as a result of sabotage, namely that someone must have put the substance into his water bottle while he was warming up or during the competition. He further contends that, given his cardiac condition and the surgery he underwent in September 2019, he would never have ingested Furosemide voluntarily, as doing so would have put his life at risk. Lastly, the Athlete argues that (a) the ITA failed to respect the standard set out in Article 4.2 of the ISRM regarding the timeframe to complete Results Management; and (b) during the CAS ADD proceedings his right to the presumption of innocence was violated and that the evidence presented during the proceedings was ignored.
82. By contrast, the Respondent submits that the Athlete has failed to establish, on the balance of probabilities, how the Furosemide entered his system and caused the AAF on 3 July 2022. Furthermore, even assuming (*quod non*) that Article 4.2 of the ISRM was not complied with, such failure would have no bearing on whether the Athlete committed an ADRV or on the consequences to be imposed. Finally, the Respondent argues that pursuant to Article R57 of the CAS Code, the Sole Arbitrator has full power

of review on a *de novo* basis, such that any alleged flaws in the CAS ADD proceedings are cured on appeal.

83. Then, in view of the Parties' requests and submissions (both written and oral), the Sole Arbitrator observes that the Parties do not dispute that the Athlete committed an ADRV under Article 2.1 and/or Article 2.2 of the WT ADR. In particular, the Athlete does not contest in his Appeal Brief that he committed an ADRV but rather argues that he bears no fault or negligence and, as a result, requests that the two-year period of ineligibility be set aside.
84. In light of the above, the Sole Arbitrator must determine whether the Athlete bears no Fault or Negligence; and the consequences (if any) to be imposed on the Athlete.
85. Article 10.5 of the WT ADR provides that "[i]f an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated".
86. The WT ADR defines the concept of "No Fault or Negligence" as follows: "[n]o Fault or Negligence: The Athlete or other Person's establishing that he or she did not know or suspect and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system".
87. Similarly, the WT ADR defines the concept of "No Significant Fault or Negligence" as follows: "[n]o Significant fault or Negligence: The Athlete or other Person's establishing that any Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system".
88. The Sole Arbitrator begins with what it considers the foundation of his analysis, namely that establishing the specific source of a prohibited substance is required when an athlete seeks to prove No Fault or Negligence or No Significant Fault or Negligence under the definitions of No Fault or Negligence and No Significant Fault or Negligence in the WT ADR (reproduced above).
89. Unlike Article 10.2.1.1 of the WT ADR, which does not explicitly require an athlete to establish how the prohibited substance entered in his or her system in order to establish that an ADRV was not intentional, the very definitions of No Fault or Negligence and No Significant Fault or Negligence in the WT ADR unambiguously require, for any such finding under Articles 10.5 and 10.6 of the WT ADR, that the athlete "*establish how the prohibited substance entered his or her system*". The Sole Arbitrator finds the definition clear and unequivocal.

90. CAS jurisprudence has consistently determined that establishing how the prohibited substance entered an athlete's system is a "*threshold requirement*" (CAS 2010/A/2277) or "*condition precedent*" (CAS 2014/A/3615) to any argument of No Fault or Negligence and No Significant Fault or Negligence.
91. In the case at hand, the Appellant has not provided any evidence about how the Prohibited Substance entered his system.
92. In particular, with respect to the Athlete's cardiac condition, the Sole Arbitrator does not dispute that it would have been unreasonable or even dangerous for the Athlete to voluntarily ingest the Prohibited Substance. This circumstance, however, could be relevant only to the assessment of whether the ADRV was intentional, an issue that has never been asserted by the Respondent. Conversely, the Athlete's health conditions, as well as the testimony of Dr. Díaz Castro at the hearing, do not provide any valid explanation as to how the Prohibited Substance entered the Athlete's body.
93. Moreover, the Appellant's sabotage theory has remained unproved. In particular, the Athlete has only speculated that someone must have put the Prohibited Substance in his water bottle while he was warming up to compete or while he was in competition. According to the Athlete such a sabotage could have occurred since he was travelling alone at the Pan Am Series 2 in Heredia, Costa Rica, forcing him to leave his equipment, water bottles and isotonic drinks in the stands.
94. The Sole Arbitrator notes that the Athlete provided no evidence whatsoever to substantiate his theory. As correctly pointed out by the ITA, no information has been provided on when exactly the sabotage allegedly occurred; who committed the act of sabotage; what product that contained the Furosemide was used or what quantity of the product was added to the Athlete's drink.
95. At the hearing, the Athlete's counsel acknowledged that "*we cannot point to a person or to a couple of people (...) because he is not aware of the time when his energy drink may have been sabotaged*". Moreover, the witness, Ms Alba Lucero Gomez Varela, was unable to provide any evidence in support of the alleged sabotage, as she was not in Costa Rica with the Athlete in July 2022.
96. In this respect, the Sole Arbitrator also notes that evidence establishing that a scenario is possible is not enough to establish the source of the Prohibited Substance. By way of example, the Panel in CAS OG 16/25 "*found the sabotage(s) theory possible, but not probable and certainly not grounded in any real evidence*" (para. 7.27).
97. The above conclusion is not in any way affected by the fact that the ITA allegedly failed to comply with the standard set out in Article 4.2 of the ISRM, nor by the allegation that, during the CAS ADD proceedings, the Athlete's right to the presumption of innocence was violated and that the evidence presented was disregarded.
98. Article 4.2 ISRM reads as follows: "*Timeliness. In the interest of fair and effective sport justice, anti-doping rule violations should be prosecuted in a timely manner.*"

Irrespective of the type of anti-doping rule violation involved, and save for cases involving complex issues or delays not in the control of the Anti-Doping Organization (e.g., delays attributable to the Athlete or other Person), Anti-Doping Organizations should be able to conclude Results Management (including the Hearing Process at first instance) within six (6) months from the notification as per Article 5 below”.

99. With respect to the alleged breach of the above-mentioned provision, the Sole Arbitrator observes that this provision states that Anti-Doping Organizations *should* – and not *shall* – be able to conclude Results Management within six months of notification. The comment to Article 4.2 of the ISRM further clarifies that the six-month period is merely a guideline, the non-compliance with which may result in consequences for the Results Management Authority only in cases of serious and/or repeated failures. However, this comment does not provide that a failure to respect the suggested six-month timeframe constitutes a violation of the ISRM, nor that such failure would invalidate any proceedings initiated against an athlete.
100. Furthermore, CAS jurisprudence has consistently held that guidelines are recommendations representing best practice, and do not have mandatory effect (see, *inter alia*, CAS 2018/A/5885 & 5936, para. 179). Consequently, any alleged failure to adhere to Article 4.2 of the ISRM has no bearing on the determination of whether the Athlete committed an ADRV, nor on the assessment of the appropriate consequences to be imposed.
101. As to the alleged violation of the principle of the presumption of innocence during the CAS ADD proceedings, the Sole Arbitrator notes that the Athlete’s ADRV has been duly established pursuant to Article 2.1.2 of the WT ADR, in particular since the analysis of the B Sample confirmed the presence of Furosemide detected in the A Sample. CAS jurisprudence has consistently affirmed that athletes benefit from the presumption of innocence only until the presence of a prohibited substance in their system is established. Accordingly, once both the A and B Samples confirm the presence of a Prohibited Substance in the Athlete’s sample, there can be no breach of this principle. Moreover, with regard to the Appellant’s allegation that the evidence submitted during the CAS ADD proceedings was disregarded, the Sole Arbitrator notes that the Appellant has neither provided any concrete argument nor specified which particular evidence was allegedly not duly considered. In the absence of such clarification, the Sole Arbitrator finds no basis to conclude that the CAS ADD failed to properly assess the evidence before it.
102. In view of the foregoing, the Sole Arbitrator concludes that, since the Athlete has failed to establish, on a balance of probabilities, how the Prohibited Substance entered his system, he cannot benefit from any reduction of the period of ineligibility based on the principle of No Fault or Negligence and No Significant Fault or Negligence.
103. Article 10.2 WT ADR reads as follows: “[t]he period of Ineligibility for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Articles 10.5, 10.6 or 10.7:

10.2.1 The period of Ineligibility shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a Specified Substance or a Specified Method and WT can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

104. Moreover, according to Article 10.2.3 WT ADR “[a]s used in Article 10.2, the term “intentional” is meant to identify those Athletes or other Persons who engage in conduct which they knew constituted an antidoping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk [...]”.
105. It follows that, under Article 10.2 of the WT ADR, the period of ineligibility for an ADRV involving a specified substance is two years unless WT establishes that the Athlete committed the ADRV intentionally, in which case a four-year period of ineligibility applies.
106. In the present case, WT has not alleged that the Athlete’s ADRV was intentional. Accordingly, the applicable period of ineligibility is two years.
107. Additionally, as the Athlete has not demonstrated how the Prohibited Substance entered his system, the Sole Arbitrator concludes that there is no basis to reduce the two-year period of ineligibility on the grounds of No Fault/Negligence or No Significant Fault/Negligence.
108. At the hearing, the Appellant requested the imposition of the minimum sanction or, alternatively, that the sanction be converted into a form of reprimand, referring to the Athlete’s willingness to “contribute to fair play through conferences and talks, both nationally and internationally”. However, the Sole Arbitrator notes that the WT ADR are clear and unambiguous. There is no basis to interpret or apply those rules in a manner different from their express terms in circumstances where the ADRV is not intentional and the Athlete has not established, on the balance of probabilities, how the Prohibited Substance entered his system.
109. That said, the Sole Arbitrator must also deal with the following issues:
 - (i) the starting date (*dies a quo*) of said ineligibility period; and
 - (ii) the disqualification of the Athlete’s results.

110. In respect of the starting date of the 2-year ineligibility period, Article 10.13 of the WT ADR states in its pertinent part as follows: “(...) *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*”.
111. Article 10.13.2.1 of the WT ADR states in the pertinent part as follows: “(...) *If a period of ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal*”.
112. The Sole Arbitrator notes that Article 10.13 of the WT ADR raises a question concerning the identification of the “hearing decision” the date of which is the starting date of the ineligibility period: more particularly, the question is whether such “hearing decision” is the one adopted by the CAS ADD (i.e. the Appealed Decision) or the present CAS decision.
113. In coming to its conclusion, the Sole Arbitrator relies on Article R57 of the CAS Code. As stated in CAS 2011/A/2515, “*under this provision, in fact, the CAS Panel has the power to issue a new decision that replaces the decision challenged: such power was indeed declared by the Swiss Federal Tribunal (in a judgment of 3 January 2011, 4A_386/2010, at § 5.3.4) to be consistent with the mission of arbitral jurisdiction exercised by the CAS. As a result, in the event the CAS award imposes a sanction to an athlete that had not been found responsible on an anti-doping rule violation, the ineligibility would be imposed only by CAS: therefore (...), the date of the CAS award would be the starting moment of the ineligibility (...). Conversely, the date of the decision of the disciplinary body is the starting date of the ineligibility in the event the CAS decision does not replace, but entirely confirms, the sanction imposed by the disciplinary body: in such event, ineligibility finds its foundation only in, and is therefore imposed only by, the lower-level decision*” (para 82).
114. The Athlete has not been subject to a provisional suspension at any point during these proceedings. Accordingly, the period of ineligibility shall start as from 25 April 2025 (i.e. the date of the Appealed Decision). Therefore, any period of ineligibility that the Athlete has already served since 25 April 2025 shall be taken into account.
115. In respect of the disqualification of the Athlete’s results, Article 10.10 of the WT ADR reads as follows: “[i]n addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other antidoping 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”.
116. As regard the disqualification of the Athlete’s results, the Appealed Decision disqualified the results obtained by the Athlete “from 3 July 2022 until the date of

notification of the present Award (...), including his results at the Pan AM Series 2 Competition". Moreover, the Athlete was also directed "to return his silver medal obtained at the 2022 Pan American Championship and to forfeit any diplomas, points and prizes awarded to him (if any)".

117. The Sole Arbitrator notes that the Athlete has filed a general submission to "*return to the status quo, the Athlete's situation prior to the sanction, maintaining the medals and other sporting achievements that were withdrawn in the arbitration award appealed here*".
118. Failing any specific submission as to any element of fairness that would require otherwise under Article 10.10 of the WT ADR, the Sole Arbitrator confirms the disqualification of the Athlete's results from 3 July 2022 until the date of notification of the Appealed Decision, including his results at the Pan AM Series 2 Competition, along with the forfeiture of all points, medals and prizes.
119. In conclusion, the Sole Arbitrator dismisses the appeal filed by the Athlete in its entirety and confirms the Appealed Decision.

X. COSTS

(...)

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The appeal filed by Mr Andrés Mauricio Moreno Bedoya on 13 May 2025 against the decision rendered by the CAS Anti-Doping Division on 25 April 2025 is dismissed.
2. The decision rendered by the CAS Anti-Doping Division on 25 April 2025 is confirmed.
3. (...).
4. (...).

All other and further motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 15 April 2026

THE COURT OF ARBITRATION FOR SPORT

Prof. Stefano Bastianon
Sole Arbitrator