



TAS / CAS

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

COURT OF ARBITRATION FOR SPORT (CAS)

Ad Hoc Division – The XXV Olympic Winter Games in Milano-Cortina

CAS OG 26/09

sitting in the following composition:

Sole Arbitrator: Ms Annett Rombach, Attorney-at-Law, Frankfurt am Main, Germany

AWARD

in the arbitration between

Vladyslav Heraskevych

Represented by Mr Yevhen Pronin, Attorney-at-Law in Kyiv, Ukraine

(“**Applicant**”)

v.

International Bobsleigh & Skeleton Federation

Represented by Dr Stephan Netzle, Attorney-at-Law in Zurich, Switzerland

(“**First Respondent**”)

and

International Olympic Committee

Represented by Prof. Antonio Rigozzi and Eolos Rigopoulos, Attorneys-at-Law in Geneva, Switzerland

(“**Second Respondent**”)

I. PARTIES

1. The Applicant is Mr Vladyslav Heraskevych (the “Applicant” or the “Athlete”), an athlete from Ukraine, who had been scheduled to compete in the Men’s Skeleton Olympic event at the Milano-Cortina 2026 Olympic Winter Games (the “2026 OWG”).
2. The First Respondent is the International Bobsleigh & Skeleton Federation (the “First Respondent” or the “IBSF”), the world governing body for the sports of bobsleigh and skeleton, headquartered in Lausanne, Switzerland.
3. The Second Respondent is the International Olympic Committee (the “Second Respondent” or the “IOC”), the organisation responsible for the Olympic movement, headquartered in Lausanne, Switzerland; The First and Second Respondents are collectively referred to as the “Respondents”; The Applicant and the Respondents are collectively referred to as the “Parties”.

II. INTRODUCTION

4. The present case has been commenced by way of an application to the Court of Arbitration for Sport (“CAS”) Ad Hoc Division for the 2026 OWG pursuant to the CAS Arbitration Rules for the Olympic Games (the “CAS Ad Hoc Rules”).
5. This matter concerns the challenge of the decision issued on 12 February 2026 by the Jury of the Olympic Skeleton Competition at the Olympic Winter Games 2026 Milano Cortina (the “IBSF Jury”), whereby the Applicant was withdrawn from the starting list of the Men’s Skeleton Olympic event (the “Challenged Decision”).

III. FACTS

6. The elements set out below are a summary of the main relevant facts as established by the Sole Arbitrator by way of a chronology based on the submissions of the Parties. Additional facts may be set out, where relevant, in the legal sections below.
7. Prior to the 2026 OWG, the Applicant made a number of public statements to the media concerning the war in Ukraine, including the following:

“I truly want people just to pay more attention to what’s going on in Ukraine, because it’s a huge scale of war. [...] I hope it [the 2026 OWG] will be a great celebration of sports and, of course, support Ukraine”.

(Interview with *The Athletic (New York Times)*, article of 6 February 2026)

“For me, (the) important thing is to represent my country in the best possible way and bring some attention to my country ... and to spread the truth of what’s going on in Ukraine”

(Interview with CNN, article of 6 February 2026).

8. As a participating athlete in the 2026 OWG, the Applicant signed the Milano Cortina 2026 Conditions of Participation, which provide, *inter alia*, the following:

“1. Compliance with the Olympic Charter and other rules. My participation in the Olympic Winter Games Milano Cortina 2026 is subject to me complying with certain fundamental rules which aim at ensuring the integrity of the Olympic Winter Games Milano Cortina 2026, protecting the health of the Participants to the Olympic Winter Games Milano Cortina 2026 and protecting clean athletes. [...]”

I agree to comply with all these rules and responsibilities in particular those arising from the following:

- a. the provisions of the Olympic Charter, including the peace mission of the Olympic Movement; [...]”*
- f. any other set of rules and instructions (including any update thereof) related to my participation to the Olympic Winter Games Milano Cortina 2026.”*

9. On 9 February 2026, during the official Men’s Skeleton training heats, the Applicant wore a helmet featuring images of Ukrainian athletes killed during Russia’s invasion of Ukraine (the “Helmet”). The Helmet looks as follows:



10. On the same day, the IBSF notified the IOC of the Applicant’s use of the Helmet.
11. On the same day, the IOC met with the Applicant’s coach and the Deputy Chef de Mission of the National Olympic Committee (“NOC”) of Ukraine to explain that the Helmet was not compliant with the Olympic Charter and detailed the different options which were available to athletes to express themselves.

12. On 10 February 2026, the IOC sent the following letter to the Chef de Mission of the NOC of Ukraine, with the Applicant copied on the correspondence:

"Dear Mrs. Panchenko,

Thank you for your letter which we received this morning.

Sadly, today's world is divided and full of conflicts and tragedies. The IOC cares deeply about the situation of athletes all around the globe. The IOC has addressed from the beginning the situation of Ukrainian sports following the Russian invasion of Ukraine. The IOC fully understands the desire of the athletes to remember their friends, who have lost their lives as a result of many conflicts around the world.

During our teams' informal discussion in the Cortina Olympic Village yesterday with members of your delegation and Mr. Heraskevych's coach, we reiterated our understanding of his athlete's wish to pay tribute to fellow Ukrainian athletes and of expressing sorrow during his training sessions and on his social media.

With that said, we would like to remind you that, as a participating athlete at the Milano Cortina 2026 Olympic Winter Games, Mr. Heraskevych, like all other participating athletes, must respect the Olympic Charter, the Conditions of Participation, as well as the IOC's Guidelines on Athlete Expression.

As those Guidelines state, the focus of the Olympic Games must remain on athletes' performances, sport and the international unity and harmony that the Olympic Games seek to advance. It is a fundamental principle, applied equally to all delegations and athletes, that sports at the Olympic Games must be separated from political, religious or any other type of interference. Specifically, the focus on the field of play and during the ceremonies must be on athletes' performances.

This letter is to reiterate and confirm that Mr. Heraskevych, like all other athletes, will not be able to compete with a personalized helmet (as he used in training sessions and posted on social media) or any other item that contravenes the above-mentioned Guidelines and rules, as personalized equipment would not meet the requirements applicable to all athletes. This being said, and as explained in yesterday's meeting, the IOC is willing to make an exception to the Guidelines in this specific case should the athlete wish to pay tribute to his fellow athletes and express his sorrow by wearing a black armband or ribbon without any personalization.

In addition, and to support him and all other athletes in difficult times, the IOC and the Milano Cortina Organising Committee have made available prayer rooms and access to spiritual support in the Olympic Villages. The IOC has also established a place of mourning in the Olympic Village in Milan so that grief can be expressed with dignity and respect.

Finally, in Mr. Heraskevych's social media posts last night, he exposed one of our IOC colleagues by posting a photo of him and identifying him by name. Our colleague was simply explaining to his coach that his helmet would not be in line with the IOC Guidelines or the Conditions of Participation Mr. Heraskevych has signed. As a direct result, our colleague is now at risk of being exposed to online

abuse. This is unacceptable and we ask that you ensure that Mr. Heraskevych takes down this post immediately.

We thank you for your understanding.

*Kind regards,
James Macleod*

Director NOC Relations”

13. At a press conference held on the evening of the same day, the Applicant publicly stated that he had decided to wear the Helmet in competition.
14. On 11 February 2026, the IOC Executive Board delegated its powers to decide on the participation of the Applicant in the 12 February 2026 Skeleton event to the Permanent Chair of the Disciplinary Commission.
15. On the same day, the IOC sent the following letter to the Applicant, informing him that he would not be allowed to compete in the Skeleton event scheduled for 12 February 2026 while wearing the Helmet (the “IOC Decision”):

“Dear Mr. Heraskevych,

The International Olympic Committee (IOC) recognizes that honoring the memory of fellow athletes is natural and deeply meaningful, and it fully supports athletes in doing so. At the same time, the field of play at the Olympic Games is meant to be a safe and respectful space for all athletes, where the focus, during competitions and ceremonies alike, should remain on their performances and achievements.

On 9 February 2026, during the official Men’s Skeleton training heats, it came to our attention that you wore a helmet featuring images that you indicated were athletes killed during Russia’s invasion (the Helmet).

As indicated in our letter of 10 February 2026, the Helmet is not compliant with your obligation to respect the Olympic Charter, and other rules, in particular the IOC’s Guidelines on Athlete Expression, which were adopted with the full support of the IOC Athlete’s Commission. This was formally reiterated in our letter to your NOC Chef de Mission to which you were copied, with the clear indication that you agreed to be bound by these regulations when signing the Milano Cortina 2026 Conditions of Participation and that you will thus not be able to compete with the Helmet.

We understand that at a press conference held on the evening of 10 February 2026, you indicated that you would use the Helmet in competition despite what you understood being an explicit prohibition by the IOC, thus effectively publicly conveying the message that you would openly defy the IOC’s rules.

*Faced with such an unprecedented conduct, the IOC cannot allow an announced breach of the applicable regulations. Hence, **the IOC has decided that you will not be allowed to start the Men’s skeleton event of 12 February 2026 wearing the Helmet.***

IBSF, which has, among other rules, incorporated the IOC's Guidelines on Athlete Expression in the IBSF's sport rules for the Olympic Winter Games Milano Cortina 2026, has been informed and agrees with this decision. The IBSF will take the necessary steps to implement it.

We truly hope that you will understand that the focus of the Olympic Games must remain on athletes' performances and sport without any other type of interference, and that you will find other ways to express your sorrow, including by accepting the IOC's exceptional authorization to pay tribute to your fellow athletes by wearing a black armband or ribbon without any personalization.

Sincerely yours,

*Denis Oswald
Acting upon delegation of the IOC Executive Board"*

[emphasis added]

16. In the afternoon of 11 February 2026, the IBSF conducted a technical check of the Applicant's equipment. The Equipment Check Protocol, in its section "Additional notes", contains the following handwritten note:

"The athlete confirms that the presented helmet will be worn at the men's skeleton race at the OWG Milano Cortina 2026 in competition by the athlete."

17. The Equipment Check Protocol was signed by the Applicant at 12:45 pm.
18. Following the equipment check, a further in-person conversation was held between the IOC, the Applicant and the Chef de Mission of the NOC of Ukraine, where both the IOC and the Applicant reiterated their respective positions.
19. In the morning of 12 February 2026, upon his arrival at the competition venue, the Applicant met with the IOC President, Ms Kirsty Coventry, who explained to him the IOC's position. The Applicant reiterated his insistence to compete with the Helmet.
20. Later that day, the IBSF Jury issued the Challenged Decision, the operative part of which reads as follows:

"In light of the above, in its capacity as the "highest authority of the competition" that "implements control with the right to make final judgments within the scope of the IBSF International Rules" (Article 6.4.1 of the IBSF International Skeleton Rules), the IBSF Jury hereby decides as follows:

1.
 - *Mr. Vladyslav Heraskevych is withdrawn from the starting list for the Men's skeleton event of 12 February 2026.*
 - *The present decision is final, incontestable and takes effect immediately.*

21. Following the issuance of the Challenged Decision, and still on 12 February 2026, the IOC withdrew the Applicant's accreditation. The IOC later delivered a letter to the Applicant allowing him, in the end, to retain his accreditation on an exceptional basis.
22. The first two runs of the Olympic skeleton competition took place on 12 February 2026, at 9:30 and 11:08. Run 3 and 4 were scheduled to take place on 13 February 2026, at 19:30 and 21:05 (all Milan time).

IV. THE CAS PROCEEDINGS

23. On 12 February 2026 at 16:25 (Milan time), the Applicant filed an Application with the CAS Ad Hoc Division against the Respondents with respect to the Challenged Decision (the "Application"), including an Urgent Request for Provisional Measures (the "Provisional Measures Application").
24. On 12 February 2026 at 17:53 (Milan time), the CAS Ad Hoc Division notified the Application to the Respondents. On the same day, at 18:13 (Milan time), the CAS Ad Hoc Division notified the Parties of the composition of the Panel:

Sole Arbitrator: Ms Annett Rombach, Attorney-at-Law, Frankfurt, Germany

25. On 12 February 2026 at 18:41 (Milan time), in accordance with Article 15 lit. b) of the CAS Ad Hoc Rules, the Sole Arbitrator issued procedural instructions to the Parties, inviting the Respondents to file their respective replies to the Provisional Measures Application ("Reply") by no later than 12 February 2026, at 22:00. Upon a written request, this time limit was later extended to 22:45. A hybrid hearing regarding the Application was scheduled to take place on 13 February 2026, at 09:00 am. The Respondents were invited to file their respective answers on the merits of the Application at the hearing.
26. On 12 February 2026 at 22:34 and 22:38, respectively, the Second Respondent and the First Respondent filed their Replies to the Provisional Measures Application.
27. On 13 February 2026, at 00:12, the CAS Court Office notified to the Parties the operative part of the decision to dismiss the Applicant's Provisional Measures Application. The CAS ad hoc Division informed the Parties that the grounds of this decision will be communicated in this Arbitral Award.
28. On 13 February 2026, at 04:08, the Applicant filed a written submission with further comments on the merits of the case.
29. On 13 February 2026, at 06:53, the First Respondent requested confirmation that the Respondents' answers to the Application on the merits were expected to be given orally during the hearing, and that no further written submissions were required. The CAS Court Office so confirmed at 06:58.

30. In accordance with Article 15 lit. c) of the CAS Ad Hoc Rules, the Parties participated at the hearing which was held in hybrid form on 13 February 2026, from 9:00 to appr. 11:25. The Sole Arbitrator was assisted by Mr Antonio de Quesada, Head of Arbitration at the CAS, and Mr Andrés Redondo, Counsel at CAS, and joined by the following persons:

- for the Applicant: Mr Vladyslav Heraskevych, party (in person); Mr Mykhailo Heraskevych, Applicant's father and coach (in person); Mr Yevhen Pronin, counsel (remotely).
- for the First Respondent: Dr Stephan Netzle, counsel (remotely); Ms Heike Größwang, General Secretary.
- for the Second Respondent: Prof. Antonio Rigozzi, counsel (in person); Mr Eolos Rigopoulos, counsel (in person). Mr André Sabbah, in-house lawyer IOC

31. The Parties had a full opportunity to present their cases, to submit their arguments and answer the questions posed by the Sole Arbitrator. The Applicant had several opportunities to make statements and answered questions from the Sole Arbitrator.

32. Before the hearing was concluded, the Parties confirmed that their right to be heard had been respected and that they had been treated equally.

33. On 13 February 2026, at 11:34, the Second Respondent filed a written version of its Opening Statement, as discussed during the hearing with no objection from any Party.

34. The Sole Arbitrator confirms that she carefully heard and took into account in her decision all of the submissions, evidence, and arguments presented by the Parties, even if these have not been specifically summarised or referred to in this Award.

V. THE PARTIES' SUBMISSIONS AND REQUESTS FOR RELIEF

35. The following outline of the Parties' positions is illustrative only and does not necessarily comprise every submission advanced by the Parties. The Sole Arbitrator confirms, however, that she has carefully considered all the submissions made by the Parties, whether or not there is specific reference to them in the following summary.

A. The Applicant

36. The Applicant's submissions can be summarized as follows:

37. Regarding jurisdiction:

- Jurisdiction exists as the present case does not concern a field-of-play decision. The field-of-play doctrine applies to timing, scoring, and judging performance. The present case concerns eligibility, disciplinary exclusion, and the interpretation of Olympic rules. CAS case law is clear that eligibility and disciplinary exclusions are reviewable by CAS, even during the Olympic Games.

38. Regarding the request for provisional measures:

- The Challenged Decision is manifestly disproportionate. The Respondents do not claim any technical or safety violation, but base the Applicant's disqualification solely on symbolic memorial imagery honouring deceased Ukrainian athletes.
- The Applicant's exclusion causes immediate and irreparable sporting harm, as (i) the Olympic competition is unique and non-repeatable; (ii) missed participation cannot be compensated by damages; (iii) delay would render the CAS proceedings devoid of practical effect.

39. Regarding the merits of the case:

- The Applicant was excluded from participation without having breached any rules. Using the Helmet during trainings was in full compliance with the Olympic Charter ("OC") and the IOC Guidelines on Athlete Expression (Milano-Cortina 2026) (the "Expression Guidelines"). The Respondents did not even give him a chance to appear at the competition venue and compete with a proper helmet. The metadata of the Challenged Decision confirms that the exclusion decision had already been finalized more than one hour before the competition commenced and before the Applicant was even admitted to the actual competition venue. He had no opportunity to even present his equipment, helmet, or skeleton sled. The sanction was therefore premature. This is incompatible with the right to be heard, procedural fairness, and fundamental principles consistently protected in CAS jurisprudence.
- There are multiple analogous examples of memorial remembrance at the Olympic Games, including from the present 2026 OWG, where athletes publicly honoured deceased relatives, teammates, or victims, without that the IOC took any disciplinary action or imposed a sanction. This demonstrates selective enforcement and inconsistent application of expression-related rules within the Olympic environment.
- The present case does not require any determination of geopolitical issues. It requires a strictly legal assessment of whether the complete exclusion of a rule-compliant Olympic athlete constitutes a lawful and proportionate sporting measure under the applicable regulations and the principles governing Olympic justice.

- The Helmet was a commemoration of killed Ukrainian athletes, members of the Olympic family. Such commemoration is not propaganda, and it is not political. No other athlete complained about the Helmet, which has not caused any disruption despite its use during training runs. There was therefore no reason not to allow the use of the Helmet during competition.
- The Respondents have failed to identify any specific provisions, rules, or articles that the Applicant allegedly breached. His equipment passed the official technical and safety inspection. Hence, the Challenged Decision lacks any legal basis.
- The Applicant has not breached Rule 50 of the OC, which prohibits political, religious, or racial propaganda at the Olympic Games. In the present case there is no political, religious, or racial propaganda whatsoever. The imagery represents memorial portraits of deceased Ukrainian athletes. It expresses mourning and remembrance, not propaganda. The OC itself is founded on human dignity, peace, and respect for human life. Sanctioning remembrance of fallen athletes is irreconcilable with those values and constitutes an unjustified interference with athlete expression. Furthermore, neutrality of the field of play cannot mean absence of humanity.
- Skeleton athletes regularly compete with individually designed helmets.
- The Respondents' reliance on the Expression Guidelines, which restrict demonstrations of a political nature on the field-of-play, is declaratory. No specific provision of the Expression Guidelines allegedly breached by the Applicant has been identified. There has been no analysis of the nature of the message, its context, or the proportionality of the restriction.
- As regards the IBSF Code of Conduct, it is a derivative of the OC and the IOC's rules and, in itself, does not establish a distinct and specific prohibition of memorial symbolism. It does not contain any rule that the Applicant allegedly breached. Consequently, the IBSF Code of Conduct cannot constitute an independent legal basis for the most severe sporting sanction.
- The sanction imposed – total exclusion from Olympic competition – is the most severe possible. It is excessive and unnecessary, ignores less restrictive alternatives and violates the principle of proportionality.

40. The Applicant submits the following requests for relief:

“A. Provisional measures

- 1. Immediate reinstatement into the Olympic competition; or alternatively***
- 2. Authorization to perform an official CAS-supervised run, with results either:***
 - counted in standings, or***
 - provisionally recorded pending final award.***

B. Final relief

3. *Annulment of the IBSF Jury decision of 12 February 2026.*
4. *Declaration of full Olympic eligibility.*
5. *Any further equitable relief deemed appropriate.”*

[emphasis in the original]

B. The First Respondent (IBSF)

41. The Second Respondent's submissions can be summarized as follows:
42. Regarding jurisdiction:
 - The IBSF objects to the jurisdiction of the CAS Ad Hoc Division to accept and hear the Appellant's case because the Challenged Decision is final and not subject to any challenge.
 - The IBSF Jury issued the Challenged Decision at the venue of the Olympic Skeleton Competition, after the Applicant arrived there, deposited his skeleton in the parc fermé and met the IOC President for a final attempt to settle the matter. It was therefore a field-of-play decision which cannot be reviewed by the CAS.
43. Regarding the request for provisional measures:
 - The requirements for the requested provisional measures are not met.
 - The urgency was caused by the Applicant himself. The IOC repeatedly warned him that his Helmet together with his public explanation about the purpose of the design constituted a political statement and that he would risk not being admitted to the competition.
 - Several attempts were made especially by the IOC until immediately before the start to admit him to the competition, which he refused.
 - The harm of not being able to participate in the Olympic Skeleton Competition was therefore self-inflicted and cannot be subsequently reinterpreted as irreparable damage.
 - The Applicant has no prospect of success on the merits, as the Challenged Decision is based on the clear wording of the OC and the Expression Guidelines. The Applicant has repeatedly confirmed that the design of the Helmet shall send a message to the spectators and the world, namely that the depicted athletes lost their lives because of the Russian invasion of Ukraine. This is a political message which goes beyond the sporting competition. Olympic competitions shall not be used for such purposes, however understandable the Applicant's anger, grief and compassion may be.

- The requested relief is impossible to fulfil, as two of the four runs have already been carried out.
- In addition, the requested relief would by no means pass the test of weighing up the interests involved.

44. Regarding the merits of the case:

- The First Respondent repeated its arguments made in the written submission on the Provisional Measures Application orally during the hearing and added the following points:
 - The Applicant's exclusion from competition was not only based on his intent to use the Helmet during the race, but also based on his public statements in which he explained the purpose of the Helmet.
 - The IBSF does not have to wait until the actual breach of the rules occurred, but can take action already when it becomes aware of a clear intention to breach the rules.
 - The Helmet clearly conveys a political message. It is not decisive what the Applicant's subjective motive is, but how the message is or may be perceived by others. The Applicant must have been aware of the potential effect of him wearing the Helmet.

45. The First Respondent submits the following request for relief:

- “1. *Not to accept the Application for provisional measures because of lack of jurisdiction.*
- 2. ***Subsidiarily, and in case the Panel accepts jurisdiction of the CAS Ad Hoc Division, it shall dismiss the Application in its entirety to the extent that it is admissible.***

C. The Second Respondent (IOC)

46. The Second Respondent's submissions can be summarized as follows:

47. Regarding the request for provisional measures:

- The Applicant's request for provisional measures shall be rejected, as the cumulative requirements governing the grant of such relief – namely (i) the risk of irreparable harm, (ii) a sufficient likelihood of success on the merits, and (iii) a balance of interests in favour of the Applicant – are not met, for the reasons set out below.
- The remedy requested by the Applicant is not capable of preventing the alleged irreparable harm considering that the immediate reinstatement into the Olympic competition is impossible as the first two runs had been completed. An impossible remedy is by definition not capable of avoiding an

alleged irreparable harm. The Applicant's alternative provisional relief sought, namely an “[a]uthorization to perform an official CAS-supervised run” is also incapable of occurring, as the conditions that the Applicant would be subject to would be different from those of the other participants. This could be affecting the integrity of the competition. Hence, the Challenged Decision does not cause any risk of irreparable harm to the Applicant.

- The Applicant's case on the merits has no chances of success. For this second independent reason alone, his request for provisional measures should be rejected.
- The Applicant did not address the third cumulative requirement to obtain provisional measures, namely that the interests of the Applicant outweigh those of the opponent or of other members of the Olympic Community. This is yet another independent reason in and of itself to reject the Applicant's request for provisional measures. Be that as it may, by no standard can the balance of interest tip in favour of the Applicant.

48. Regarding the merits of the case:

- The IOC Decision, which was subsequently implemented by the IBSF Jury in the Challenged Decision, is lawful, and the Applicant's challenges against his prohibition from wearing the Helmet during the 12 February 2026 Skeleton event are meritless.
- The case is not a disciplinary matter, where the IOC punished an athlete who breached the rules. This is a case where:
 - (i) the IOC informed the Applicant that what he intended to do was not consistent with Rule 40.2 OC, as implemented by the Expression Guidelines, and that he would not be allowed to compete, but (this notwithstanding),
 - (ii) the Applicant clearly and repeatedly indicated that he would compete in a way he had been told was in breach of Rule 40.2 OC as implemented by the Expression Guidelines, and, as a result,
 - (iii) the IOC decided to prevent the announced breach by not allowing the Applicant to participate in a way contrary to Rule 40.2 OC as implemented by the Expression Guidelines.
- The IOC Decision is based on the Expression Guidelines implementing Rule 40.2 OC. The IOC Decision, which forms the basis of the Challenged Decision, is not based on Rule 50 OC, but on Rule 40.2. OC and the Expression Guidelines.
- The Expression Guidelines provide a long and non-exhaustive list of places and situations where “[d]uring the Olympic Games Participants [...] have the

opportunity to express their views", as well as three clearly defined "limitations" where such "*expressions are not permitted*":

- During official ceremonies (including Olympic medal ceremonies, opening and closing ceremonies);
- During competition on the field of play;
- In the Olympic Village.

- Wearing the Helmet during the 12 February 2026 Skeleton event would have been an expression of a view on the field of play prohibited by Rule 40.2 OC as implemented by the Expression Guidelines.
- The Applicant did not intend to simply wear a personalized helmet. He chose to wear the Helmet depicting victims of the war in Ukraine. And he did that while having made clear in numerous instances immediately prior to the 2026 OWG that his intent was to send a message about the war in Ukraine.
- In such circumstances, it is clear that wearing the Helmet was a way for the Applicant to "*spread the truth of what's going on in Ukraine*", which can only be understood as an expression of view that is prohibited on the field of play by the Expression Guidelines.
- The political nature of the Helmet is also confirmed by the reactions that the Challenged Decision created (e.g. Ukrainian President Zelensky granting the Applicant the "Order of Freedom", "*[f]or selfless service to the Ukrainian people, civic courage, and patriotism in upholding the ideals of freedom and democratic values*".
- The Applicant's comments regarding "safety" are totally irrelevant as the Challenged Decision is not based on a "safety" concern.
- The IOC Executive Board was competent to render the IOC Decision pursuant to Article 19.3 OC, as it has the power to make all decisions necessary to ensure the proper implementation of the OC and the organisation of the Olympic Games, as well as all decisions not attributed by law or by the OC to the Session or to the President.
- The IOC's competence was properly delegated to the Permanent Chair of the Disciplinary Commission in accordance with Article 19.4 OC.
- The Challenged Decision, namely the withdrawal of the Applicant from the Skeleton event, is proportional. There were no "less restrictive alternatives" as any other alternative would have resulted in the actual breach being committed and disciplinary proceedings being opened.

- Claiming that the “*sanction imposed – total exclusion from Olympic competition – is the most severe possible*” is a sophism. Quite apart from the fact that there was no sanction, the “exclusion” from the event was the only way to avoid the breach of the rules.
- The same applies to the claim that the “*sanction is premature*”. The reason why the Applicant was not admitted to the actual competition is precisely because he insisted on competing with the Helmet despite having been repeatedly warned that he would not be allowed to do so.
- There is no “[u]njustified interference with athlete expression”. The athletes can express their views during the Olympic Games without interference. The Applicant could showcase his Helmet in countless social media posts and use it in training rides, including televised training rides. The message he wanted to convey with the Helmet was indeed widely conveyed. The IOC rules only prohibit wearing the Helmet in competition.
- Finally, the IOC Decision and the Challenged Decision are not inconsistent with the “*fundamental Olympic values, human dignity and memorial context*” as Rule 40.2 OC is explicitly based on the “Fundamental Principles of Olympism, and in accordance with the Guidelines determined by the IOC Executive Board.
- The IOC recognizes that honoring the memory of fellow athletes is natural and deeply meaningful, and it fully supports athletes in doing so. As repeatedly indicated to the Applicant, including by the IOC President in her last-minute personal attempt to convince him to refrain from his announced breach of the IOC rules, the issue is not the message but the place and the moment in which it has been conveyed (i.e., on the field of play in competition as explicitly prohibited by the Expression Guidelines). What the Applicant calls the “memorial context” was indeed fully acknowledged by the IOC Decision.

49. On the Provisional Measures Application, the First Respondent submits the following request for relief:

“For the reasons set out in this response, the IOC respectfully invites the Sole Arbitrator to reject the Applicant’s request for provisional measures.”

50. The Respondent submits the following request for relief:

“For the reasons set out above, the IOC respectfully requests the Panel to issue an arbitral award dismissing the Application.”

VI. JURISDICTION

51. This Panel has been formed under the arbitration rules applicable to the CAS Ad Hoc Division, a special adjudication authority with jurisdiction limited to specific disputes occurring within a strictly set timeframe. The jurisdiction of the CAS Ad Hoc Division is set out in Article 61 of the OC and Article 1 of the CAS Ad Hoc Rules.

52. Rule 61 [*“Dispute Resolution”*] of the OC provides:

“2. Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport (CAS), in accordance with the Code of Sports-Related Arbitration”.

53. Article 1 of the CAS Ad Hoc Rules provides:

“The purpose of the present Rules is to provide, in the interests of the athletes and of sport, for the resolution by arbitration of any disputes covered by Rule 61 of the Olympic Charter, insofar as they arise during the Olympic Games or during a period of ten days preceding the Opening Ceremony of the Olympic Games.

In the case of a request for arbitration against a decision pronounced by the IOC, an NOC, an International Federation or an Organising Committee for the Olympic Games, the claimant must, before filing such request, have exhausted all the internal remedies available to him/her pursuant to the statutes or regulations of the sports body concerned, unless the time needed to exhaust the internal remedies would make the appeal to the CAS Ad Hoc Division ineffective.”

54. The First Respondent has challenged the CAS Ad Hoc Division’s jurisdiction, arguing that the decision of the IBSF Jury is a final and incontestable field of play decision taken within the context of the actual competition. It argues that the IBSF Jury is the highest authority of the competition and takes final decisions within the scope of IBSF International Skeleton Rules and the Appeals Tribunal Code.

55. The Sole Arbitrator disagrees. The purpose of the Challenged Decision was only to implement the IOC Decision. Undisputedly, the IOC Decision is not a field of play decision. The Sole Arbitrator notes that the Challenged Decision itself did not allow the Applicant to enter the field of play. The mere fact that the IBSF issued the Challenged Decision shortly before the beginning of the competition at the Competition venue to implement what the IOC requested it to do does not render the measure a field of play decision.

56. Furthermore, during the Olympic Games, the OC takes precedence over the rules of the IBSF. This includes Rule 61 OC, which provides that “[a]ny dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport (CAS)”.

57. As a result, the CAS Ad Hoc Division has jurisdiction to decide the present case.

VII. ADMISSIBILITY

58. Where a request for arbitration is directed against a decision of the IOC or an International Federation, Article 1 of the CAS Ad Hoc Rules requires exhaustion of available internal remedies, unless the time required to exhaust such remedies would make recourse to the CAS Ad Hoc Division ineffective.
59. In the present case, there are no internal remedies against the Challenged Decision. To the contrary, the Challenged Decision expressly provides that it is final and incontestable.
60. As a result, the Application is admissible.

VIII. THE PROVISIONAL MEASURES APPLICATION

61. The Sole Arbitrator has the power to consider an application for provisional measures pursuant to Article 14 of the CAS Ad Hoc Rules.
62. According Article 14 CAS Ad Hoc Rules and to well established CAS jurisprudence, provisional relief may be granted if (1) it is necessary to protect the applicant from irreparable harm, (2) there is a likelihood of success on the merits of the claim, and (3) when the interests of the applicant outweigh those of the opponent or of other members of the Olympic Community (see, e.g., CAS OG 20/13; CAS 2003/O/486; CAS 2001/A/329; CAS 2001/A/324; CAS 2007/A/1317; CAS 2010/A/2071).
63. The three requirements for the grant of provisional measures (i.e., “irreparable harm”, “likelihood of success” and “balance of interests”) are cumulative (see CAS 2007/A/1403; TAS 2007/A/1397; CAS 2010/A/2071).
64. The Provisional Measures Application was dismissed, because the Applicant has failed to substantiate that all three requirements are met in his case.
65. The requested interim measure is not “necessary” to protect the Applicant from irreparable harm. The Applicant has failed to establish how, after the first two runs of the competition had already been completed at the time he submitted the Provisional Measures Application, it was still possible for him to participate in the competition.
66. For the reasons set forth below in the merits section, there was also no likelihood of success on the merits of his case.
67. For each of these two reasons individually, the Provisional Measures Application had to be dismissed.

IX. APPLICABLE LAW

68. The rules of law applicable to the merits of these proceedings are determined by Article 17 of the CAS Ad Hoc Rules, which reads as follows:

“The Panel shall rule on the dispute pursuant to the Olympic Charter, the applicable regulations, general principles of law and the rules of law, the application of which it deems appropriate.”

69. The Challenged Decision was rendered by the IBSF Jury on the basis of the IBSF Regulations, in particular the IBSF Statutes and the IBSF Sport Rules for the 2026 Olympic Winter Games Milano Cortina, which incorporate, *inter alia*, the OC and the Expression Guidelines.

70. Hence, this dispute is governed by the OC and the IBSF Regulations. As the IOC is a Swiss association within the meaning of Articles 60 et seq. of the Swiss Civil Code (“CC”), Swiss law may be taken into account by the Sole Arbitrator subsidiarily.

X. MERITS

71. The issue in the present case is whether the Respondents were entitled to withdraw the Applicant from the Olympic Skeleton competition as a result of the Applicant’s announcement to wear the Helmet during the race.

A. Preliminary remark: The mandate of the CAS Ad Hoc Division

72. As a preliminary remark, the Sole Arbitrator wishes to reiterate the nature and scope of her mandate in assessing the present dispute.

73. As the competent judicial instance entrusted with the resolution of disputes arising during the 2026 OWG, the task of the CAS Ad Hoc Division is the legal review of decisions rendered by the IOC and International Federations, *inter alia*. More particularly, the CAS Ad Hoc Division must examine whether a decision affecting athletes’ rights is based on legally valid rules by which the athletes are bound, and whether the application of such rules is lawful in the specific circumstances of an individual case.

74. Beyond the question of the lawfulness of a challenged decision, it is not for the CAS Ad Hoc Division to assess the political, sociological or economic implications of a case before it, much less to be influenced in its legal analysis by respective public discussions.

75. For its part, the CAS Ad Hoc Division must resist any temptation to confuse issues of law with issues of political feasibility. It is the fundamental task of the judiciary, to which the CAS Ad Hoc Division belongs, to strictly separate its tasks from the tasks of other bodies and powers.

76. It is against this background that the Sole Arbitrator will now address, in turn,

- (i) the applicable legal framework underlying the Challenged Decision (below at **B.**);
- (ii) whether the Expression Guidelines, on which the Challenged Decision rests, comply with athletes' fundamental human right of freedom of expression (below at **C.**); and
- (iii) whether the Respondent's decision to exclude the Applicant from the skeleton competition in reaction to his announcement to wear the Helmet during the Olympic Competition is lawful under the circumstances (below at **D.**).

B. The applicable legal framework

77. The Challenged Decision must be reviewed in conjunction with the IOC Decision rendered on 11 February 2026. The IOC Decision (quoted above) informed the Applicant that he "*will not be allowed to start the Men's skeleton event of 12 February 2026 wearing the Helmet*", and that the IBSF was entrusted to "*take the necessary steps to implement*" the prohibition. The Challenged Decision, pursuant to which the Applicant was withdrawn from the competition, constitutes the measure implementing the IOC Decision. Reviewing the Challenged Decision means that the Sole Arbitrator must – at least incidentally – also review the underlying IOC Decision, despite the fact that the IOC Decision has not been challenged by the Applicant in these proceedings.

78. Pursuant to Article 1.5 of the IBSF Statutes, the IBSF "*recognises and observes the Olympic Charter*". The IBSF International Skeleton Rules incorporate the Olympic Charter, which, in turn, includes the Expression Guidelines.

79. The IOC Decision (and, in turn, the Challenged Decision) is based on Rule 40.2 OC, which reads as follows:

"All competitors, team officials or other team personnel in the Olympic Games shall enjoy freedom of expression in keeping with the Olympic values and the Fundamental Principles of Olympism, and in accordance with the Guidelines determined by the IOC Executive Board."

80. The guidelines referred to in Rule 40.2 OC are the Expression Guidelines. Contrary to the Applicant's submission, the Expression Guidelines are explicitly referred to in the IOC Decision as the legal basis for the Applicant's prohibition to wear the Helmet during the field of play, *i.e.* in competition.

81. The Respondents clarified during the hearing that the Challenged Decision is not based on Rule 50.2 OC, which provides that "*[n]o kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas*". Consequently, the legal standard for the Sole Arbitrator's review

of the Challenged Decision is not whether the Applicant's announcement to wear the Helmet in competition constitutes a "*demonstration*" or "*political propaganda*". The relevant legal standard is whether the use of the Helmet during the Olympic race is compliant with the Expression Guidelines, which enshrine the scope and limits of athletes' freedom of expression during the Olympic Games. The substantive scope of the Expression Guidelines, which refers to any "*expression of views*", is wider than the concept of "*political propaganda*" addressed in Rule 50.2 OC.

C. Compliance of the Expression Guidelines with athletes' fundamental right of freedom of expression

82. At the outset, the Sole Arbitrator notes that International Federations are principally free to adopt the appropriate legislative and other decision-making procedures as they see fit (CAS OG 22/005, para. 7.17). Absent any breach of the otherwise applicable law or the substantive *ordre public*, the Sole Arbitrator is not called upon to rewrite the rules for the Olympic Games (CAS 2024/A/10588 see para. 126; on the wide autonomy of associations to regulate and determine their own affairs under Article 63 of the CC see also CAS 2024/A/10387 135 et seq., quoting to SFT decision BGE 97 II 108, consid. 3).
83. The freedom of associations the Respondents enjoy finds its limits in fundamental human rights athletes enjoy. Although not expressly referred to by the Appellant, the Sole Arbitrator notes that the Applicant has a fundamental right of freedom of expression, which is enshrined, *inter alia*, in Article 10 of the European Convention on Human Rights ("ECHR"). In relevant part, Article 10 ECHR provides as follows:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. [...]

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others [...]."

84. Importantly, while the direct application of the ECHR is limited to its signatory states (i.e. public authorities), its fundamental guarantees must also be respected by international sports federations enjoying a market-dominant position in the organisation, planning and execution of major sports events (see ECtHR, decision of 2 October 2018, 40575/10 and 67474/10 [Mutu/Pechstein], relating to Article 6 (1) ECHR; see also CAS 2008/C/1619 para. 4.8 & 5.3). This is true for the IOC as the organizer of the Olympic Games. The reason for the required (indirect) application of the ECHR to such market-dominant federations seated in

a signatory state of the ECHR (such as Switzerland) is their ability to dictate terms on athletes who wish to participate in respective events.

85. For the 2026 OWG, all participating athletes (including the Applicant) had to sign the Milano Cortina 2026 Conditions of Participation (quoted above), through which they became bound by the OC and the Expression Guidelines. These conditions are non-negotiable. Athletes must sign them to be eligible to compete. While the IOC has a legitimate interest in submitting all athletes to the same rules – to ensure a level playing field and equal treatment of all participants – its conditions must not be abusive and must not violate the fundamental rights athletes enjoy.
86. This includes Article 10 (1) ECHR and the right to freedom of expression. Such right, however, is not absolute (CAS 2014/A/3516, para. 116). As provided in Article 10 (2) ECHR, freedom of expression may be subject to conditions and restrictions where necessary *“in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others”*.
87. The Sole Arbitrator’s task is to assess whether Rule 40.2 OC as implemented in the Expression Guidelines (and its respective application in the Applicant’s case) is compliant with Article 10 (1) ECHR. More specifically, the question is whether the limitations to freedom of expression in the Expression Guidelines, on which the Respondents rely to justify the Challenged Decision, falls within the exceptions of Article 10 (2) ECHR, and whether they are reasonable and proportionate. Only in such case may the Respondents rely on its Expression Guidelines to justify the Applicant’s prohibition to wear the Helmet during field of play.
88. The limitations listed in the Expression Guidelines read as follows:

“[E]xpressions [of views] are not permitted in the following instances:

- *During official ceremonies (including Olympic medal ceremonies, opening and closing ceremonies)*
- *During competition on the field of play*
- *In the Olympic Village”*

89. The relevant limitation under scrutiny in this case is the second one: Expressions of views are not permitted during competition on the field of play. The purpose of this limitation, as explained by the IOC, including in its letters to the Applicant, is to ensure that the focus on the field of play remains on athletes’ performances, and is not distracted by the expression of (political) views. This purpose is endorsed by the IOC Athletes’ Commission, after an outreach to and after requesting comments from Olympians, in establishing the Expression Guidelines

(including the quoted limitations to freedom of expression), and which contributed the following introduction to the Expression Guidelines, demonstrating the elaborate consultation process between the IOC and athletes in establishing the Expression Guidelines:

“As athletes, we are passionate about our sports and achieving our sporting performance goals. For each and every one of us, that passion continues into everyday life, where we advocate change on issues of great importance to us and our world. That desire to drive change can naturally make it very tempting to use the platform of an appearance at the Olympic Games to make our point.

However, all of us are at the Olympic Games because, one day, we dreamt of being an Olympian and maybe even an Olympic champion. The unique nature of the Olympic Games enables athletes from all over the world to come together in peace and harmony. We believe that the example we set by competing with the world’s best at the Olympic Games and staying in the Olympic Village while respecting each other’s differences is a uniquely positive message to send to an increasingly divided world.

The IOC Athletes’ Commission and the IOC are fully supportive of freedom of expression. This is highlighted in the Athletes’ Rights and Responsibilities Declaration which emphasises the centrality of nondiscrimination, equality, freedom of expression and due process in the Olympic Movement. Building on the results of our consultation with more than 3,500 athletes prior to the Olympic Games Tokyo 2020, the IOC has clarified the opportunities for athlete expression during the Olympic Games. The present Guidelines reflect the same principles [...].”

90. The Sole Arbitrator accepts that the purpose with which the IOC seeks to justify the limitations to freedom of expression enshrined in the Expression Guidelines is legitimate. The Olympic Games are often considered the highlight of athletes’ careers, and they only take place every four years. Athletes have a right that the core moments of their participation in this special event – the field of play and the ceremony – remains undisturbed from anything that does not relate to the sports performance as such. They trained and worked hard for years to have their special sporting moments during the Olympic Games, and they deserve that the public pays undivided attention to their performances and successes in competition, and during celebration.
91. Importantly, this does not mean that athletes cannot express views during the Olympic Games. To the contrary, the Expression Guidelines highlight that both athletes and the IOC *“are fully supportive of freedom of expression”*, and they provide a detailed list of opportunities for athletes to express their views during the Olympic Games and at Olympic venues, including the following:
 - In the mixed zones, including when speaking to media
 - In the International Broadcasting Centre (IBC) or the Main Media Centre (MMC), including when speaking to the media
 - During press conferences in the venue or in the MMC
 - During interviews

- At team meetings
- In traditional media or digital media
- Through social media channels
- On the field of play prior to the start of the competition (i.e. after leaving the “call room” or during the introduction of the individual athlete or team).

92. This list is, in fact, extensive. It demonstrates that the athletes' right to express views during the Olympic Games is the rule, and the limitations to express them during field of play, ceremonies, and in the Olympic Village is the exception. Athletes have wide opportunities to spread their messages and views around the world with full media coverage, including, for example, during broadcasted training sessions, and including until immediately before and after the competition.

93. Against the background of these wide opportunities to express views at Olympic sites during the Olympic Games, the Sole Arbitrator finds that the Expression Guidelines provide a fair and reasonable balance between athletes' fundamental right of freedom of expression and the IOC's legitimate aim to provide a “safe space” for athletes during the core moments of their performance in competition, to ensure that public attention during such moments is fully focused on sport.

94. As a result, the Sole Arbitrator finds that the Expression Guidelines, including the field of play exception, are compliant with Article 10 ECHR, and are thus applicable in the present case.

D. Lawfulness of the Applicant's exclusion from competition

95. The next question the Sole Arbitrator needs to address is whether the Respondents' decision to withdraw the Applicant from the Olympic skeleton competition as a result of his announcement to wear the Helmet was lawful under the circumstances. In view of the Parties' submissions, this question can be divided into three sub-questions, namely:

- (i) Does wearing the Helmet during the Olympic skeleton race constitute a breach of Rule 40.2 OC and the Expression Guidelines (below at 1.)?
- (ii) Can the Respondents take pre-emptive measures to prevent an announced breach from occurring? (below at 2.)?
- (iii) Was the Applicant's exclusion from the competition reasonable and proportionate under the circumstances (below at 3.)?

1. Does wearing the Helmet during the Olympic skeleton race constitute a breach of Rule 40.2 OC and the Expression Guidelines?

96. The Applicant contends that wearing the Helmet does not fall within the scope of the Expression Guidelines, because it constitutes a personal act of

commemoration of deceased fellow athletes, which is private mourning rather than the “expression of a view”.

97. It can be left undecided here whether there exist acts of remembrance that fall outside the scope of the Expression Guidelines, such as, for example, personal remembrance of close relatives in entirely non-political contexts. The present case is no such case. The present case involves an act of commemoration for athletes that were killed in a war. Wars always have political connotations. The Applicant himself repeated on various occasions before and during the Olympic Games that, by wearing the Helmet, he wanted to raise awareness for the situation of Ukraine and Ukrainians who have been defending themselves against Russia's invasion for more than four years. This is political, and it was perceived as being political in public. As such, wearing the Helmet constitutes the “expression of a view” within the meaning of Expression Guidelines.
98. For the avoidance of doubt, the Sole Arbitrator highlights that the Applicant has every right to raise awareness for the situation in Ukraine, even and including during the Olympic Games. The Fundamental Principles of Olympism enshrined in the OC endorse peace and respect for internationally recognized human rights and fundamental ethical principles. The Helmet is fully in line with such values and principles. Accordingly, the Applicant was allowed to use the Helmet during his training runs and during appearances in the media. He had the opportunity to present the Helmet and send his message to the world.
99. This case, however, is about the use of the Helmet during the core of the field of play. As explained above, the prohibition to express views during competitions seeks to avoid any distraction from athletes' performance during the field of play *per se*, no matter how important or commendable a message is. This is the current stance the Expression Guidelines take, and this concept has been expressly approved by the Athletes' Commission. The involved stakeholders are certainly free to discuss an adjustment of that concept going forward, but this is a legislative issue outside the scope of the present proceedings. The current existing system enshrined in the Expression Guidelines does not violate athletes' fundamental right to freedom of expression, and should be applied, as it is not for the Sole Arbitrator to rewrite the rules.
100. As a conclusion, the Sole Arbitrator finds that wearing the Helmet during the Olympic skeleton competition would have constituted a breach of Rule 40.2 OC and the Expression Guidelines to which the Applicant submitted himself to by signing the Milano Cortina 2026 Conditions of Participation.

2. Can the Respondents take pre-emptive measures to prevent an announced breach from occurring?

101. The next question is whether the Respondents were entitled to take measures against the Applicant pre-emptively in view of the fact that, undisputedly, the breach had not (yet) occurred. His use of the Helmet during the training runs was

permitted under Rule 40.2 OC (in conjunction with the Expression Guidelines), just as the presentation of the Helmet at other occasions was fully in line with the applicable framework.

102. As such, the decision to withdraw the Applicant from the skeleton competition was not a disciplinary measure, because a disciplinary measure necessarily requires a rule breach.
103. The Respondents argue that the Applicant's announcement that he would wear the Helmet in competition was sufficient for them to be entitled to take action. The Applicant maintains that the Respondents' decision to not even allow him enter the competition venue on the race day was illegal, as it deprived him of any chance to perform with rule-compliant equipment.
104. The Sole Arbitrator notes that this case is unusual in the fact that the Applicant made it clear, both towards the IOC and in public, that he would wear the Helmet during the race despite the IOC's warnings (evidenced in the letter of 10 February 2026 and in the IOC Decision). In fact, rather than appealing the IOC Decision that he would "*not be allowed to start the Men's skeleton event of 12 February 2026 wearing the Helmet*" to the CAS Ad Hoc Division, the Applicant chose to reiterate his clear intent to wear the Helmet still after receipt of the IOC Decision, including in a discussion with the IOC President that took place less than 2 hours before the beginning of the competition. It has not been disputed by the Applicant in these proceedings that he stood by his intention to wear the Helmet still when he spoke to Ms Coventry in the morning of the race day, and that he had no intention to enter the competition with rule-compliant equipment. In view of these circumstances, the threat of a breach of the Expression Guidelines was imminent.
105. It has been suggested that the Respondents should rather have allowed the Applicant to commit the breach and sanction him after the competition. In the Sole Arbitrator's view, this is a dangerous suggestion. Rules exist to be abided by. If the Applicant believed that the IOC Decision was wrong, he had every right to appeal it, including by seeking provisional measures in an attempt to enforce his presumed right to compete with the Helmet. But he cannot ignore that a decision was in place, and that such decision expressly prevented him from using the Helmet. Even if the IOC Decision had been wrong, he had no right to ignore it, but was required to take legal action, as any individual must do when it believes that it has been treated unlawfully.
106. Therefore, while the Sole Arbitrator has greatest respect for the Applicant's dedication to stand up for his country and raise awareness for the devastating situation of the Ukraine people suffering in the war, he has to bear the legal consequences arising from his choice to fight a legal decision by rebellion rather than by using the judicial system. The Sole Arbitrator's sympathy for the Applicant's cause is no reason for overlooking unambiguous and properly adopted rules (see also CAS OG 22/05, para. 7.19).

107. The Respondents' legal authority to take pre-emptive measures to avoid a breach of the OC can be deduced, by means of an *argumentum a fortiori*, from its authority to sanction rule violations once the breach has occurred. The IOC's disciplinary authority is enshrined in Rule 59.2 OC. It includes the following:

"In the context of the Olympic Games, in the case of any violation of the Olympic Charter, of the World Anti-Doping Code, or of any other decision or applicable regulation issued by the IOC or any IF or NOC, including but not limited to the IOC Code of Ethics, the Olympic Movement Code on the Prevention of Manipulation of Competitions or of any applicable public law or regulation, or in case of any form of misbehaviour:

2.1 with regard to individual competitors and teams: temporary or permanent ineligibility or exclusion from the Olympic Games, disqualification or withdrawal of accreditation; in the case of disqualification or exclusion, the medals and diplomas obtained in relation to the relevant infringement of the Olympic Charter shall be returned to the IOC. In addition, at the discretion of the IOC Executive Board, a competitor or a team may lose the benefit of any ranking obtained in relation to other events at the Olympic Games at which he or it was disqualified or excluded; in such case the medals and diplomas won by him or it shall be returned to the IOC (Executive Board); [...]".

108. The Sole Arbitrator finds that disciplinary measures available for the sanctioning of a breach must, *a fortiori*, also be available to prevent the occurrence of an imminent breach, to the extent they are reasonable and proportionate under the circumstances (on this aspect see below at 3.). This includes the exclusion from competition.

109. Additionally, the IOC's authority to safeguard compliance with its own rules also stems from Article 69 CC and Article 19.3 OC. Based on these provisions, the IOC Executive Board has the power to make all decisions "*necessary to ensure the proper implementation of the Olympic Charter and the organisation of the Olympic Games*", as well as all decisions "*not attributed by law or by the Olympic Charter to the Session or to the President*". This authority was delegated here to the Permanent Chair of the Disciplinary Commission, in accordance with Rule 19.4 OC.

3. Was the Applicant's exclusion from the competition reasonable and proportionate under the circumstances?

110. The final question is whether the decision to withdraw the Applicant from the competition was reasonable and proportionate under the circumstances.

111. As duly noted by the Applicant, a competition ban is the most severe measure possible to respond to a breach, much more so when the breach has not (yet) happened. As such, it must remain the *ultima ratio*, which means that it can only be applied if the breach is imminent and cannot be remedied or prevented through less intrusive means.

112. As established above, the breach was imminent, which is demonstrated by the fact that the Applicant still insisted on wearing the Helmet in the morning of the competition day, and made it clear that he would not be willing to compete with rule-compliant equipment.
113. The Sole Arbitrator also finds that, based on the circumstances pleaded by the Parties, no other – less intrusive – measures, were available to the Respondents. The only option with which the Respondents were left was allowing the Applicant to compete with the Helmet and sanction him retroactively. As established above, the Respondents were, however, not required to tolerate a breach of their rules, even more so when these rules are the product of an elaborate consultation process with athlete representatives.
114. On the other hand, it would have been bearable for the Applicant to participate in the race with a different helmet and challenge the prohibition to use his Helmet in the aftermath of the race. The IBSF credibly submitted that other helmets would have been available, although they would have required some adjustments to fit the Applicant. Hence, the Applicant was left with a viable option to ensure his participation at the Olympic Games, while at the same time maintaining his right to appeal the prohibition to compete with his Helmet after the competition.
115. Once again, the Sole Arbitrator fully accepts that the Applicant did not consider this option to be viable for him personally, in light of his aim to stand up for his country by remembering Ukrainian athletes who became victims of the war. Yet, in weighing the different interests from the required objective perspective, and considering the many options the Applicant had to express his view (including by showing the Helmet in training runs and in interviews, and including by expressing his grief even during the competition through the exceptional use a black armband or ribbon, as offered to him by the IOC), it was more bearable for him to compete with a different helmet than for the Respondents to tolerate a breach of its rules.
116. The Sole Arbitrator appreciates that the Second Respondent chose to reconsider its decision to revoke the Applicant's accreditation. Withdrawing his accreditation was not necessary to prevent the breach in question (use of the Helmet during the competition).
117. Finally, the Sole Arbitrator notes that neither the IOC Decision nor the Challenged Decision become disproportionate in light of six other examples mentioned by the Applicant, in which the IOC allegedly failed to take action against athletes expressing views during the Olympic Games in similar contexts. Irrespective of whether or not these examples compare to the case of the Applicant, which the Sole Arbitrator is unable to assess in view of rather limited information provided on these examples during these proceedings, the IOC's alleged failure to sanction other breaches has no bearing for this case, which alone is before the Sole Arbitrator.

118. In summary, the Sole Arbitrator finds that the Respondents' decision to withdraw the Applicant from the skeleton competition was proportionate under the circumstances.

E. Summary

119. As a result of all of the above, the Application is dismissed.

XI. Costs

120. According to Article 22 para. 1 of the CAS Ad Hoc Rules, the services of the CAS ad hoc Division "are free of charge".

121. According to Article 22 para. 2 of the CAS Ad Hoc Rules, parties to CAS Ad Hoc proceedings "shall pay their own costs of legal representation, experts, witnesses and interpreters".

122. Consequently, there is no order as to costs.

DECISION

On these grounds, the Ad Hoc Division of the Court of Arbitration for Sport renders the following decision:

1. It has jurisdiction to hear the application filed by Vladyslav Heraskevych on 12 February 2026.
2. The application filed by Vladyslav Heraskevych on 12 February 2026 is dismissed.

Operative part of the Award: Milan, 13 February 2026

Award with grounds: 17 February 2026

THE AD HOC DIVISION OF THE COURT OF ARBITRATION FOR SPORT



Annett Rombach
Sole Arbitrator