

**IN THE MATTER OF PROCEEDINGS BROUGHT BY THE INTERNATIONAL TENNIS
INTEGRITY AGENCY UNDER THE 2024 TENNIS ANTI-DOPING PROGRAMME**

Before:

Jonathan Bellamy C.Arb (Chair)

Tamara Gaw

Nilo Effori

BETWEEN:

INTERNATIONAL TENNIS INTEGRITY AGENCY (ITIA)

Anti-doping Organisation

– and –

GONÇALO OLIVEIRA

Respondent

DECISION OF THE INDEPENDENT PANEL

THE INDEPENDENT EXPERTS

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I: THE PARTIES

The ITIA

1. The International Tennis Integrity Agency (“ITIA”) is the independent body established by the ATP, International Tennis Federation (“ITF”), Women’s Tennis Association (“WTA”) and Grand Slams to promote, encourage, enhance and safeguard the integrity of their professional tennis events worldwide. The ITIA administers the Tennis Anti-Doping Programme (“TADP”) on behalf of international governing bodies worldwide.

Gonçalo Oliveira

2. Mr Oliveira was born on 17 February 1995 and is currently thirty years old. This is the first time he has been charged with a doping offence. He is a professional tennis player with dual Portuguese and Venezuelan nationality. Mr Oliveira has achieved a career-high ATP ranking of 194 in singles and of 77 in doubles. He has competed for the Republic of Portugal from 2012 to April 2024 from when he has represented the Bolivarian Republic of Venezuela. Mr Oliveira fully understands and speaks excellent English.

II: FACTUAL BACKGROUND

3. On 25 November 2024, Mr Oliveira was a player participating in The Manzanillo Open, an ATP Challenger Tour event taking place between 25 November 2024 and 1 December 2024 at Manzanillo, Mexico (the “Event”). This was a Covered Event under the TADP.
4. On 25 November 2024, Mr Oliveira provided an In-Competition urine sample that was assigned reference number 1537275 (the “Sample”). The Sample was taken in a dedicated testing room at the Barcelo Karmina Manzillo hotel (the “Hotel”), the official players’ hotel for the Event, where Mr Oliveira was staying. In the usual way, the Sample was divided into an A sample and a B sample.
5. On analysis by the World Anti-Doping Agency (“WADA”) accredited laboratory in Montreal, Canada, the A sample was found to contain methamphetamine and therefore there was an Adverse Analytical Finding (“AAF”) for that substance. Under the TADP,

methamphetamine was and is a Prohibited Substance in the category of Stimulants. It was and is a non-Specified Substance.

6. The Certificate of Analysis of the A sample (no. 24L05254BA) dated 20 December 2024 reported the following AAF:

“Metamphetamine estimated at 168 ng/ml (concentration adjusted to 160 ng/mL for specific gravity), above the MRL at 50 ng/mL (SG: 1.019) D-metamphetamine and metabolite D-amphetamine)”.

7. On 15 January 2025 and at the request of Mr Oliveira, a [REDACTED] [REDACTED] provided a signed witness statement, entitled *“Declaration”* as to the circumstances of their meeting during the evening and night of 23 November 2024 in Manzanillo, Mexico. Mr Oliveira’s evidence is that he had sexual intercourse with [REDACTED] that night and he believed that the AAF may have been explicable because [REDACTED] may have been the source of the methamphetamine.
8. On 17 January 2025, the ITIA issued Mr Oliveira with a Notice of potential Anti-Doping Rule Violation (“ADRV”) under TADP article 7.10 and notice of Mandatory Provisional Suspension under TADP article 7.12.1 with effect from that date (the “Provisional Suspension”).
9. On 21 January 2025 and at the request of Mr Oliveira, a [REDACTED], whose full name is recorded as [REDACTED] provided a brief signed witness statement, entitled *“Declaration”* as to the circumstances of their meeting during the evening of 24 November 2024 at a beach club bar called [REDACTED] in Manzanillo, Mexico (the “Beach Bar”). [REDACTED] stated:

“On November 24, between 7.00 and 8.00 pm, I met Goncalo in a bar in the Malecon area. We danced and ended up kissing.

A little before I met him, I consumed a pill which made me feel euphoria, agitation, confidence to socialize and in the moment a feeling of energy and joy and I also had a few drinks of alcohol.”

10. In addition, on 21 January 2025 and at the request of Mr Oliveira, [REDACTED], a fellow professional tennis player competing in the Event, provided a signed witness statement, entitled “*Declaration*” as to the circumstances of their visit to the Beach Bar during that evening.
11. On 22 January 2025, Mr Oliveira provided his response to the Notice of potential ADRV. He denied having ever knowingly ingested methamphetamine or any other Prohibited Substances. He said, among other things, that he does not smoke, drink alcohol, or engage in any activity that could compromise his health or enhance his performance as an athlete.
12. In relation to his meeting with [REDACTED] at the Beach Bar, Mr Oliveira said:

“On November 24, 2024 I was at a bar in the center with a friend, where I met a woman. We danced and ended up sharing a few kisses. Shortly before meeting her, the woman consumed a pill of “recreational drug” and had a drink. At the time, I was unaware of her having taken the drugs and only learned about it later when I contacted her [to] ask questions following my positive test. At around 9 PM that night, I left the bar with my friend to our hotel.

Based on her testimonial and the effects of the drugs she took, it is very credible that she consumed amphetamine-based drugs (ecstasy?). While I cannot confirm whether any physical contact or proximity with this woman could have contributed to accidental contamination, it is nonetheless a credible possibility that cannot be ignored or overlooked.”
13. In addition to providing his account of his meeting with [REDACTED] at the Beach Bar, Mr Oliveira also referred to his meeting with a [REDACTED] on 23 November 2024 at the Hotel, arranged through a well-known dating app that resulted in sexual intercourse. At that time, Mr Oliveira thought it possible that this intimate encounter could explain the AAF because he had shared her water bottle.
14. Mr Oliveira denied the AAF, and the B sample was tested by the same WADA accredited laboratory. The Certificate of Analysis of the B sample (no. 24L05254DA) dated 28 January 2025 reported the following AAF:

“Metamfetamine: D-metamfetamine and metabolite D-amfetamine”.
15. On 5 February 2025, the ITIA published Mr Oliveira’s Provisional Suspension.

16. On 3 March 2025, King & Spalding International LLP solicitors ("King & Spalding") provided Mr Oliveira's formal response to the Notice of Provisional Suspension. Mr Oliveira denied knowingly consuming methamphetamine and stated his belief that there were two potential sources to explain the AAF, being either (1) intimate physical contact by deep and prolonged kissing with [REDACTED] at the Beach Bar during the evening of 24 November 2024 ("Kissing Contamination") or (2) contamination of the Sample by environmental conditions in and around Manzanillo ("Environmental Contamination").
17. On 25 March 2025, Dermot Rice ("DR"), an ITIA investigator interviewed [REDACTED], through a Spanish interpreter in an online meeting on Microsoft Teams. In relation to evening of 24 November 2024, [REDACTED], referred to in the transcript as [REDACTED], is recorded as saying, among other things:

[REDACTED]: *"I was in Manzanillo. I was at the beach, I decided to go into a bar. I had already had some alcohol drinks, alcoholic drinks. I also consumed one pill for recreational use. Then I met Gonzalo in the bar. We spoke, we danced. And we kissed. We kissed and after a while he left. That was all that relates to him."*

[...]

[REDACTED]: *"I met him when I entered the bar. We just spoke. And we danced, and we danced and then we kissed."*

DR: *"Okay so you said you consumed a pill of recreational...for recreational use, what was the pill?"*

[REDACTED]: *"I cannot say because that's part of my private life but I can just say that it was a pill that made me feel euphoria, it made me...it gave me a bit more confidence. It makes me sort of more sociable."*

DR: *"Okay, so I appreciate what you are saying what you are saying about your private life, [REDACTED] but the whole reason for this interview is based around Gonzalo claiming that the positive test he...he had, related directly to the pill that you had taken, so therefore understanding what that pill is, whilst it might be part of your private life it's also a very important part of Gonzalo's life. So it's very important for me to clarify either what you believe you had taken, or what you thought you took, what you may be asked for, when you obtained the pill."*

█: *"Well I only know that, I don't know exactly what it was, I know what...how it made me feel, the symptoms that it produced in me, because I took it, I had...I took it because I had already drunk alcohol and I thought it would be good for my recreational use and that's why I took it."*

DR: *"Okay. And is it ... do you have any do you say you don't know what it was, do you have any, from experience, are you able to say what you think it might have been?"*

█: *"I prefer not to say the exact one. It's a drug, I know it's a drug but I prefer not to say the name. I think it's something that gives you that, but I prefer not to say."*

DR: *"Okay. And are you able to say what you asked for when you obtained the drug?"*

█: *"I didn't ask for it."*

DR: *"Okay, did you...how did obtain it then?"*

█: *"I prefer not to say."*

DR: *"Okay."*

█: *"It was given to me. It was a gift."*

DR: *"Okay."*

█: *"That's why I don't know what it was exactly. But I just knew that it was something...it was something that was going to make me euphoric but not something that would depress me or make lose consciousness."*

DR: *"Okay. And was it a tablet or was it capsule or what did it look like?"*

█: *"I can't remember."*

18. On 27 March 2025, Mr Rice interviewed Mr Oliveira in an online meeting on Microsoft Teams. Representatives of the ITIA and Mr Oliveira's solicitors, King & Spalding, attended the interview. During the interview, Mr Oliveira was asked whether he could explain in his own words how methamphetamine and its metabolite came to be in his system in November 2024. His answer was that he did not know. In relation to his time spent with █, Mr Oliveira said that he was with her for 1.5 – 2 hours. He said that he danced with her for *"a short time at first"* and then they started kissing. Mr Oliveira said they

engaged in deep and prolonged French kissing. He said they were kissing in this way for 30 to 50 minutes. At the conclusion of their meeting, Mr Oliveira and [REDACTED] exchanged WhatsApp numbers.

19. In relation to his communication with [REDACTED] after 24 November 2024 regarding the nature of the recreational drug she had taken, Mr Oliveira's evidence was:

“GO: She didn't mention anything. The only word she says is she took a recreational drug. As you may be aware, I kind of panicked a little bit myself when she said that, so I asked her, like “could you please do a testimony relating to that?” And she said, “Yes, sure. I'll do it.” And then she sent me the thing, and when she sent me the affidavit it didn't mention any specific things about the pill.”

DR: “Okay. But in your conversations with her, did you ask her what drugs she had taken?”

GO: “No. When she told me that she had taken recreational drug, all I focussed was just trying to get her to do an affidavit, ask her to do the affidavit.”

DR: “Okay, so you didn't ask...”

GO: “And...”

DR: “Sorry at this point were you aware that it was... that the substance in question, is that correct?”

GO: “I wasn't...she had mentioned that it was a recreational drug. That's the only thing she mentioned. She didn't mention any names of what she took.”

20. On 31 March 2025, the ITIA issued Mr Oliveira with a notice of disciplinary charge of ADRVs (“Notice of Charge”) under the TADP in respect of the AAF. The charges were under TADP Article 2.1 (presence) and under TADP Article 2.2 (use), (together the “Charges”).
21. On 11 April 2025, King & Spalding for Mr Oliveira submitted his response to the Notice of Charge. He admitted the Charges and disputed the Consequences.
22. On 23 April 2025, the ITIA issued its decision that the appropriate period of Ineligibility was four years. It stated:

“The ITIA has carefully reviewed Mr Oliveira’s response (as well as evidence given in his interview, and that of [REDACTED]) and has determined that in our view, Mr Oliveira has not proved that the methamphetamine in his sample was due to kissing [REDACTED] [REDACTED] and, therefore, has not discharged his burden to prove source on the balance of probabilities. This means that we do not consider that he has proved that the anti-doping rule violation was not intentional.”

23. On 25 April 2025, Mr Oliveira requested a hearing before an Independent Tribunal appointed under the TADP.

III: THE PARTIES’ REPRESENTATION

24. The ITIA was represented by independent senior and junior legal counsel, Louise Reilly SC and David Baker, instructed by Kellerhals Carrard of Lausanne, Switzerland. Mr Oliveira was represented, on a pro bono basis, by Tom Sprange KC, assisted by Charity Kirby and Liam Petch, all of King & Spalding of London, United Kingdom.
25. The Tribunal is grateful to all counsel for their detailed written submissions filed before the hearing and for their presentation of the hearing bundles. The Tribunal is in particular grateful to Ms Reilly SC and Mr Sprange KC for their conduct of the evidence and submissions at the hearing. Mr Oliveira was fortunate to have the assistance of King & Spalding on a pro bono basis in this matter.

IV: PROCEDURAL HISTORY

Standard Directions

26. On 28 April 2025 Mr Jonathan Bellamy C.Arb was appointed as Chair of the Independent Tribunal, by the Chair of the ITIA Independent Panel.
27. On 19 June 2025, the Chair conducted a preliminary meeting attended by counsel for the ITIA and Mr Oliveira.

28. It was directed that:

- (1) by 18 July 2025 and pursuant to TADP Article 8.3.2.6(a), Mr Oliveira shall submit his brief setting out his submissions on the issues he wished to raise at the hearing, his witness statement and the witness statement of any other witness (fact or expert) he intended to call at the hearing setting out the evidence he wished the Independent Tribunal to hear from such witnesses and/or experts and copies of documents he intended to introduce at the hearing;
- (2) by 29 August 2025 and pursuant to TADP Article 8.3.2.6(b), the ITIA shall submit an answering brief setting out its submissions on the issues it wished to raise at the hearing, the witness statements it intended to call at the hearing, setting out the evidence it wished the Independent Tribunal to hear from such witnesses and/or experts and copies of documents he intended to introduce at the hearing;
- (3) a one-day in-person hearing shall take place on 11 September 2025 at the International Dispute Resolution Centre in London, UK, before an Independent Tribunal comprised of three members.

29. Mr Oliveira complied with the direction set out at paragraph 29(1) above. The ITIA complied with the direction set out at paragraph 29(2) above.

30. On 04 August 2025, Tamara Gaw and Nilo Effori were appointed to form the three-person Independent Tribunal.

The ITIA's application for documents and information from the Respondent

31. On 29 July 2025, the ITIA issued an application to the Chair of the Independent Tribunal for a direction that Mr Oliveira should provide information relating to two documents provided with his brief. These documents were

- (1) Respondent exhibit R-45 to his witness statement described by Mr Oliveira in the brief as *"WhatsApp message between Gonzalo Oliveira and [REDACTED]"*

██████ with a date range stated by Mr Oliveira to be 12 March 2025 to 14 March 2025 (“Exhibit R-45”);

- (2) Respondent exhibit R-50 described by Mr Oliveira in the brief as *“Screenshot of Mr Oliveira’s “Photos” app, showing the timestamp of a photo of his visit to Costa Careyes”* with a date of 20 November 2024 (“Exhibit R-50”).

- 32. In relation to Exhibit R-45, the ITIA requested a direction that Mr Oliveira should export it as a WhatsApp chat to the ITIA for its consideration and should send the ITIA a screenshot of the WhatsApp contact information he held for the individual named as “██████”.
- 33. In relation to Exhibit R-50, the ITIA requested a direction that Mr Oliveira should send the ITIA the original versions of all photographs and videos taken from his time at Costa Careyes on 22 November 2024.
- 34. By letter dated 4 August 2025 King & Spalding replied to the application:
 - (1) in relation to Exhibit R-45, it stated that Mr Oliveira sent the screenshot to that firm on 14 March 2025 and disputed that the ITIA had any basis for the direction sought. In addition, it sent the ITIA a screenshot of the WhatsApp contact information for the individual named as “██████” Mr Oliveira said he held.
 - (2) in relation to Exhibit R-50, it sent the original versions of all photographs and videos Mr Oliveira said were taken from his time at Costa Careyes on 22 November 2024.
- 35. By email dated 5 August 2025, the ITIA requested explanations from Mr Oliveira in response to a number of questions it raised arising from these exhibits and King & Spalding’s response dated 4 August 2025. King & Spalding replied to this request for explanations by letter dated 11 August 2025.
- 36. By a reasoned Procedural Order dated 12 August 2025, the Chair of the Independent Tribunal directed that by 14 August 2025 King & Spalding, on behalf of Mr Oliveira, shall send the ITIA, an export of the WhatsApp chat shown in R-45 and declined to make any other procedural directions. King & Spalding for Mr Oliveira replied to this direction by letter dated 15 August 2025. It stated that Mr Oliveira was unable to comply with this

direction because *“his message with [REDACTED] no longer remain on his WhatsApp application”*.

37. By this letter Mr Oliveira stated that after the Provisional Suspension he had taken up full-time employment as Vice-President of a hotel business majority owned by his father, [REDACTED], called the [REDACTED]. He said that in that role he was responsible for managing customer reservations and relations. From March or April 2025, he had handled the personal information of customers on his WhatsApp account. Mr Oliveira stated that, in order to comply with data retention provisions under Portuguese data protection law, the [REDACTED] was required to delete customers' personal data after retaining it for a period of three months. He said that the accountant engaged by the business, Mr [REDACTED], whose role included data protection compliance, had access to his WhatsApp account, and reviewed the messages periodically and deleted *“full conversation threads that appear to contain personal data”*. It was said that

“Mr [REDACTED] is unable to recall whether Mr Oliveira’s chat with [REDACTED] is one such chat he has deleted but confirms he is likely to have deleted message threads if they contained [REDACTED]’s personal data.”

The Respondent’s application to file further documents

38. At the hearing on 11 September 2025, Mr Oliveira’s counsel applied to file further documents into the record of the proceedings. These documents comprised an online biography of Professor Naud, photos of Mr Oliveira providing a sample of his hair for analysis by Professor Kintz, a curriculum vitae of Professor Kintz, a list of scientific publications of Professor Kintz and several academic articles including one by Professor Polettini et al. The ITIA’s counsel opposed the introduction of this new documentation due to its late service but did not assert prejudice. After hearing counsel orally, the Independent Tribunal directed that all the documents requested on behalf of Mr Oliveira be admitted into the record of the proceedings.

The hearing

39. Mr Oliveira exercised his right under the (TADP Art. 8.4.1) to an in-person oral hearing of this matter.
40. The hearing was conducted in person save that each of the expert witnesses called by the parties gave his evidence remotely by online video conference.
41. It was agreed between counsel for the parties that the documents produced by the parties in their briefs, including Mr Oliveira's witness statement and the parties' expert reports should be admissible into the record without further formal proof.
42. Mr Oliveira gave his evidence in person and was cross-examined on behalf of the ITIA. At no time was it suggested by or on behalf of Mr Oliveira that he required an interpreter.
43. With the agreement of counsel for the parties, the Independent Tribunal directed that it would not administer an oath or affirmation to the witnesses each of whom was advised of the requirement to give his evidence truthfully.

V: THE ISSUES FOR DETERMINATION

44. In view of Mr Oliveira's admission of the ADRV, the issues for determination by the Independent Tribunal were:
 - (1) whether Mr Oliveira has established that the ADRV was not intentional;
 - (2) if, but only if, Mr Oliveira has so established, whether:
 - (a) he bears No Fault or Negligence for the ADRV; or
 - (b) he bears No Significant Fault or Negligence for the ADRV;
 - (3) whether the ITIA has established that Aggravating Circumstances are present under the TADP which justify the imposition of a period of Ineligibility greater than the standard sanction and, if so, to what extent;
 - (4) whether the ADRV is proved under TADP Article 2.1 (presence) and TADP Article 2.2 (Use);

- (5) the Consequences, being:
 - (a) the appropriate period of Ineligibility;
 - (b) the order for Disqualification of Results;
- (6) the appropriate order for costs.

VI: THE PROCEDURAL RULES GOVERNING TADP PROCEEDINGS BEFORE AN INDEPENDENT TRIBUNAL

45. The Procedural Rules governing TADP Proceedings before an Independent Tribunal (the “Procedural Rules”) state so far as relevant:

Governing Law

“1.3 *These Procedural Rules, and proceedings before the Independent Tribunal generally, are governed by English law.*”

Arbitral Tribunal

“*The Independent Tribunal is intended to operate as an arbitral tribunal within the meaning of the Arbitration Act 1996*”.

VII: THE TENNIS ANTI-DOPING PROGRAMME 2024

46. This states so far as relevant:

1. Introduction

[...]

1.5 Effective Date

1.5.1 *This Programme comes into full force and effect on 1 January 2024 (“the ‘Effective Date’)*

[...]

2. Anti-Doping Rule Violations

2.1 The presence of a Prohibited Substance [...]

2.1.1 *"It is each Player's personal duty to ensure that no Prohibited Substance enters their body. Players are responsible for any Prohibited Substance or any of its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary to demonstrate intent, Fault, Negligence, or knowing Use on the Player's part in order to establish an Article 2.1 Anti- Doping Rule Violation; nor is the Player's lack of intent, Fault, Negligence or knowledge a defence to an assertion that an Article 2.1 Anti-Doping Rule Violation has been committed."*

2.2 *Use or Attempted Use by a Player of a Prohibited Substance [...]*

2.2.1 *"It is each Player's personal duty to ensure that no Prohibited Substance enters their body and that no Prohibited Method is Used. Accordingly, it is not necessary to demonstrate intent, Fault, Negligence, or knowing Use on the Player's part in order to establish an Anti-Doping Rule Violation for Use of a Prohibited Substance or a Prohibited Method under Article 2.2; nor is the Player's lack of intent, Fault, Negligence or knowledge a defence to a charge that an Anti-Doping Rule Violation of Use has been committed under Article 2.2."*

3. Proof of doping

3.1 *Burdens and standards of proof*

3.1.1 *"The ITIA will have the burden of establishing that an Anti- Doping Rule Violation has occurred. The standard of proof will be whether the ITIA has established the commission of the Anti-Doping Rule Violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt."*

3.1.2 *Where this Programme places the burden of proof on the Player or other Person alleged to have committed an Anti- Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, then except as provided as in Articles 3.2.4 and 3.2.5 the standard of proof will be by a balance of probability."*

8. Results Management: proceedings before an Independent Tribunal

8.1 *Jurisdiction of the Independent Panel*

"The following matters arising under this Programme will be submitted for determination by an Independent Tribunal in accordance with the Procedural

Rules Governing Proceedings Before an Independent Tribunal, as amended from time to time:

- 8.1.1 *A charge that one of more Anti-Doping Violations has been committed (and any issues relating to that charge). Where such charge is upheld, the Independent Tribunal will determine what Consequences (if any) should be imposed, in accordance with and pursuant to Articles 9 and 10."*

[...]

8.5 *Decisions of the Independent Tribunal*

[...]

- 8.5.3 *"The ITIA will pay the costs of convening the Independent Tribunal and of staging the hearing, subject to any costs-shifting order that the Independent Tribunal may make further to Article 8.5.4.*
- 8.5.4 *The Independent Tribunal has the power to make a costs order against any party, where it is proportionate to do so. If it does not exercise that power, each party will bear its own costs, legal, expert, hearing, and otherwise."*

10. *Ineligibility sanctions for individuals*

10.2 *Imposition of a period of Ineligibility for presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method*

"The period of Ineligibility imposed for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Player's [...] first doping offence will be as follows, subject to potential elimination, reduction, or suspension pursuant to Article 10.5, 10.6, or 10.7.

- 10.2.1 *Save where Article 10.2.4.1 applies, the period of Ineligibility will be four years:*

10.2.1.1 *where the Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, unless the Player or other Person establishes that the Anti-Doping Rule Violation was not intentional;*

[...]

- 10.2.2 *If Article 10.2.1 does not apply, then (subject to Article 10.2.4.1) the period of Ineligibility will be two years.*

- 10.2.3 *As used in Article 10.2, the term 'intentional' is meant to identify those Players or other Persons who engage in conduct that they knew*

constituted an Anti-Doping 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.”

10.4 Aggravating Circumstances that may increase the period of Ineligibility

“If the ITIA establishes, in an individual case involving an Anti-Doping Rule Violation under Article 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 or 2.10, that Aggravating Circumstances are present that justify the imposition of a period of Ineligibility greater than the standard sanction otherwise applicable in accordance with Article 10.2 or 10.3, the period of Ineligibility otherwise applicable will be increased by an additional period of Ineligibility of up to two years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Player or other Person can establish that they did not knowingly commit the Anti-Doping Rule Violation.”

10.5 Elimination of the period of Ineligibility where there is No Fault or Negligence

“If a Player or other Person establishes in an individual case that they bear No Fault or Negligence for the Anti-Doping Rule Violation, the otherwise applicable period of Ineligibility will be eliminated.”

10.6 Reduction of the period of Ineligibility based on No Significant Fault or Negligence

10.6.2 Application of No Significant Fault or Negligence beyond Article 10.6.1:

“In an individual case where Article 10.6.1 is not applicable, if a Player or other Person establishes that they bear No Significant Fault or Negligence for the violation, then (subject to further reduction or elimination as provided in Article 10.7) the otherwise applicable period of Ineligibility may be reduced based on the Player's or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period may be no less than eight years.”

10.10 Disqualification of results in Competitions subsequent to Sample collection or commission of an Anti-Doping Rule Violation

“Unless fairness requires otherwise, in addition to the Disqualification of results under Articles 9.1 and 10.1, any other results obtained by the Player in Competitions taking place in the period starting on the date the Sample in question was collected or other Anti-Doping Rule Violation occurred and ending on the commencement of any Provisional Suspension or Ineligibility period, will

be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money)."

10.12 Financial Consequences

10.12.1 *"Where a Player or other Person commits an Anti-Doping Rule Violation, upon request by the ITIA the Independent Tribunal may order the Player or other Person to pay some or all of the costs associated with the Anti-Doping Rule Violation (including, without limitation, those incurred by the ITIA in investigating or otherwise conducting Results Management in relation to the matter), regardless of the period of Ineligibility imposed (if any).*

10.12.2 *The imposition of a costs order will not be considered a basis for reducing the period of Ineligibility or other Consequences that would otherwise be applicable under this Programme. "*

10.13 Commencement of Ineligibility period

"Where a Player or other Person is already serving a period of Ineligibility for an Anti-Doping Rule Violation, any new period of Ineligibility will start on the first day after the current period of Ineligibility has been served. Otherwise, the period of Ineligibility will start on the date of the final decision providing for Ineligibility

[...]

10.13.2 *Credit for any Provisional Suspension [...] served:*

10.13.2.1 *Any period of Provisional Suspension [...] that has been respected by the Player [...] will be credited against the total period of Ineligibility to be served [...]*

[...]

APPENDIX ONE

DEFINITIONS

"Aggravating Circumstances: *Circumstances involving, or actions by, a Player or other Person that may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions include, but are not limited to: the Player or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions, or committed multiple other Anti-Doping Rule Violations; a normal individual would be likely to enjoy the performance-*

enhancing effects of the Anti-Doping Rule Violation(s) beyond the otherwise applicable period of Ineligibility; the Player or other Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an Anti-Doping Rule Violation; or the Player or other Person engaged in Tampering during Results Management. For the avoidance of doubt, these examples are not exhaustive, and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.

No Fault or Negligence: *The Player or other Person establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they 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 Player must also establish how the Prohibited Substance entered their system.*

No Significant Fault or Negligence: *The Player or other Person establishing that their 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 relation 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 Player must also establish how the Prohibited Substance entered their system.”*

VIII: THE PARTIES' EVIDENCE

ITIA

Factual

47. The ITIA relied on the documents in its Answer Brief including the transcripts of the interviews undertaken by the ITIA's investigator Mr Rice, referred to in paragraphs 17 and 18 above, admitted into the record by party agreement.
48. This documentation included the transcript of a WhatsApp group chat entitled "[REDACTED]" of eleven or twelve unnamed professional tennis players created on 7 May 2024 by an individual using the moniker "[REDACTED]", to whom the other members of the group referred to on various occasions as "[REDACTED]" (the "WhatsApp Group Chat"). Mr Oliveira joined the WhatsApp Group Chat on [REDACTED]. It contained a large number of wide-ranging posts referring to, among other things, [REDACTED] among some unnamed members.

Expert

Professor Naud

49. The ITIA filed an expert report from Professor Naud dated 20 August 2025. Professor Naud is an Associate Professor and the Director of the Doping Control Laboratory at the Institut national de la recherche scientifique, Québec, Canada. He has undertaken in the region of 3,200 anti-doping analyses for the ITIA.
50. The ITIA instructed Professor Naud by an email dated 24 July 2025 to report on the AAF of methamphetamine and *“the plausibility (or lack of) environmental contamination”*. In this email the ITIA also asked Professor Naud whether he felt *“comfortable addressing hair testing and its effectiveness”*.
51. Professor Naud’s report was entitled *“opinion on the contamination scenario to explain adverse analytical findings reported for sample 1537275”*. He confirmed his independence from the parties and that his report contained his own views. In addition to reporting on the issues of the AAF of methamphetamine and the potential question of environmental contamination reported on by Professor Denis-Oliveira for Mr Oliveira, he expressed his opinion on the expert evidence from Professor Kintz for Mr Oliveira in relation to hair testing.
52. Professor Naud recited the results of the testing of the A and B samples. He reported that the Minimum Reporting Level (“MRL”) for stimulants, including d-methamphetamine, was 50 ng/mL. He explained that the MRL refers to the specific concentration threshold above which a laboratory must report the finding as an AAF.
53. Professor Naud observed that the factual evidence he had seen did not establish that [REDACTED] had ingested methamphetamine *“It is not known what recreational doses the woman took, and there is no indication that the pill she took was MAPM”*.
54. In relation to the AAF, he reported on the results of studies undertaken into the excretion in urine concluding:

“It is not possible to draw any conclusions from a single urine sample. However, the concentration found in sample 1537275 may correspond to the excretion of a dose ≤ 10 mg for example, taken the day before the sample was collected. The concentration of MAMP found in the urine sample is consistent with he, himself taking the drug 24 hours prior to the sample collection.”

55. He reported further that *“The frequency of use cannot be deduced from random urine samples. We cannot determine how the athlete used MAMP, the dosage, or the precise time of administration.”*
56. Professor Naud also put forward an analysis regarding the volume of saliva that would have to be passed between [REDACTED] and Mr Oliveira during their time kissing at the Beach Bar to justify a conclusion that this activity was the source of the AAF. He concluded that, using the assumptions he made in this analysis, *“The athlete had 4-36 times more MAMP in their [sic] urine 24 hours after the exchange of saliva than the total amount that could be transferred through kissing, which rules out kissing as the cause of the AAF”*.
57. In relation to the case of Environmental Contamination, Professor Naud observed that the Sample was one of twenty-five samples taken at The Manzanillo Open of which all except the Sample were negative. His opinion was that this *“ruled out a general environmental contamination”*.
58. His evidence was that an AAF of methamphetamine was very unusual. He said, in unchallenged evidence, that, in the period 2010 – 2022, the WADA accredited Montreal laboratory:
- (1) analysed 68,000 In-Competition samples and reported two AAFs of methamphetamine. In those cases, the findings were 62 ng/mL and 96 ng/mL. In each case, the sample was taken in the USA;
 - (2) received 1,632 In-Competition samples from Mexico and reported no AAF of methamphetamine in those samples.
59. As invited in his email of instruction dated 24 July 2025, Professor Naud also expressed his opinion on the hair tests undertaken by Professor Kintz. His opinion was that *“The mere detection of methamphetamine at a low concentration (pg/mL) does not justify the conclusion of contamination or incidental exposure”* and repeated his observation that there was no evidence that [REDACTED] had ingested methamphetamine.
60. In his report, Professor Naud said that he disagreed with Professor Kintz’s interpretation of the results of his hair analysis. However, in his oral evidence under cross-examination by Mr Oliveira’s counsel, Professor Naud accepted that he does not undertake hair

analysis and nor does the WADA accredited laboratory which he directs. In cross-examination, Professor Naud further accepted that Professor Kintz is more of an expert than he on hair testing and that he would defer to Professor Kintz on that topic. Professor Naud was also cross-examined on the basis that his analysis regarding the volume of saliva that would have to be passed between [REDACTED] and Mr Oliveira explain the AAF was based on a number of unverified assumptions.

61. Under cross-examination, Professor Naud maintained his opinion, based on the urine test result that the AAF did not support a case of contamination.
62. When it was put to him that the feelings, including of euphoria, that [REDACTED] stated she felt after ingesting the recreational pill was an indication that she had ingested methamphetamine, Professor Naud's evidence was that *"there are many drugs that could produce that feeling. There is no scientific demonstration that she took methamphetamine."*

Mr Oliveira

Factual *Mr Oliveira*

63. Mr Oliveira filed a witness statement dated 18 July 2025. The following parts of Mr Oliveira's witness statement relate to the issues the Independent Tribunal is required to determine.
64. Mr Oliveira described how he wanted to be a professional tennis player from a young age. He said his career has been built on hard work and was maintained by a healthy lifestyle. He said he has never smoked a cigarette or drunk a glass of alcohol because he is aware of the negative effect either could have on his career in the long-term. He said he believes in a clean, dope-free sport. He said, in unchallenged evidence, that in 2013 he reported to the Tennis Integrity Unit ("TIU") an approach made to him to fix a tennis match and cooperated in that investigation by giving evidence in support of the TIU's investigation.
65. Mr Oliveira's evidence was that he had never knowingly taken a Prohibited Substance and, in his words, *"I do everything I possibly can to reduce this risk"*. He gave as an

illustration that he only takes medication recommended by his family doctor, [REDACTED], and also provided by an official tournament doctor.

66. In relation to his visit to Costa Careyes on 22 November 2024, Mr Oliveira's evidence was that he travelled there from Puerto Vallarta by taxi in the company of two other tennis players, [REDACTED], and spent time at a friend's house there before they travelled to Manzanillo that evening.
67. Mr Oliveira described his meeting with [REDACTED] on 24 November 2024 at the Beach Bar. He says that she approached him, and after a few minutes of conversation, she asked him to dance. Mr Oliveira's evidence was that *"We danced for a short while inside the bar and then we kissed on and off for around an hour and a half while we danced. Each time, our kisses were prolonged, involved tongues and were intense."* He said that he disagreed with [REDACTED] recollection at her interview with the ITIA that they had kissed for a total of only two to three minutes. Mr Oliveira estimated that, during the time he spent in [REDACTED] company at the Beach Bar, they kissed for *"around 20-30 minutes in total"*.
68. Mr Oliveira said that when he was notified by the ITIA of the AAF he telephoned [REDACTED], whose number he had retained from their meeting on 24 November 2024 and asked her if she had taken any medication on that evening. He said that [REDACTED] replied that she had not taken any medication but had taken a *"recreational pill"* in the minutes before they met. Mr Oliveira recalls her saying that the pill made her feel *"euphoric, more sociable and outgoing"*.
69. In relation to the environment generally in Manzanillo, Mr Oliveira described how he ate his meals at the Hotel buffet and drank from a water dispenser along with other Hotel guests. He said that during his tennis match on 25 November 2024 he was provided with two bottles of water that were pre-opened and premixed with electrolyte sachets. During the match he drank some water, Gatorade, and consumed some hydration sachets provided by Dr Tobon, the tournament doctor, for an earlier reported stomach condition. Mr Oliveira says that he drank some water from the Hotel water dispenser before providing the Sample in order to provide urine for the anti-doping test. He says that the door to the room where the test was conducted was open and there were several players and chaperones waiting outside in the corridor to be tested.

70. Mr Oliveira was cross-examined by Ms Reilly SC for the ITIA. On points relevant to the issues for determination by the Independent Tribunal, Ms Reilly challenged Mr Oliveira's evidence concerning

(1) the seriousness with which he took his professional obligations under the TADP

(2) the time he spent at Costa Careyes on 22 November 2024

(3) the facts of the time he spent in the company of [REDACTED] at the Beach Bar on 24 November 2024, including the nature and duration of their kissing

(4) the WhatsApp or other correspondence between him and [REDACTED] after 25 November 2024

(5) the reason why he did not voluntarily export his WhatsApp chat with [REDACTED] during the Results Management process

(6) the reason why [REDACTED] deleted his WhatsApp chat with [REDACTED]

(7) the authenticity of the screenshot of the WhatsApp contact information for the individual named as "[REDACTED]" produced on 4 August 2025

(8) the circumstances in which and reasons for which he changed the name of that WhatsApp contact information from "[REDACTED]" to "[REDACTED]"

(9) the origin of the photograph of the contact in that WhatsApp contact information

(10) his participation in the WhatsApp Group Chat, but in relation only to the matters at subparagraphs (11) and (12) below

(11) whether he consumed alcohol

(12) his attitude to sexual relations around professional tennis tournaments with women, [REDACTED].

71. In his oral evidence, Mr Oliveira maintained his evidence that he did not take drugs and said "*I have not seen drugs in my life*" and that he "*did not understand drugs*". He maintained that he took his obligations under the TADP seriously. He accepted that, by

his own account, he had casual sexual relations with [REDACTED] and had close oral physical relations with [REDACTED] shortly before The Event and the anti-doping test. His evidence was that there was nothing telling about the inconsistencies in his evidence regarding the time spent in Costa Careyes on 22 November 2024. He maintained the evidence of his meeting with [REDACTED] at the Beach Bar as set out in his witness statement dated 18 July 2025.

72. In relation to the deletion of his WhatsApp chat with [REDACTED], his oral evidence confirmed the account provided on his behalf by King & Spalding in its letter dated 11 August 2025 that it had been deleted by [REDACTED] for reasons of Portuguese data protection law. Mr Oliveira said that he had only one WhatsApp account and that the content of that account was available to the business because he used it for mixed business and personal use.
73. Mr Oliveira maintained that Exhibit R-45 was an authentic screen shot of his WhatsApp chat with [REDACTED]. He denied that he had created that screenshot for any reason associated with his case in these proceedings.
74. He maintained that the screenshot of the WhatsApp contact information he held for the individual named as [REDACTED] was authentic. His evidence was that he deleted the word "[REDACTED]" from the contact's name of [REDACTED] because, due to the AAF and the ITIA's investigation, it was no longer necessary for him to identify her by the place where they had met. Mr Oliveira's evidence was that it was [REDACTED] who had sole control over the photograph on her WhatsApp profile.
75. Mr Oliveira was cross-examined on only three entries in the transcript of the WhatsApp Group Chat: a photograph he posted on 13 November 2024 of him standing near another professional tennis player in a beach party atmosphere with a partially consumed pint of beer on his head; a post from him dated 17 November 2024 in which he wrote to the member of the group he call [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]".

76. In general terms, Mr Oliveira was dismissive about the relevance of his participation in the WhatsApp Group Chat saying he thought the chat was “*complete nonsense*” and he “*did not take it seriously*”.

██████████

77. In relation to his visit with Mr Oliveira on 24 November 2024 to the Beach Bar, ██████████ said in a Declaration witness statement dated 21 January 2025 that “*While we were there, Gonçalo met a woman, and they danced and kissed*”. In a later Declaration witness statement dated 17 July 2025, ██████████ said that during the visit he stayed outside the Beach Bar to take a telephone call on the beach. He said, “*I saw Gonçalo was kissing a woman and didn’t want to disturb him.*” He says they left the Beach Bar around 8.30 – 9p.m. to return to the Hotel for dinner before the buffet closed.

██

78. Mr Oliveira relied on the declaration witness statements from ██████████ and ██████████, referred to at paragraphs 7 and 9 above and a declaration witness statement from a ██████████ dated 11 June 2025. ██████████ evidence related to Mr Oliveira’s travel from Puerto Vallarta to Manzanillo.

Character witnesses

79. In addition, Mr Oliveira submitted into the record the following character reference witness statements:

- (a) ██████████ dated 10 July 2025. ██████████ ██████████
██████████;
- (b) ██████████ dated 11 July 2025. ██████████ is a former professional tennis player who has known Mr Oliveira since 2010;
- (c) ██████████ dated 13 July 2025. ██████████ worked with Mr Oliveira for an unstated number of years as a tennis coach;
- (d) ██████████ dated 16 July 2025. ██████████ has been Mr Oliveira’s General Practitioner since the latter’s birth;

- (e) [REDACTED] dated 17 July 2025. [REDACTED] senior is Mr Oliveira's father;
- (f) [REDACTED] undated. [REDACTED] is a professional tennis player who has been a social acquaintance of Mr Oliveira for an unstated period of time.

80. In each case, the witness, whose statement was admitted into the record of proceedings without challenge by way of cross-examination, spoke positively of Mr Oliveira's character and professionalism in tennis during the period of their acquaintance.

Expert

81. Mr Oliveira filed two expert reports:

- (1) Professor Pascal Kintz dated 16 July 2025, following a hair test certificate dated 25 February 2025. Professor Kintz is a Professor of Legal Medicine at the University of Strasbourg, France, and a former President of the Society of Hair Testing and the Societe Française de Toxicologie Analytique;
- (2) Professor Denis-Oliveira dated 3 March 2025. Professor Denis-Oliveira is a Professor at the University of Health Sciences and the Faculty of Medicine of the University of Porto, Portugal, and current President of the Portuguese Association of Forensic Sciences.

Professor Kintz

82. On 17 February 2025, Professor Kintz undertook an analysis of a specimen of Mr Oliveira's hair taken on 12 February 2025. He examined the specimen after segmentation for methamphetamine and its major metabolite, amphetamine.
83. The hair specimen was tested on 4 x 1 cm segments. He reported that, based on an average growth rate of 1 cm per month, the period of the AAF was covered by the segment 2-3 cm. Professor Kintz set out his findings in tabular form:

Segment	Methamphetamine	Amphetamine
0-1 cm	Not detected	Not detected
1-2 cm	< 1 pg/mg (approx. 0.1 pg/mg)	Not detected
2-3 cm	< 1 pg/mg (approx. 0.4 pg/mg)	Not detected
3-4 cm	1.3 pg/mg	Not detected

84. In his report dated 16 July 2025, Professor Kintz recorded that his instruction was to interpret the hair test of the specimen taken from Mr Oliveira and to *“discuss possible contamination through body fluid exchange during kissing, resulting in drug transfer”*.
85. Professor Kintz stated in his report that, in cases such as the present one, *“The legal team of the athlete must present a valid scenario of drug transfer during intimate moments”*. In his oral evidence, Professor Kintz said that *“the legal team of the athlete must provide verified circumstances”*. In his report, he recorded that he had been instructed by King & Spalding that *“Mr Oliveira, kissed a woman who had taken a pill containing methamphetamine”*. In his oral evidence, Professor Kintz said, *“I was told that Mr Oliveira kissed a woman who had taken a pill containing methamphetamine.”*
86. The conclusion of his report was as follows:
- “The hair test of Mr Gonçalo Oliveira is unambiguously indicative that only minute amounts of methamphetamine, without any pharmacological effect, entered into his body via incidental exposure, i.e. kissing a woman who had used methamphetamine [...]”*.
87. In relation to the urine test result and AAF, Professor Kintz expressed the opinion that *“a low urine concentration can be interpreted in two different ways: 1. it can be the tail end of a drug used to enhance performance; or 2. it is the direct consequence of contamination”*.
88. During his oral evidence under cross-examination by the ITIA’s counsel, Professor Kintz stated that the low level of methamphetamine in the Sample was *“consistent with the tail end of use for stimulant properties or contamination”*. He stated further that *“unlike urine, hair testing will not show the source”*.

Professor Denis-Oliveira

89. In his report dated 3 March 2025, Professor Denis-Oliveira stated that, by Mr Oliveira’s report, the conditions in which the Sample were taken on 25 November 2024 were *“entirely inadequate”* given that it was taken in a Hotel room with an open door and in proximity to a number of players and other individuals. More generally, Professor Denis-Oliveira referred at length to the fact that the anti-doping test took place in Manzanillo,

Mexico which he said was a city where there was *“a significant prevalence of drug cartels”*, including specifically the notorious Sinaloa Cartel.

90. Professor Denis-Oliveira also expressed his opinion that the Beach Bar was *“an even more potential source of additional contamination”*, being *“a bar in a city where methamphetamine is a commonly trafficked drug”*. He said that *“whatever Gonalo Oliveira touched during his time outside of the hotel (the bar, taxi, money, or any other surface) introduces an additional potential source of contamination by methamphetamine”*.

91. In relation to Mr Oliveira’s meeting with [REDACTED], Professor Denis-Oliveira stated:

“Accordingly, in the forensic interview, Gonalo Oliveira kissed a girl ([REDACTED]) who subsequently admitted (by signed declaration) to previous consumption of a recreative drug. Although the drug consumed was not disclosed, since methamphetamine is highly consumed in that region, and the girl reported a sense of euphoria, agitation, confidence to socialize, and a feeling of energy, these are signs and symptoms compatible with stimulant abuse such as methamphetamine [...] Therefore, an additional source of accidental oral fluid exposure cannot be ruled out due to swallowing residues from contaminated lips, oral fluid, hands, food, or drinks.”

92. Professor Denis-Oliveira concluded his report by saying: *“As a toxicologist, in this case, [...] I can in no way affirm the voluntary administration of methamphetamine. The current scientific evidence considers that external accidental contamination cannot be ruled out”* and *“Finally, the multiple sources of contamination observed during his stay in Manzanillo can easily explain the AAF registered for Gonalo Oliveira’s urine.”*

93. During his oral evidence under cross-examination by the ITIA’s counsel, Professor Denis-Oliveira, who emphasised on more than one occasion his clinical as well as scientific experience, criticised as unscientific a comparison between an analysis of urine and of hair in relation to presence of methamphetamine.

94. Professor Denis-Oliveira emphasised the low concentration of methamphetamine in the Sample. He said that from a level of 160 ng/mL, he could speculate that it could be the result of the tail end of consumption or contamination saying, *“It could be either.”* He said in terms that *“nobody know the source of the exposure”* and he was unable to say, *“what*

was the real source". He said that *"the plausibility remains"* that it was the result of contamination.

95. Professor Denis-Oliveira accepted that *"no one knows what was in the tablet"* ingested by [REDACTED]. He said that the *"emotional state"* reported by [REDACTED] after ingesting the drug was most likely the result of her taking a stimulant, including potentially cocaine or ecstasy, but *"what stimulant I cannot say"*. He did not exclude the possibility that her emotions were due to her consumption of alcohol but did not include ethanol within the category of stimulants.
96. In relation to his opinion evidence on Environmental Contamination, Professor Denis-Oliveira, who did not state in evidence whether he had visited Manzanillo, accepted that he had undertaken no tests on the water or environment in Manzanillo, including in the Hotel where the anti-doping test was conducted. When invited to comment on whether the factual evidence, which post-dated his own report, from Professor Naud, regarding the number of anti-doping tests undertaken by the WADA accredited laboratory in Montreal during the period 2010 – 2022 and their results (see paragraph 59 above), Professor Denis-Oliveira declined, without explanation, to accept that such evidence changed his opinion in any way.

IX: LEGAL PRINCIPLES

97. The hearing bundle filed by the parties contained 1,918 pages of reported decisions of the Court of Arbitration for Sport ("CAS") produced on behalf of either or both parties. Each of the Briefs contained lengthy sections on the relevant legal principles with reference to this CAS caselaw. After the close of evidence and before oral closing submissions, counsel for the parties informed the Independent Tribunal that they had reached an agreed position on the legal principles applicable to the issues to be decided by the Independent Tribunal.
98. The parties' counsel are to be commended on their agreement. However, the Independent Tribunal observes that, to avoid unnecessary reading time, it would have been beneficial for this exercise to have taken place before the hearing. The parties could then have

notified the Independent Tribunal of their agreed position before production of the hearing bundles or during opening submissions. At the invitation of the Independent Tribunal, counsel for the parties recorded their agreement in a memorandum, filed jointly on 15 September 2025, set out below.

- (1) The starting point for sanction insofar as it concerns a period of Ineligibility is four (4) years (TADP, Article 10.2.1.1).
- (2) In order to reduce the period of Ineligibility to two (2) years, the Player must establish that his ADRV was not intentional (TADP, Articles 10.2.1.1 and 10.2.2). The term 'intentional' is meant to identify Players who engage in conduct that they know constitutes an ADRV or know that there is a significant risk that the conduct might constitute or result in an ADRV and proceed manifestly to disregard that risk (Article 10.2.3).
- (3) In order to establish a lack of intent, the Player must ordinarily prove the source of the Prohibited Substance in his system. The Parties agree that if the Player cannot prove source, it leaves the "narrowest of corridors" through which he can pass in order to establish a lack of intent.
- (4) What is required to prove source is clear, cogent, persuasive or concrete evidence adduced by the Player showing that the source is more likely than not as a result of the alleged contamination. The Player cannot seek to establish source by relying on conceptual, speculative evidence of the source of the prohibited substance.
- (5) If the Player is successful in establishing a lack of intent, his period of Ineligibility is reduced to two (2) years (TADP, Article 10.2.2).
- (6) In order to obtain any further reduction to such two (2) year period of Ineligibility, the Player must rely on No Fault or Negligence or No Significant Fault or Negligence. In order to rely on No Fault or Negligence or No Significant Fault or Negligence, the Player must establish how the Prohibited Substance entered their system (TADP, definitions of No Fault or Negligence and No Significant Fault or Negligence).
- (7) The standard of proof required of the Player to establish any of the above matters is the balance of probabilities.

(8) As to Aggravating Circumstances, the burden of establishing Aggravating Circumstances rests upon the ITIA. The standard of proof required of the ITIA is to the comfortable satisfaction of the Tribunal. If the ITIA establishes Aggravating Circumstances, the Tribunal may impose an additional period of Ineligibility of up to two (2) years (TADP, Article 10.4) unless the Player can establish that he did not knowingly commit the ADRV.

99. In this memorandum it was, rightly, accepted on behalf of Mr Oliveira, among other things, that the legal burden of proof was on him to satisfy the Independent Tribunal that the ADRV was not intentional. It was accepted further, and again rightly, that the applicable standard of proof was the balance of probabilities.

X: THE PARTIES' SUBMISSIONS

ITIA

100. The primary submission made on behalf of the ITIA, in response to Mr Oliveira's submission of the Kissing Contamination and also the Environmental Contamination, is that he has not discharged the burden on him to prove the source of the methamphetamine in the Sample.

101. It is submitted that, without proof of source, it is not possible for Mr Oliveira to satisfy the Independent Tribunal that the ADRV was not intentional. Without proof of source, the submissions made on Mr Oliveira's behalf are not based on evidence and are speculation.

The Kissing Contamination case

102. The ITIA submits there is no evidence that [REDACTED] had ingested methamphetamine before the time she spent with Mr Oliveira on 24 November 2025 at the Beach Club. It submits further that there is no factual evidence from which the Independent Tribunal can or should infer such ingestion. It is submitted that the high point of the evidence on this point is [REDACTED] evidence in her Declaration witness statement and interview on 27 March 2025 that, before meeting Mr Oliveira on 24 November 2024, she had taken an unidentified recreational drug that had caused her to experience feelings that may have

been consistent with ingestion of a stimulant and that there is no evidence that any such a stimulant was methamphetamine.

103. The ITIA submits that the expert hair testing evidence from Professor Kintz does not prove the source of the methamphetamine. It observes that Professor Kintz's analysis and evidence proceeded on an incorrect factual basis because he was instructed by King & Spalding that [REDACTED] had ingested methamphetamine.
104. The ITIA submits positively that the AAF is scientific evidence of the *"tail end of an excretion of a deliberate dose of methamphetamine"*.
105. In reliance on Professor Naud's evidence, the ITIA submits further, albeit it says unnecessarily, that the results from Professor Kintz's hair testing support its case rather than Mr Oliveira's because it indicates it is probable that Mr Oliveira had ingested methamphetamine before meeting [REDACTED] on 24 November 2024.

The Environmental Contamination case

106. In relation to the alleged Environmental Contamination, the ITIA submits again that Mr Oliveira has not discharged the burden on him to prove the source of the methamphetamine in the Sample. It submits there is no scientific evidence from testing of any environmental source in or around Manzanillo at the relevant time to support Mr Oliveira's case. It submits there is no evidence to support Mr Oliveira's case and therefore there is no high point of evidence on the point. The ITIA submits that this case is one of unsubstantiated assertion and/or speculation.
107. In addition, the ITIA relies on the unchallenged evidence that, of the twenty-five professional tennis players who were required to provide samples for anti-doping purposes at the Event, only Mr Oliveira's sample tested positive for methamphetamine.

Aggravating Circumstances and Mr Oliveira's credibility

108. The ITIA submits that Mr Oliveira has wrongly presented himself as a health-conscious, wholesome and dedicated professional tennis player observant of the TADP anti-doping regime. The ITIA relied on Mr Oliveira's evidence of his sexual encounters around the Event and generally on the transcript of the WhatsApp Group Chat.

109. The ITIA submitted further that the accounts given by Mr Oliveira on various occasions during the Results Management investigation process about the time he spent at Costa Careyes on 22 November 2024 and with [REDACTED] at the Beach Bar on 24 November 2024 have been not simply inconsistent but dishonest. Most significantly, the ITIA submitted that Mr Oliveira fabricated the iPhone screenshot document at Respondent Exhibit R-45 and/or the screenshot of the WhatsApp contact information for the individual named as "[REDACTED]" with the dishonest intention of creating false evidence in defence of his claim or of concealing his deletion of evidence of genuine WhatsApp communications with [REDACTED].
110. The ITIA submits that these matters constitute Aggravating Circumstances so as to justify an increase in the period of Ineligibility from a period of four years to a period of six years.

Mr Oliveira

111. It was submitted on behalf of Mr Oliveira that the AAF was the result not of his intentional possession or use of methamphetamine but of contamination. It was submitted that the contamination was from either (1) the Kissing Contamination or (2) Environmental Contamination.
112. Mr Oliveira's written submissions stated that the AAF was *"most likely caused by one of two possible sources", being "contamination through kissing" and "environmental contamination"*.

The Kissing Contamination case

113. It was submitted Kissing Contamination was *"the probable source of the Prohibited Substance in his Sample"*. It was submitted not that the evidence was that [REDACTED] had ingested methamphetamine but that this should be inferred from the evidence: *"The expert evidence adduced confirms that the describe effects of that [recreational] pill are entirely consistent with the consumption of methamphetamine."*
114. It was submitted that this *"contamination scenario is plainly more plausible than a suggestion that Mr Oliveira [...] would risk jeopardising his playing career by intentionally consuming or intentionally putting himself at risk of consuming methamphetamine in such a low quantity that he could not have obtained any sporting advantage whatsoever"*.

115. It was submitted that the factual evidence of Mr Oliveira, [REDACTED], and [REDACTED] referred to in Section VIII above supported the submission of Kissing Contamination.
116. It was submitted that the analysis put forward by Professor Naud regarding the volume of saliva that would have to be passed between [REDACTED] and Mr Oliveira to explain the AAF was based on a number of unverified assumptions and was unreliable.
117. It was submitted further that the expert evidence of Professor Kintz referred to in Section VIII above regarding the hair testing he undertook on Mr Oliveira supported the submission of Kissing Contamination.

The Environmental Contamination case

118. In the alternative, it was submitted that, if the Independent Tribunal rejected that submission, *“The source of the Prohibited Substances in his Sample must have been as a result of contamination from residues of methamphetamine in Manzanillo, Mexico, which result is more probable than Mr Oliveira having intentionally consumed the Prohibited Substance.”*
119. It was submitted that the factual evidence of Mr Oliveira referred to in Section VIII above supported the submission of Environmental Contamination.
120. It was submitted further that the expert evidence of Professor Denis-Oliveira referred to in Section VIII above supported the submission of Environmental Contamination.
121. Whilst the factual evidence from Professor Naud regarding the testing undertaken by the WADA accredited Montreal laboratory in the period 2010 – 2022 was not challenged, there was no evidence concerning the circumstances of the testing undertaken in Mexico in that period.

“Relevant factors”

122. Mr Oliveira’s Brief included five points which it was submitted were *“Whilst not in themselves determinative, the following factors are relevant [...]”*. It was said that these points were relevant to the determination of the Independent Tribunal *“taking a broad view as to whether an innocent explanation for Mr Oliveira’s ADRV is probable, as opposed to*

an intention or recklessness to ingest a Prohibited Substance". The points were Mr Oliveira's evidence regarding

- (1) his dedication to playing professional tennis
- (2) his commitment to maintaining integrity in professional tennis
- (3) the care he takes for his physical health and to ensure that no Prohibited Substance enters his body
- (4) the steps he has taken after being notified of the AAF to establish the source
- (5) his clean doping record.

Aggravating Circumstances and Mr Oliveira's credibility

123. It was submitted that the various inconsistencies in the accounts given by Mr Oliveira on various occasions during the Results Management investigation process, which straddled the time during which he was self-represented and legally represented, about the time he spent at Costa Careyes on 22 November 2024 and more specifically with [REDACTED] at the Beach Bar on 24 November 2024 were honest and were no more than may be expected in the circumstances of the activities in question. It was submitted that the facts of the time spent at Costa Careyes on 22 November 2024 were, in any event, of no probative value on the issues for determination.
124. It was submitted that Mr Oliveira had co-operated with the ITIA during the Results Management investigation process and his defence was honest. It was submitted specifically that Mr Oliveira had not fabricated the iPhone screenshot document at Respondent Exhibit R-45 and/or the screenshot of the WhatsApp contact information for the individual named as [REDACTED]. In relation to the contents of the WhatsApp Group Chat, it was observed that Mr Oliveira was only questioned on the three posts referred to in paragraph 75 above and the ITIA did not call evidence from other participants in that group.

XI: DISCUSSION

Legal Principles

125. The Independent Tribunal agrees and therefore adopts the legal principles agreed between the parties. The position, if Mr Oliveira fails to discharge the burden on him to prove no intent or, if it arises, No Fault or Negligence or No Significant Fault or Negligence, and the ITIA fails to discharge the burden on it to prove Aggravated Circumstances, is a period of Ineligibility of four (4) years.

Mr Oliveira's case on contamination

126. The Independent Tribunal observes that Mr Oliveira has not submitted that there was a single cause of the alleged contamination. It is submitted on his behalf that there were two alternative causes: Kissing Contamination and Environmental Contamination. It is submitted that the former was the probable cause, and the latter must have been the probable cause if the former was not.

The burden and standard of proof

127. The burden of proof was on Mr Oliveira to prove no intent or, if it arises, No Fault or Negligence or No Significant Fault or Negligence. The standard of proof is the balance of probabilities.
128. This is a demanding burden and standard of proof. The issue in question is a negative, being the absence of intent.
129. The CAS caselaw, as accepted by the parties and reflected in their agreed position on legal principles, is that proof of source is at the core of this question. If a Player is unable to prove source to the requisite standard, they are left with only the "*narrowest of corridors*" through which to pass to establish no intent.

Proof of source

130. In order to prove source, the CAS caselaw, again as accepted by the parties and reflected in their agreed position on legal principles, establishes that a Player must do so by clear, cogent, persuasive or concrete evidence.

131. A Player may not prove no intent by conceptual or speculative evidence about the source.

Kissing Contamination

Factual evidence

132. The fundamental evidential point is that there is no direct evidence that [REDACTED] ingested methamphetamine on 25 November 2024 before meeting Mr Oliveira at the Beach Bar. When asked on several occasions, variously by Mr Oliveira and in interview by the ITIA, she was either unwilling or unable to say whether the recreational pill she consumed contained methamphetamine. She has not said whether she was told by whoever supplied her with the pill that it contained methamphetamine. This is not an issue on which Mr Oliveira is able to give evidence. There is no clear, cogent, persuasive or concrete direct evidence on the point.

133. There remains the question of whether there is indirect evidence, by inference from primary factual evidence, that [REDACTED] ingested methamphetamine on 25 November 2024 before meeting Mr Oliveira at the Beach Bar.

134. The factual evidence from [REDACTED] is set out in paragraphs 9 and 17 above. On the first occasion on 21 January 2025, [REDACTED] said that the pill “*made me feel euphoria, agitation, confidence to socialize and in the moment a feeling of energy and joy*”. On the second occasion on 25 March 2025, she said the pill, “*made me feel euphoria, it made me...it gave me a bit more confidence. It makes me sort of more sociable.*”

135. The Independent Tribunal considers that this factual evidence cannot form the basis of an inference that [REDACTED] had ingested methamphetamine. There is no clear, cogent, persuasive or concrete indirect evidence on the point.

Expert evidence

136. The expert evidence called by both parties does not change this position. Professor Naud, called by the ITIA, observed, as recorded at paragraph 53 above, that he had not seen evidence that [REDACTED] had ingested methamphetamine.

137. Professor Kintz's evidence, as recorded at paragraph 85 above, which was not corrected or explained by King & Spalding, was that he had been instructed that [REDACTED], being the woman Mr Oliveira kissed on 25 November 2024 at the Beach Bar, had ingested methamphetamine. The Independent Tribunal concludes that this factual error underpins and undermines Professor Kintz's evidence in this case.

138. Professor Denis-Oliveira's evidence was directed primarily to Mr Oliveira's alternative case of Environmental Contamination. However, in relation to Mr Oliveira's case of Kissing Contamination, he expressed his opinion as follows:

- (1) based on the fact that [REDACTED] was in Manzanillo and her evidence as to the effect of the pill, this *"additional source of accidental oral fluid exposure cannot be ruled out"*; paragraph 91 above;
- (2) from the AAF he could not say whether it was the tail end of consumption or contamination and it *"could be either"*. He said further that *"nobody knows the source of the exposure"* and he was unable to say, *"what was the real source"*. He said that *"the plausibility remains"* that it was the result of contamination; paragraph 94 above;
- (3) *"no one knows what was in the tablet"* ingested by [REDACTED]. The *"emotional state"* reported by [REDACTED] after ingesting the drug was most likely the result of her taking a stimulant, including potentially cocaine or ecstasy, but *"what stimulant I cannot say"*. He did not exclude the possibility that her emotions were due to her consumption of alcohol but did not include ethanol within the category of stimulants; paragraph 95 above.

139. The Independent Tribunal considers that the expert evidence does not support, and indeed undermines, Mr Oliveira's case of Kissing Contamination. There is no clear, cogent, persuasive or concrete expert evidence on the point.

Environmental Contamination

Factual evidence

140. Mr Oliveira gave general unchallenged evidence about the environment generally in Manzanillo as recorded in paragraph 69 above.

Expert evidence

141. None of the experts had visited Manzanillo for the purposes of their evidence or had undertaken any tests on the water or environment there. The expert evidence relied on by Mr Oliveira in support of this alternative contamination case was from Professor Denis-Oliveira. Professor Denis-Oliveira's evidence, recorded in paragraphs 89-96 above, was of the most general and unspecific nature. He did not identify a specific source of environmental contamination. There were numerous references to a number of "*potential*" or "*potential additional*" or "*multiple*" sources of the alleged contamination.
142. The Independent Tribunal repeats his evidence that "*nobody know the source of the exposure*" and he was unable to say, "*what was the real source*". He said that "*the plausibility remains*" that it was the result of contamination; paragraph 96 above.
143. The Independent Tribunal observes that, when invited to comment on whether the factual evidence, which post-dated his own report, from Professor Naud, regarding the number of anti-doping tests undertaken by the WADA accredited laboratory in Montreal during the period 2010 – 2022 and their results (see paragraph 58 above), Professor Denis-Oliveira declined, without explanation, to accept that such evidence changed his opinion in any way. The Independent Tribunal considers that response to indicate that Professor Denis-Oliveira was excessively dogmatic in his opinion.

A remaining "narrowest of corridors"?

144. King & Spalding did not identify any remaining corridor, of any width. The point was, understandably, left before the Independent Tribunal from the CAS caselaw for completeness.

Conclusion

145. The Independent Tribunal has concluded that Mr Oliveira has failed to discharge the burden on him to prove source on the balance of probabilities by adducing clear, cogent, persuasive or concrete evidence showing that the source of the methamphetamine in the Sample and therefore the ADRV is more likely than not as a result of either of the alleged contaminations. The factual and expert evidence adduced by and on behalf of Mr Oliveira

was conceptual and speculative evidence of alternative, and therefore competing, sources of the Prohibited Substance.

146. This conclusion is not affected by the character evidence provided by Mr Oliveira or by the *“Relevant factors”* put forward on his behalf. In each case, it is unnecessary for the Independent Tribunal to review this evidence and this submission and express a conclusion.
147. In view of this conclusion, the Independent Tribunal considers it unnecessary to analyse the expert evidence from Professor Kintz regarding his interpretation of the results of Mr Oliveira’s hair sample, which analysis was based on the incorrect premise that [REDACTED] had ingested methamphetamine, or Professor Naud’s analysis regarding the volume of saliva that may have passed between Mr Oliveira and [REDACTED] on 25 November 2024, which analysis was based on a number of unverified assumptions.
148. It follows from this failure to establish how the Prohibited Substance entered his system that Mr Oliveira is unable to rely on further defence of No Fault or Negligence or mitigation of No Significant Fault or Negligence.

Aggravated Circumstances

149. On this issue, the burden of proof was on the ITIA and the standard was to the comfortable satisfaction of the Tribunal.
150. The Independent Tribunal accepts that Mr Oliveira co-operated with the ITIA during the Results Management investigation process, both before and after being legally represented.
151. The Independent Tribunal is prepared to accept the submission made on Mr Oliveira’s behalf that the various inconsistencies in the accounts given by him on various occasions during the Results Management investigation process about the time he spent at Costa Careyes on 22 November 2024 and more specifically with [REDACTED] at the Beach Bar on 24 November 2024 were not dishonest and were no more than may be expected in the circumstances of the activities in question. The Independent Tribunal accepts the submission that the facts of the time spent at Costa Careyes on 22 November 2024 were not of probative value on the issues for determination.

152. The Independent Tribunal has reached no concluded view in relation to the ITIA's case that Mr Oliveira fabricated the iPhone screenshot document at Respondent Exhibit R-45 and/or the screenshot of the WhatsApp contact information for the individual named as "██████". In a number of respects, the evidence from Mr Oliveira was unsatisfactory and difficult to accept. This included his evidence, recorded at paragraph 72 above, regarding the circumstances in which his WhatsApp chat with ██████ was deleted.
153. In relation to the contents of the WhatsApp Group Chat, the Independent Tribunal accepts the submission on Mr Oliveira's behalf that, surprisingly in the view of the Independent Tribunal, he was questioned on only the three posts referred to in paragraph 75 above. It is unsurprising that the ITIA did not call evidence from other participants in that group.
154. The Independent Tribunal concludes that the ITIA has failed to discharge the burden on it to establish Aggravating Circumstances to its comfortable satisfaction. There is therefore no basis to impose an additional period of Ineligibility for that reason.
155. In view of the nature of the allegation of fabrication of evidence, and therefore dishonesty, put against Mr Oliveira, recorded in paragraph 109 above, the Independent Tribunal considers it right to say that on the evidence before it, it is unpersuaded of the ITIA's case on the point.

XII: DECISION

156. The following is the unanimous decision of the Independent Tribunal:
- (1) Mr Oliveira has not established on the balance of probabilities that the ADRV was not intentional;
 - (2) Accordingly, the following questions do not arise for determination:
 - (a) whether Mr Oliveira bears No Fault or Negligence for the ADRV; or
 - (b) whether Mr Oliveira bears No Significant Fault or Negligence for the ADRV;

(3) The ITIA has not established to the comfortable satisfaction of the Independent Tribunal that there are Aggravating Circumstances;

(4) The ADRV is proved under TADP Article 2.1 (presence) and TADP Article 2.2 (Use);

(5) The Independent Tribunal imposes the following Consequences:

(a) a period of Ineligibility of four (4) years from 02 October 2025 (TADP Art. 10.2.1), credit to be given for the period of Provisional Suspension from 17 January 2025 to date;

(b) an order for Disqualification of Results in the period 25 November 2024 to 02 October 2025 (TADP Art. 10.10).

XIII: COSTS

The default position

157. TADP Art. 8.5.3 states the default position that the ITIA will pay the costs of convening the Independent Tribunal and of staging the hearing.

158. Under TADP 8.5.4, the Independent Tribunal may displace this default position and make a cost-shifting order where it considers it is “proportionate” to do so. Absent an order under this provision, each party “*will bear its own costs, legal, expert, hearing, and otherwise*”.

Powers of the Independent Tribunal

159. TADP Art. 10.12 states that, where a Player commits an ADRV, the Independent Tribunal may impose Financial Consequences by ordering the Player to pay some or all of the costs associated with the ADRV.

160. Under the Procedural Rules (Rule 1.3), the Independent Tribunal operates as an arbitral tribunal within the meaning of Arbitration Act 1996 (the “1996 Act”).

161. In relation to costs, section 61 of the 1996 Act states that

- (1) *“The tribunal may make an award allocating the costs of the arbitration as between the parties;*
- (2) *The tribunal shall award costs on the general principle that costs follow the event except where it appears to the tribunal that in the circumstances this is not appropriate in relation to the whole or part of the costs.”*

The ITIA’s submissions

162. The ITIA’s Brief did not include a positive submission that Mr Oliveira should pay costs. The Brief stated that the ITIA reserved a right to seek from him a contribution to its legal costs.
163. In its opening oral submissions, the ITIA sought an order under TADP Art 8.5.4 that Mr Oliveira pays the ITIA’s disbursements in these proceedings. The Independent Tribunal understands this to refer to the external legal fees incurred by the ITIA in this matter.
164. This submission, which was maintained in the ITIA’s closing submissions, was based on its case that there were Aggravating Circumstances because Mr Oliveira had pursued his defence case dishonestly.

Mr Oliveira’s submissions

165. In his written submissions, Mr Oliveira sought an order that the ITIA pay his disbursements.
166. King & Spalding provided its services on a pro bono basis. It follows from the indemnity principle that Mr Oliveira is not liable at law for its fees. It is stated that Mr Oliveira is however liable for unspecified disbursements.
167. In written submissions dated 22 September 2025, it was submitted on Mr Oliveira’s behalf, among other things, that in the event the Independent Tribunal found for the ITIA save on the issue of Aggravated Circumstances, the appropriate order for costs was the default order under TADP Art. 8.5.3 and that there should be no order displacing the default position under TADP 8.5.4.

168. It was submitted that this default position protects the rights of Players by ensuring that the issue of the costs of challenging a ADRV decision by the ITIA does not act as a barrier to access of justice. It was submitted further that this was consistent with the very sparing use made by Independent Tribunals of their powers under TADP 8.5.4

Conclusion

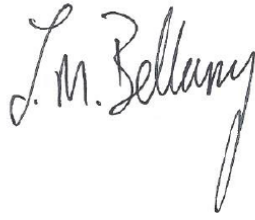
169. The Independent Tribunal has found that the ITIA has not established to its comfortable satisfaction that there are Aggravating Circumstances. It concludes there is no reason to depart from the default order in the TADP that each party will bear its own costs.

170. The Independent Tribunal sees no basis to impose Financial Consequences under TADP 10.12 by ordering Mr Oliveira to pay some or all of the costs associated with the Anti-Doping Rule Violations.

171. The ITIA will bear the costs of convening the Independent Tribunal.

XIV: APPEAL

172. This decision may be appealed to the Court of Arbitration for Sport ("**CAS**"), located at Palais de Beaulieu, Avenue des Bergières 10, CH-1004 Lausanne, Switzerland (procedures@tas-cas.org), in accordance with TADP Article 13.2.1. TADP Article 13.8.1.1 sets the deadline to file an appeal to the CAS, which is 21 days from the date of receipt of this Decision.



Mr. Jonathan Bellamy C.Arb
(Chair)



Ms. Tamara Gaw



Mr. Nilo Effori

On behalf of the Independent Tribunal
02 October 2025
London, UK

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