



doping rules applicable to Players, Player Support Personnel, and other Persons bound by the TADP.<sup>1</sup>

2. Mr. Marinko Matosevic (“**Mr. Matosevic**”) is a now-retired professional tennis player. While playing tennis professionally, Mr. Matosevic competed in Covered Events, including ATP Tour tournaments since 2003, and achieved a career-high ATP singles ranking of 39 and doubles ranking of 114.
3. The last Covered Event that Mr. Matosevic competed in was the Indian Wells Challenger Event (the “**Event**”) in February 2018. He did not, however, give the ITIA written notice of his retirement until 1 November 2024.
4. Mr. Matosevic continued to be involved in tennis after he ceased playing professionally. He worked in Bali assisting with a Professional Tennis Academy called [REDACTED] from 2019 to the end of 2020. He then began ‘professional coaching’ where he coached several professional players, including **Player A, Player B**, Player C, and Player D.<sup>2</sup>
5. Following an investigation into a number of professional tennis players, Mr. Matosevic was charged by the ITIA with Use of a Prohibited Method and Substance, Possession of a Prohibited Substance, and Complicity in relation to alleged Anti-Doping Rule Violations (“**ADRVs**”) committed by two other players.

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<sup>1</sup> All capitalised words are defined terms from the TADP.

<sup>2</sup> The Tribunal must address issues of confidentiality in relation to the players and other individuals referenced in this Decision. Particularly those identified in **bold**, who are currently the subject of ongoing investigations by the ITIA at the time of publication. Article 14.4.1 of the 2025 TADP requires the ITIA to keep confidential the identity of any person who is alleged to have committed an ADRV unless and until a specified triggering event occurs, such as the imposition or acceptance of a Provisional Suspension, the public notification of a charge, or a determination that an ADRV has been committed.



## B. FACTUAL BACKGROUND

6. The ITIA's case against Mr. Matosevic developed out of a broader investigation (the "**ITIA Investigation**" and "**Investigation**") into possible doping conduct involving several professional players. In the course of that Investigation, the ITIA obtained messages, audio recordings, and other data involving Mr. Matosevic and, in particular, his dealings with Player A, Player B, and Mr Matosevic's [REDACTED].
7. As part of the ITIA Investigation, on 9 May 2024, the ITIA issued Mr. Matosevic with a Demand, pursuant to Article 5.7.3.1 of the 2024 TADP, requiring Mr. Matosevic to provide the ITIA's investigators with all mobile phones in his possession so that the ITIA could obtain data from those devices relevant to the Investigation. Mr. Matosevic provided the ITIA with access to his mobile phone on 9 May 2024. The ITIA also separately issued Player A and Player B with analogous Demands to provide access to their mobile phones.
8. Having reviewed the material from these devices, the ITIA invited Mr. Matosevic to attend an interview (the "**Interview**"). The Interview took place on 15 October 2024.
9. From the evidence obtained during the Investigation, and from the Interview, the ITIA compiled its case against Mr. Matosevic, as set out in the following paragraphs.

### *i. Events in Mexico*

10. In early 2018, Mr. Matosevic travelled to Mexico to compete in an ATP Challenger Tour event in Cuernavaca, Morelos. During this time, he was in regular communication with Player B. Their text messages from February 2018 provided insight into the activities the two engaged in while in Morelos. These included attending a clinic, blood doping, making payments to a doctor, whom a friend of Player B had put them in touch with (that friend is



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referred to as **Mr. F** in this Decision), and the performance-enhancing effects they experienced.

11. Player B sent Mr. Matosevic a message saying:

*“Hey man is [Mr. F], so I found the Dr. but my dads friend wants to know how much you pay normally so he can negotiate t[h]e best price”. [sic]*

Mr. Matosevic responded, *“I want the best price he can do obviously”* and later sent a detailed paragraph about blood doping and its effects on athletes.

12. On 20 February 2018, the pair discussed the remaining balance owed to a doctor, suggesting arrangements had already begun. Over the following days, Mr. Matosevic described experiencing a noticeable uplift in his physical condition, stating that he had *“practiced full power”* and that training felt unusually easy. These messages occurred during the same period in which both players were present in Morelos, and during which Mr. Matosevic competed in the Event.
13. On 20 March 2018, Mr. F requested Player B to provide him with a letter (for visa purposes) stating that Mr. F had worked with Player B for a number of years. In the ensuing exchanges, Mr. F wrote, *“You can delete or add whatever you want”* *“Don’t add that I took you to do illegal stuff to increase your performance...”*, to which Player B replied, *“I’ll add in pictures”*.
14. On 27 February 2021, Player B sent Mr. Matosevic a photograph showing Mr. Matosevic lying on a medical bed with a tourniquet around his arm and what appears to be a cannula inserted into it. The image was identified as having been taken inside a clinic in Cuernavaca, Morelos.



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ii. Events in Bali

15. After the events in Mexico, Mr. Matosevic and Player B stayed in contact. Their messages throughout mid-2018 include humorous references to their shared experiences in Mexico. Their communications continued frequently across 2019 and 2020. Discussions often returned to their time in Morelos and the procedures they underwent there, indicating that this remained an important shared point of reference between them.
16. During 2019 and 2020, Mr. Matosevic worked in Bali at the [REDACTED], where he assisted with coaching and player development. He lived with and trained several athletes, including Player B who travelled to Bali in 2019. Messages exchanged during this period indicate Player B organising medical and nutritional treatments for players at the academy, including intravenous infusions and hydration sessions at local clinics.
17. On 24 February 2020, Player B and a clinic doctor coordinated the provision of multiple nutrient products and saline bags for players. Four days later, Mr. Matosevic received a message from Player B confirming arrangements for further medical treatments. Mr. Matosevic appeared to be involved in day-to-day player preparation during this period in Bali.
18. The available evidence suggests that the communication between Player B and Mr. Matosevic also referred to the use of clenbuterol. On 31 August 2019, Player B messaged Mr. Matosevic to ask him what time he was coming home and said, "*I'm shaking on clen*" (i.e. clenbuterol).
19. Also, on 26 September 2019, Player B sent Mr. Matosevic an image of him receiving an intravenous infusion and said he would meet Mr. Matosevic when it was finished.
20. Mr. Matosevic also developed a close relationship with Player A, who was [REDACTED] his junior. Mr. Matosevic trained with Player A in Bali in 2019 and [REDACTED] from 2021 onwards.



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explained that it could be administered orally by “*squirting it into your mouth*” and suggested that a gym contact might be able to obtain it. He then proceeded to state, “*I’ve done it, I cheated with it*” and described its effects as causing an elevated heart rate and increased sweating.

## C. THE CHARGES AND PROCEDURAL HISTORY

### *i. Charges*

24. These proceedings concern five alleged ADRVs brought against Mr. Matosevic under the TADP. Those charges are as follows:

- a. Manipulation of blood or blood components, in February 2018, contrary to Article 2.2 of the 2018 TADP:

*“Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method, unless the Player establishes that such Use or Attempted Use is consistent with a TUE granted in accordance with Article 3.5.”*

- b. Complicity in Player B’s Use or Attempted Use of that Prohibited Method in the same period, contrary to Article 2.9 of the 2018 TADP:

*“Complicity: assisting, encouraging, aiding, abetting, conspiring to commit, covering up or any other type of intentional complicity involving an Anti-Doping Rule Violation, an Attempted Anti-Doping Rule Violation, or a violation of Article 10.11.1 by another Person.”*

- c. Complicity in Player A’s Use or Attempted Use of clenbuterol while acting as his coach and adviser, contrary to Article 2.9. of the 2020 TADP (same as 2018).



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- d. Use of clenbuterol, prior to 1 November 2024, contrary to Article 2.2 of the applicable TADP versions.
- e. Possession of clenbuterol prior to 1 November 2024, contrary to Article 2.6.1 of the applicable TADP versions:

*“Possession by a Player at any time or place of a substance that is prohibited at all times or of a Prohibited Method is an Anti-Doping Rule Violation under Article 2.6, unless the Player establishes that such Possession is consistent with a TUE granted in accordance with Article 3.5 or other acceptable justification.”*

- 25. The 2018 and 2020 TADP provisions engaged by Mr. Matosevic’s conduct are Articles 1.12 and 1.16, which prescribe the standards of behaviour expected of Players and Player Support Persons in relation to doping.
- 26. Article 1.12 of the 2018 and 2020 TADP is set out below:

*“1.12 It is the sole responsibility of each Player:*

- 1.12.1 to acquaint him/herself, and to ensure that each Person from whom he/she takes advice (including medical personnel) is acquainted, with all of the requirements of the Programme;*
- 1.12.2 to know what constitutes an Anti-Doping Rule Violation under this Programme and what substances and methods are prohibited;*
- 1.12.3 to be available for Sample collection at all times upon request;*



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- 1.12.4 *to ensure that anything he/she ingests or Uses, as well as any medical treatment he/she receives, does not give rise to an Anti-Doping Rule Violation;*
- 1.12.5 *to disclose to the ITF and his/her NADO any decision by a non-Signatory finding that he/she infringed anti-doping rules within the previous ten years; and*
- 1.12.6 *to cooperate with the ITF and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.”*

27. Article 1.16 of the 2018 and 2020 TADP imposes parallel duties on the Player Support Person:

*“1.16 It is the sole responsibility of each Player Support Person:*

- 1.16.1 *to acquaint him/herself with all of the provisions of the Programme;*
- 1.16.2 *to know what constitutes an Anti-Doping Rule Violation under this Programme and what substances and methods are prohibited;*
- 1.16.3 *to cooperate with the Testing of Players;*
- 1.16.4 *to use his/her influence on Player values and behaviour to foster anti-doping attitudes;*
- 1.16.5 *to disclose to his/her NADO and to the ITF any decision by a non-Signatory finding that he/she infringed applicable anti-doping rules within the previous ten years;*



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- 1.16.6 *to cooperate with the ITF and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations; and*
- 1.16.7 *not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification.”*

ii. Procedural History

28. Following the Interview and having reviewed the collected evidence, the ITIA issued a Notice of Potential ADRVs on 24 April 2025 (the “**First Pre-Charge Notice**”). The First Pre-Charge Notice informed Mr. Matosevic that potential violations under Articles 2.2 and 2.6 of the 2018 TADP were under consideration and invited him to respond. He subsequently provided a written reply on 7 May 2025 denying that he had committed any ADRVs.
29. On 15 May 2025, the ITIA issued the First Charge Letter, formally charging Mr. Matosevic with violations under Articles 2.2 and 2.6 of the 2018 TADP.
30. Mr. Matosevic responded on 3 June 2025, repeating his denial and stating that he had “*never violated the Anti-Doping Rules under the TADP*”.
31. Following this, on 10 June 2025, the ITIA referred the matter to the Independent Panel in accordance with Article 8.1 and, specifically, Article 8.1.1, of the 2025 TADP.
32. On 17 July 2025, Mr. Michael Heron KC was appointed to chair the Independent Tribunal to hear this matter (the “**Tribunal Chair**”).
33. On 13 August 2025, the Tribunal Chair issued procedural directions requiring, among other matters, that the ITIA files its written submissions and supporting materials by 19



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September 2025, and that both parties state their position on the composition of the Tribunal.

34. As the ITIA prepared its evidence for filing, it identified additional matters raised during the Interview that related to potential complicity violations under Article 2.9 of the 2018 and 2020 TADP. Accordingly, on 16 September 2025, the ITIA notified both Mr. Matosevic and the Tribunal Chair of its intention to issue a further notice addressing these additional potential violations, and issued a Second Pre-Charge Notice (the “**Second Pre-Charge Notice**”) of potential ADRVs, setting out the possible breaches of Article 2.9.
35. On the same day, Mr. Matosevic replied briefly to the Second Pre-Charge Notice, rejecting the charges and claiming that he had retired in February 2018 and was therefore “*a civilian*” in 2020.
36. On 17 September 2025, the ITIA provided clarifications concerning the purpose of the Second Pre-Charge Notice, including that the additional charges related to matters previously addressed in the Interview and that consolidating all charges would allow all issues to be determined together. The ITIA confirmed that it remained open to discussing the matter with Mr. Matosevic.
37. On 19 September 2025, the ITIA filed its Opening Brief and supporting evidence.
38. In its Opening Brief, the ITIA set out the five charges, as mentioned above<sup>3</sup>, each arising from evidence obtained during its Investigation and applying the TADP version in force at the time of the alleged conduct, which was the 2018 and 2020 TADP.<sup>4</sup>

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<sup>3</sup> See para. 24, above.

<sup>4</sup> While the 2025 TADP came into full force and effect on 1 January 2025 (the “**Effective Date**”), replacing the TADP that was in force prior to the Effective Date, Article 1.5.2 of the 2025 TADP confirms that it ‘*does not apply retroactively to matters arising prior to the Effective Date*’, but that ‘[a]ny case that is pending as of the Effective



39. Following service of the ITIA's Opening Brief, Mr. Matosevic provided his response to the charges. An email setting out his response to the ITIA's Second Pre-Charge Notice was sent to the ITIA on 22 October 2025. In that response, Mr. Matosevic denied the alleged ADRVs, maintained that he was not subject to the TADP during the relevant periods, and characterised the Investigation as unfounded and based on misinterpreted historic communications.
40. On 24 October 2025, the ITIA issued Mr. Matosevic with a **Second Notice of Charge**, reflecting the breaches set out in the Second Pre-Charge Notice of Charge.
41. Following this, on 12 November 2025, Mr. Matosevic responded to the Second Notice of Charge (the "**Answer**"). In his letter, he did not object to the additional charges, relating to Article 2.9 TADP. He did, however, request that all charges be put before the Independent Tribunal so that he could defend himself.
42. The ITIA subsequently filed its Reply to Mr. Matosevic's Answer on 28 November 2025, responding to the issues raised by Mr. Matosevic and maintaining its position in respect of the alleged ADRVs. The ITIA also requested for the hearing to be held in early February 2026. This request was confirmed and the hearing dates were fixed for 9 and 10 February 2026.
43. On 2 and 6 January 2026, respectively, Mr. Marco Vedovatti and Dr. Tanja Haug, the remaining members of the Independent Tribunal were appointed to join the Tribunal Chair in hearing and deciding this matter, in accordance with Article 8.2.1 of the 2025 TADP. No objections to their appointment were received from either party.

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*Date [...] will be governed by the substantive anti-doping rules in effect at the time the alleged Anti-Doping Rule Violation occurred, [...] but the procedural aspects of the case will be governed by this [2025] Programme.'*



44. Further, and consistent with Article 8.2.2 of the 2025 TADP, the members of the Independent Tribunal were “*Operationally Independent*” of either party.
45. On 2 February 2026, Mr. Matosevic released a written personal statement on *The First Serve Live* (a tennis news and media platform). In this statement, Mr. Matosevic admitted to blood doping in February 2018 and confirmed one of the charges that he had previously denied, relating to the Use of a Prohibited Method (Article 2.2 2018 TADP). He also confirmed that he would not be attending the scheduled hearing:

*“I have been under investigation by the ITIA since the Rome masters 2024. The investigation is centred on a Prohibited Method I used in February 2018. I can confirm it's true.*

[...]

*Even though the ITIA has no real evidence of my wrongdoing, I have decided to admit what I did due to the corrupt process and the ridiculous nature of the other charges.*

[...]

*Under desperate circumstances (I had some health issues in 2017), I stupidly and recklessly did a blood transfusion in Morelos, Mexico. [...]*

[...]

*I will not be attending the scheduled hearing next week and stop the process myself and will cease all communication with the ITIA. [...].”*

46. The Independent Tribunal, through Sport Resolutions (the Secretariat for these proceedings), was notified of this written statement on 3 February 2025, by way of an email from the ITIA.



47. On 5 February 2026, Mr. Matosevic gave an interview to *The First Serve Live* explaining his version of the events and the allegations. He admitted to undertaking a blood transfusion. He additionally criticised the ITIA’s Investigation, alleging that officials obtained access to his phone during the 2024 Rome Masters “*under threatening circumstances*”, including a warning that his accreditation would be withdrawn if he did not comply, and described the process of obtaining access to his phone as “*very aggressive and very unprofessional*”.
48. In the same interview, Mr. Matosevic also rejected the remaining charges, characterising them as “*ridiculous*” and “*bogus*”, and maintained that they arose from informal text messaging exchanges at a time when he considered himself a “*civilian*”. He criticised what he described as unequal treatment within professional tennis, stating that “*it’s not the same playing field for the top players and the lower-ranked players*”. Mr. Matosevic maintained that he had since ceased communication with the ITIA and did not intend to attend any hearing.
49. In light of this, the Independent Tribunal, via the Secretariat, emailed Mr. Matosevic giving him the opportunity to submit a written statement in lieu of his attendance. This email also informed Mr. Matosevic that the hearing would take place irrespective of his non-attendance.<sup>5</sup> Mr. Matosevic did not respond to this email.
50. The hearing took place on 9 February 2026 via video conference. The following individuals were in attendance, representing the ITIA.
- a. Ms. Venetia Bennett, Lead External Counsel
  - b. Ms. Brianna Quinn, External Counsel, Bird & Bird LLP
  - c. Ms. Katy Stirling, ITIA Senior Legal Counsel

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<sup>5</sup> This process is in accordance with Article 8.4.7 of the 2025 TADP.

- d. Ms. Nicole Sapstead, ITIA Senior Director Anti-Doping
  - e. Mr. Ben Rutherford, ITIA Senior Director, Legal
  - f. Mr. George Child, ITIA Investigator
  - g. Mr. Alasdair Muller, Bird & Bird LLP
  - h. Ms. Ruby Simpson, Bird & Bird LLP
51. Ms. Raffaella Prouet from Sport Resolutions was present throughout the hearing and assisted with its administration.
52. The hearing commenced with opening submissions from counsel for the ITIA, outlining the charges brought against Mr. Matosevic. The Independent Tribunal then put a number of questions to counsel, addressing both procedural and factual matters. The hearing concluded with final submissions presented by the counsel for the ITIA, which reiterated the charges against Mr. Matosevic.

#### **D. JURISDICTION**

53. This decision applies several versions of the TADP and relates to charges against Mr Matosevic as a Player and a Player Support Person. Because the allegations relate to events in 2018 and 2020, the relevant substantive offences are as set out in the 2018 and 2020 TADP. Those are set out above. As the charges were commenced in 2025 and the hearing occurred in 2026, however, the applicable procedural rules are as set out in the 2025 TADP (refer above footnote 4). The specific rules as to procedure, burden, and standard of proof and means of proof are discussed further below.
54. As to the primary objection of Mr Matosevic, for the reasons advanced by the ITIA, and discussed further below, the Independent Tribunal finds that Mr Matosevic remained



subject to the TADP as a Player (until his retirement notice was received) and was also subject to the TADP as a Player Support Person by virtue of having worked with players, and assisted multiple players who were ‘participating in or preparing to participate in Covered Events’. He was bound by Articles 1.11 and 1.15 of the TADP as a result.

55. The 2025 Tennis Anti-Doping Programme sets out the following process:

**“8. Results Management: proceedings before an Independent Tribunal**

**8.1 Jurisdiction of the Independent Panel**

*“The following matter 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 or more Anti-Doping Rule 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.”*

56. The Procedural Rules Governing Proceedings Before an Independent Tribunal (the “**Procedural Rules**”) state (at paragraph 1.1) that the ITIA has contracted Sport Resolutions to organise a panel of individuals with the necessary skills and experience from whom independent tribunals may be formed to hear and determine particular matters. Paragraph 2.1 further confirms that the Independent Tribunal has jurisdiction to hear and determine any matter referred to it in respect of which the TADP gives it jurisdiction.

**E. BURDEN, STANDARD, AND MEANS OF PROOF**



57. Pursuant to Article 3.1.1 of the 2025 TADP, the burden rests on the ITIA to establish the ADRVs to the comfortable satisfaction of the Independent Tribunal, bearing in mind the seriousness of each allegation that is made.
58. The standard of proof remains irrespective of whether the evidence relied upon is analytical (such as **Presence**) or non-analytical (including **Use**, **Possession**, and **Complicity**).<sup>6</sup>
59. The *comfortable satisfaction* standard must be applied in the circumstances of the particular case. Those circumstances include:
- 59.1. the reality that participants engaged in wrongdoing may seek to conceal their conduct or leave no evidential trail; and
- 59.2. the limited investigatory powers available to sport's governing bodies when compared with national law-enforcement authorities.
60. In relation to the latter consideration, the Court of Arbitration for Sport (the "**CAS**") panel in *Zubkov v International Olympic Committee ("IOC")* observed that the IOC is not a law-enforcement agency and lacks the power to compel the production of documents or testimony. As a result, it must rely to a greater extent on material provided voluntarily and evidence already in the public domain. The panel emphasised that the assessment of the evidence must take account of these inherent limitations and must not be premised on unrealistic expectations as to the evidence that can be obtained from reluctant or evasive witnesses.<sup>7</sup>
61. Those considerations are significant, and equally relevant in this case.

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<sup>6</sup> *WADA & UCI v Valverde*, CAS 2007/A/1396 & 1402, para 9.3.

<sup>7</sup> *Zubkov v IOC* CAS 2017/A/5422, para 684.

62. Article 3.2.1 of the 2025 TADP states that the ITIA may establish the charged violations by any reliable means, including admissions. This is equivalent to Article 8.7 of both the 2018 and 2020 TADP.
63. The stipulation, in the relevant TADP, that violations may be established by “*any reliable means*” (as set out above) derives from the Commentary to Article 2.2 of the 2015 Code. Unlike violations under Article 2.1, proof of Use or Attempted Use is not confined to analytical findings and may be established through admissions by the athlete, witness statements, documentary evidence, or other analytical information that does not independently satisfy the requirements for establishing Presence.
64. CAS jurisprudence has interpreted “*reliable means*” broadly, encompassing credible witness testimony, reliable documentary evidence, scientific material, and electronic communications. Where no direct evidence of Use exists, the adjudicatory body must assess the evidence both individually and collectively, having regard to what is often described as the cumulative weight of the evidence.<sup>8</sup>
65. ADRVs may be proven by direct evidence or by circumstantial evidence and inference. As explained by the CAS panel in *Zubkov v IOC*, a panel may be invited to draw inferences from established facts in order to fill gaps in the direct evidence. Where those facts reasonably support the inferences drawn, and the panel is comfortably satisfied as to the underlying factual basis, an ADRV may be established even in the absence of direct proof.
66. It is inherent in the nature of circumstantial evidence that individual items of evidence may be capable of innocent explanation. However, when considered together, those items may establish a violation to the requisite standard. The Independent Tribunal must therefore

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<sup>8</sup> See *WA v. RUSAF & Korobkina* CAS 2023/O/9401, para 5, page 2. and, *World Anti-Doping Agency (WADA) v. ICF & Dupik* CAS 2021/A/7840, para 96 citing *Hamilton v USADA and UCI* CAS 2005/A/884.

evaluate all relevant and credible evidence cumulatively and determine whether, viewed as a whole, it satisfies the test of comfortable satisfaction.<sup>9</sup>

67. Pursuant of Article 3.1.2 of the 2025 TADP, if, in these proceedings, Mr. Matosevic seeks to rebut a presumption or establish specified facts or circumstances, the burden will rest with him to do so to the balance of probabilities standard.

## F. THE ITIA'S CASE

68. The ITIA's case is that the evidence recovered during its Investigation establishes, to the comfortable satisfaction of the Independent Tribunal, that Mr. Matosevic committed each of the five ADRVs with which he is charged.

### *i. Application of the TADP*

69. As to the jurisdiction issue, the ITIA submits that jurisdiction is plainly established and that Mr. Matosevic was bound by the TADP at all relevant times.
70. First, Mr. Matosevic was bound by the TADP as “a *Player*” because he did not submit a formal retirement notice until 1 November 2024. Articles 1.14.1 of the 2018 TADP, and Article 1.4.7 of the 2025 TADP make it clear that a *Player* remains subject to the Programme until formal retirement is notified and continues to fall within the jurisdiction for conduct occurring prior to their retirement. In particular:
- 70.1. Article 1.14.1 of the 2018 TADP states that under the Programme, a *Player* remains fully bound by all anti-doping obligations unless and until they give formal written

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<sup>9</sup> WADA v Bellchambers et al., CAS 2015/A/4059, para 113; IAAF v RusAF & Shkolina, CAS 2018/O/5667, para 85.



notice to the relevant governing body that they will no longer compete in Covered Events. Only upon giving such notice is the Player deemed to have retired and is released from ongoing obligations under the Programme from the stated retirement date.

70.2. Article 1.4.7 of the 2025 TADP states that the ITIA, and other relevant bodies, retain jurisdiction in respect of conduct occurring before retirement, and authority to pursue Results Management continues whether retirement occurs during an ongoing investigation or before any formal process has begun, provided the ITIA would have had authority at the time the alleged ADRV was committed.

71. This approach reflects a clear and necessary policy rationale underlying the TADP. Requiring formal notification of retirement to trigger the cessation of jurisdiction prevents manipulation of the anti-doping regime by ensuring that players cannot evade the Programme simply by ceasing competition informally or retrospectively asserting retirement once potential violations come to light. Continued jurisdiction until formal notice preserves the integrity and effectiveness of Results Management and protects against gaps in enforcement that would otherwise undermine the objectives of the Code.

72. Three primary authorities are presented by the ITIA, which support that the anti-doping regulations continue to apply until a player's written notice of retirement has been received by a sports governing body:

72.1. Watt v UKAD: The rules apply regardless of an athlete's intentions or current participation in competition. An athlete remains subject to testing and compliance obligations until they formally retire by giving written notice, and those obligations do not end merely because the athlete stops playing matches.<sup>10</sup>

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<sup>10</sup> SR/0000120232, *Watt v UKAD*, para 12.



- 72.2. UKAD v Canaveral: An athlete is not considered retired unless there is clear evidence of some communication to a relevant governing body about retirement; without such notice, the athlete remains subject to the anti-doping rules under Article 1.4.1 of the relevant Anti-Doping Rules.<sup>11</sup>
- 72.3. Boxing New Zealand v Robertson: The Boxing New Zealand “BNZ” Regulations require international and national-level athletes to formally notify BNZ in writing to retire, and retirement does not halt any ongoing anti-doping proceedings. Athletes who wish to return to competition must give written notice, re-enter the testing pool, and comply with testing requirements for six months. These rules exist to prevent athletes from manipulating the anti-doping system and to ensure certainty and consistent application of the rules.<sup>12</sup>
73. The ITIA submits that from 2019 onwards, Mr. Matosevic was also bound by the Programme as a Player Support Person, due to his coaching, training, and advisory work with players such as Player A and Player B. Articles 1.15 and 1.16 TADP apply to “*any other Person working with, treating or assisting a Player*”, regardless of formal job title or payment.
74. The ITIA further submits that accepting Mr. Matosevic’s claimed “*civilian*” status would undermine the structure of the TADP and expose players (particularly developing or vulnerable players) to unregulated influence. Accordingly, the ITIA maintains that he was subject to the Programme as a Player in 2018 and as both a Player and Player Support Person from 2019 to 2020. The ITIA submits that the Independent Tribunal has been validly constituted and has jurisdiction to determine all charges referred to it.

ii. Use or Attempted Use of a Prohibited Method

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<sup>11</sup> SR/NADP/149/2019, *UKAD v Canaveral*, para 28.

<sup>12</sup> ST/07/07, *Boxing New Zealand Inc v Robertson*, paras 20-21.



75. Blood doping is a well-known Prohibited Method used to increase the available oxygen within the body, improving endurance and recovery. The 2018 WADA Prohibited List states that blood doping is a Prohibited Method under section M1 (manipulation of blood and blood components).
76. The ITIA submits that Mr. Matosevic's Use of a Prohibited Method, namely blood doping, may be reasonably and reliably inferred from, *inter alia*, the following established facts, such that the Independent Tribunal can be comfortably satisfied that Mr. Matosevic has committed an ADRV under Article 2.2 of the 2018 TADP:
- 76.1. On 17 February 2018, Mr. Matosevic engaged in a discussion via text messages with Player B as to how much he was prepared to pay for a medical treatment, to be arranged with the support of Mr. F, with a local doctor in Morelos. Later the same day and without any other intervening context, Mr. Matosevic sent Player B detailed information on blood doping via blood transfusions (that Mr. Matosevic had seemingly sourced from an online website). It is therefore reasonable and logical to infer that the medical treatment the players had discussed related to blood doping, which is supported by the following further facts.
- 76.2. On 20 February 2018, Mr. Matosevic and Player B engaged in a further discussion regarding payment for the treatment. The context of those messages indicates that at least part of the treatment may have already taken place. Specifically, Mr. Matosevic told Player B that he can cover the "*remaining 3000 for doc*".
- 76.3. On 21 February 2018, Mr. Matosevic and Player B went skydiving, which Mr. Matosevic later claimed was one of the reasons that he visited the clinic (discussed below at paragraph 78.2).
- 76.4. On 22 and 23 February 2018, further messages were exchanged in which both players referred to how they felt after the procedure. Mr. Matosevic described experiencing a "*big difference*", practising at "*full power*", and feeling as though he



“wasn’t kinda trying”. He also referred to Player B as “Lance (we interpret this as referring to Lance Armstrong [Player B’s last name])” and emphasised the importance of keeping their “darkness” “confidential”. The ITIA relies on these descriptions as contemporaneous statements about perceived performance effects following the procedure and about the need to conceal what had occurred. Following these statements the ITIA submits that it is reasonable and logical to infer that the players were conscious that they had breached the TADP through their Use of blood doping.

76.5. Additional messages in the months and years following the Mexico trip provides further context to these events. Communications from June 2018 and March 2020 contained explicit references to “trans” and to having “extra blood” in Morelos. The ITIA notes that “trans” is the same abbreviation that was used by Mr. F when referring to transfusions and therefore, regards these later messages as reflective of the same shared experience.

76.6. Finally, on 27 February 2021, Player B sent Mr. Matosevic a photograph taken during the February 2018 visit, showing Mr. Matosevic on a clinic bed in Morelos with a tourniquet around his arm and a cannula inserted. Mr. Matosevic confirmed in the Interview that this photograph was taken during the relevant period and that blood was extracted by a doctor. This image, together with the contemporaneous and subsequent messages, forms part of the factual basis relied upon by the ITIA in support of the charge.

77. The ITIA further references the messages between Player B and Mr. F to further corroborate the Use of blood doping. In particular:

77.1. Additional communications between Player B and Mr. F provide further detail regarding the procedure undertaken in Morelos, and strongly support the inference that it involved a transfusion. On 28 February 2018, shortly after the Mexico trip, Mr. F sent Player B a message referring explicitly to “the transfusion and the skydive”.



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In response, Player B reminded him to use the abbreviation “*trans*”, reflecting a shared understanding that the subject of their discussions needed to be referred to with caution.

77.2. On 3 March 2018, Mr. F contacted Player B seeking payment. Player B replied that he could have paid him in Mexico “*but used it all on the trans*”. The ITIA relies on this message as contemporaneous confirmation that the money was spent on the transfusion procedure rather than on any ordinary or unrelated medical treatment.

77.3. Further exchanges on 8 and 9 March 2018 offer additional context. Mr. F messaged to ask how both players were feeling “*after it*”, a formulation which the ITIA submits plainly refers to the procedure earlier discussed. Player B replied that he felt “*amazing*” and noted that, “*Marinko got sick right after*”. He also urged Mr. F never to repeat “*to ANYONE what happened*”, stating that he did not want his “*records ruined*”.

77.4. In the same conversation, Mr. F added that “*the doctor said he also made the transfusion right after you*”, again using language directly referring to transfusion. He explained that this was for an “*important football tournament*” the doctor was playing in, noting that the doctor “*just took it out and will put it back before his match*”. Player B relayed this information to Mr. Matosevic on 15 March 2018, telling him: “*That dr told [Mr. F] that he tried the trans for his club soccer game and said was amazing*”.

78. In addition to the messages, the ITIA uses Mr. Matosevic’s alternative explanations for the messages put to him in the Interview and describes them as both “*unconvincing and inconsistent*”. For example:

78.1. Mr. Matosevic initially denied ever having discussed blood transfusions with Player B. However, when presented with the messages, he accepted that Player B had asked him for information about blood doping and explained, “*I know a lot because I’m interested*”. Towards the end of the Interview, he suggested that many of the



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exchanges between them were jokes, adding that while they may have spoken about the idea and “*insinuated it*”, they “*never pulled the trigger*” because they “*didn’t have the balls*” to go through with it.

78.2. Mr. Matosevic also stated that he had only attended the clinic in Morelos because he felt unwell. The ITIA notes, however, that the February 2018 messages contain no reference to illness arising from the skydive or altitude; rather, they reflect both players feeling “*great*” or a “*big difference*” after the procedure. The first clear reference to illness appears only a week later, on 2 March 2018, when Mr. Matosevic messaged from Los Angeles during the Event stating that he had become “*really sick*” with “*fever flu/cold*”, to which Player B replied that flu had been “*rampant in LA*”. The ITIA therefore submits that his later illness was not the reason for his visit to the clinic in Morelos.

78.3. During the Interview, Mr. Matosevic accepted that the photograph taken in the clinic showed blood being removed but maintained that it was “*only in a little vial for testing*”. The ITIA notes that the image shows a cannula inserted into his arm, with no vial visible. Mr. Matosevic further acknowledged that his earlier explanation, suggesting the image depicted an ATP-approved IV infusion for dehydration, was not accurate and had been intended as a sarcastic joke.

78.4. Although Mr. Matosevic accepted that he had referred to Player B as “*Lance* [Player B’s last name]” (which the Independent Tribunal interprets as a reference to Lance Armstrong), Mr. Matosevic declined to accept that the comparison was related to blood doping. Instead, he stated that the reference was to Player B having “*more energy*” from intense altitude training rather than to any Prohibited Method.

79. The ITIA argues that the Independent Tribunal should place no weight on Mr. Matosevic’s denials. The CAS jurisprudence makes clear that protestations of innocence, however, firmly stated, do not materially assist an athlete, once reliable evidence of a violation has



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been established. The ITIA submits that once a violation is supported by cogent evidence, the burden shifts to the athlete to advance an alternative explanation by providing specific, objective, and persuasive evidence supporting that explanation.<sup>13</sup>

80. Furthermore, the ITIA describes Mr. Matosevic's assertions above as entirely unsupported by evidenced, and neither specific nor persuasive.
81. Importantly, on 2 February 2026, Mr. Matosevic admitted to the charges of using a Prohibited Method in Morelos. In his written statement, released by *The First Serve Live*, he explicitly stated that “[u]nder desperate circumstances (I had some health issues in 2017), I stupidly and recklessly did a blood transfusion in Morelos, Mexico”.

*iii. Complicity in Player B's Use or Attempted Use of a Prohibited Method*

82. The ITIA submits that the same evidentiary material relied upon with respect to the alleged blood-doping procedure in Morelos also supports a finding that Mr. Matosevic was complicit in Player B's alleged Use or Attempted Use of a Prohibited Method. According to the ITIA, the communications between the two players indicate that they jointly arranged the medical procedure, with discussions covering the logistics of the treatment. The ITIA further submits that messages in which Mr. Matosevic provided information to Player B about blood doping form part of this alleged facilitative conduct.
83. The ITIA additionally relies on the photograph later sent by Player B to Mr. Matosevic, which shows both players attending the clinic at the relevant time, as well as messages referring to the settling or sharing of payment for the procedure. The ITIA also points to an exchange on 22 February 2018 in which the two discussed the need to keep details of

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<sup>13</sup> WADA v Abdelrahman, CAS 2017/A/5036, para 125.

the procedure confidential, which the ITIA submits is indicative of coordinated participation in an activity they understood to be prohibited.

84. In respect of the legal framework, the ITIA submits that these actions fall within Article 2.9 of the 2018 TADP, which prohibits “*assisting, encouraging, aiding, abetting, conspiring to commit, covering up or any other type of intentional complicity*” in relation to an ADRV. The ITIA refers to CAS jurisprudence interpreting Article 2.9 broadly and observing that the threshold for complicity is “*probably low*” as “[...] ‘any type of complicity’ *is sufficient*”.<sup>14</sup>
85. The ITIA submits that, when viewed collectively, the communications and circumstances described above support the inference that Mr. Matosevic was complicit in Player B’s alleged Use or Attempted Use of a Prohibited Method.

*iv. Complicity in Player A’s Use or Attempted Use of a Prohibited Substance*

86. Clenbuterol is a Prohibited Substance under section 1.2 of the WADA Prohibited List, where it has been listed since 2011. Although it may be used therapeutically, it is known for its anabolic and fat-reducing effects, for which it has been misused by athletes to enhance performance.
87. The ITIA relies in particular on the messages exchanged between Mr. Matosevic and Player A on 12 January 2020, which it says show that Mr. Matosevic assisted or encouraged Player A to Use clenbuterol. These messages included discussion of the withdrawal time for clenbuterol and reassurance from Mr. Matosevic that it would be “*gone in under 10 days*”, and that Player A could “[s]leep easy”. This advice was given in the context of Player A having been notified, on 2 January 2020, that he was required to

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<sup>14</sup> *Hoch v FIS & IOC*, CAS 2008/A/1513, para 8.4.1, cited with approval in *USADA v Brown*, AAA Panel decision dated 30 September 2019, para 5.71.

provide a blood sample between 12 and 19 January 2020, as part of an Athlete Biological Passport Testing mission for the Australian Open.

88. Following these exchanges, Player A booked the required blood test for 19 January 2020, the final day of the permitted period. The ITIA submits that this sequence indicates that Mr. Matosevic's reassurances may have influenced the timing of the test and formed part of the conduct alleged to constitute complicity.
89. When interviewed by the ITIA, Mr. Matosevic initially denied that the messages he had exchanged with Player A related to clenbuterol. The ITIA emphasises that this position is unsustainable given the context of exchanges between Mr. Matosevic and Player A. In particular: (a) Player A's express statement that he was referring to a "[d]rug test"; (b) Mr. Matosevic asking Player A if he had been using "[w]eed" (i.e. marijuana); (c) Player A then confirming that he was (also) referring to "clen", a common shorthand for clenbuterol; and (d) Mr. Matosevic also using that same term and reassuring him it would be "gone in under 10 days" and that he could "[s]leep easy".
90. The ITIA refers to Article 2.9 of the 2020 TADP, which prohibits "*assisting, encouraging, aiding, abetting, conspiring to commit, covering up or any other type of intentional complicity involving an ADRV*". The ITIA submits that the scope of Article 2.9 is broad, relying on *Hoch v FIS & IOC*,<sup>15</sup> noting that the threshold for complicity is low because the rule expressly extends to "*any type of intentional complicity*". Additionally, the CAS panel observed that complicity includes assistance provided before a violation is committed, as well as conduct intended to prevent a violation from being detected afterwards.
91. Furthermore, the ITIA notes the respective ages of the players at the time, Mr. Matosevic being 34 and Player A ■■■. The communications occurred within a relationship in which Mr. Matosevic acted as a Player Support Person. In that context, the conduct constituted

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<sup>15</sup> Above footnote n 14.

a breach of Article 1.16.3 of the 2020 TADP, which requires Player Support Personnel to use their influence to promote anti-doping attitudes among players.

v. Use of a Prohibited Substance

92. It is submitted by the ITIA that the evidence supports the allegation that Mr. Matosevic Used clenbuterol while being bound by the TADP.
93. When interviewed, Mr. Matosevic admitted to Using clenbuterol for a number of months in 2020, although he indicated that he did not consider himself to be bound by the TADP at the time. The ITIA notes, however, that under Article 1.14 of both the 2018 and 2020 TADPs, he remained a Player until he gave formal retirement notice on 1 November 2024. On that basis, the ITIA submits that his admission establishes Use (and by extension, Possession) under Articles 2.2 and 2.6 of the applicable TADP.
94. To support this claim, the ITIA relies on the advice Mr. Matosevic had provided to Player A, stated above. Additionally, the audio messages he later sent to ██████ in June 2024 carry significant weight in satisfying this provision. In one of these audio messages, he stated that he “*cheated*”, Using clenbuterol, suggesting that the clenbuterol was taken in a performance-enhancing context, while he was still competing.
95. The ITIA further submits that the explanations Mr. Matosevic later offered for these communications do not provide a coherent alternative account. Although he initially denied that his exchange with Player A concerned clenbuterol, he later acknowledged that he had long been familiar with the substance through bodybuilding circles. In the same Interview, he stated that he “*did not know*” the precise wash-out period for clenbuterol, despite having given specific advice on the topic.



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96. The ITIA also refers to his explanation for statements to ██████ about clenbuterol. When questioned about these audio messages, he framed the use of his wording to mean “*cheat[ing] to lose the weight*”, rather than ‘cheating’ in a competition setting. However, Mr. Matosevic had used the same terminology when accusing other tennis players of doping. The ITIA submits that this inconsistency in language supports the inference that he Used clenbuterol in a similar performance-related sense.
97. When viewed as a whole, the ITIA submits that several strands of evidence cumulatively support a finding that Mr. Matosevic Used clenbuterol during 2020 and in earlier years. It refers to *WADA v Bellchambers et al.* in support of the principle that such cumulative circumstantial evidence can meet the requisite standard of proof, even where exact dates of Use cannot be pinpointed.<sup>16</sup> On that basis, the ITIA submits that the Independent Tribunal can be comfortably satisfied that Mr. Matosevic Used, and therefore possessed, clenbuterol not only in 2020 but also during earlier years when he competed professionally.

*vi. Possession of a Prohibited Substance*

98. The same evidence of Mr. Matosevic’s Use of clenbuterol also supports the ITIA’s charge for his Possession of that substance.
99. The ITIA submits that Mr. Matosevic was clearly in physical possession of clenbuterol in (at least) 2020 for him to be able to Use it, which he has admitted doing. For the same reasons as noted above, it is also reasonable and logical to infer (based on the cumulative weight of all the evidence) that Mr. Matosevic possessed clenbuterol in other years (earlier than 2020), including while playing tennis professionally.

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<sup>16</sup> Above footnote n 9.

## G. THE ITIA'S SUBMISSIONS

100. The ITIA submits that the evidence before the Independent Tribunal, taken together, is sufficient to meet the standard of proof required under Article 3.1 of the 2025 TADP. It appreciates that the applicable threshold is that the Independent Tribunal must be comfortably satisfied, bearing in mind the seriousness of the allegations, that an ADRV has occurred. The ITIA refers to the CAS jurisprudence in *WADA v Bellchambers et al.* confirming that this standard may be met through direct or circumstantial evidence, and that circumstantial evidence may be compelling where multiple strands of reliable material reinforce one another.<sup>17</sup> It also notes the well-established principle in *WADA v Daiders, Daiders & FIM* and *WADA v Abdelrahman*, in that emphatic denials, without more, carry limited probative weight when set against objective documentary evidence.<sup>18</sup>
101. The ITIA submits that the relevant ADRV provisions (namely Articles 2.2 (Use or Attempted Use), 2.6 (Possession), and 2.9 (Complicity)) must be interpreted consistently with the TADP's purpose and the Code. Article 2.2 is a strict-liability provision, requiring no proof of intent or motive and applying regardless of whether a Prohibited Method succeeded or was intended to succeed. Article 2.6, concerning Possession, extends to both actual and constructive possession. As to complicity under Article 2.9, the ITIA relies on CAS authority, notably in *Hoch v FIS & IOC*, indicating that this provision is to be interpreted broadly. The threshold for establishing complicity is low because according to the wording, "*any type of complicity*" is sufficient.<sup>19</sup>
102. In relation to the alleged blood-doping violation in February 2018, the ITIA submits that the contemporaneous messages exchanged between Mr. Matosevic and Player B, the

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<sup>17</sup> Above footnote n 9.

<sup>18</sup> *WADA v Daiders, Daiders & FIM*, CAS 2014/A/3615, para 51 and *WADA v Abdelrahman*, CAS 2017/A/5036, para 125.

<sup>19</sup> Above footnote, n 14.



payment discussions, the physical effects described, the requests for secrecy, the subsequent references to transfusions, the photograph from the clinic together, and the confession by Mr. Matosevic of undertaking the Prohibited Method form a coherent evidential picture from which the Independent Tribunal can be comfortably satisfied that Mr. Matosevic Used or attempted to Use a Prohibited Method. The ITIA submits that the same evidential material supports the charge of complicity in Player B's alleged Use or Attempted Use of that method, noting the shared arrangements, information provided, the apparent coordination of the procedure, and the statements emphasising confidentiality.

103. The ITIA also submits that Mr. Matosevic's admitted Use of clenbuterol in 2020 constitutes Use and, by extension, Possession of a Prohibited Substance while he remained bound by the TADP. Beyond that admission, the ITIA points to additional evidence which it says supports the inference that his Use extended into earlier years.
104. The ITIA further submits that the exchanges with Player A in January 2020 demonstrate that Mr. Matosevic assisted or encouraged the latter's Use of clenbuterol. It relies in particular on the reassurance that clenbuterol would be "*gone in under 10 days*" and the advice that he could safely provide a blood sample, which the ITIA argues constitutes intentional assistance falling within Article 2.9 of the 2020 TADP. It also notes that these exchanges occurred within a coaching relationship, at a time when Mr. Matosevic was obliged under Article 1.16.4 of the 2020 TADP to use his influence to promote anti-doping attitudes.
105. The ITIA invites the Independent Tribunal to consider the cumulative effect of the evidence. It therefore submits that the Independent Tribunal can be comfortably satisfied that Mr. Matosevic committed the alleged violations of Articles 2.2, 2.6, and 2.9 of the applicable TADPs.



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## H. MR. MATOSEVIC'S CASE

106. Mr. Matosevic initially denied all the ADRVs alleged by the ITIA. His primary position was that the evidence was taken out of context, claiming that none of the messages held any real substance to comfortably satisfy the Independent Tribunal that he was guilty of these ADRVs. However, he recently admitted to the facts underlying the charges under Article 2.2 of the relevant TADPs for Use or Attempted Use of a Prohibited Method. Mr. Matosevic continues to deny the remaining charges.
107. As mentioned above,<sup>20</sup> it is important to note that Mr. Matosevic was given the opportunity to attend the hearing or to submit a written statement to the Independent Tribunal. No statement was received. Therefore, his case will be understood from the communications Mr. Matosevic sent to Sport Resolutions, the ITIA, his public written statement, released by *The First Serve Live*, and the Interview.

### *i. Use or Attempted Use of a Prohibited Method*

108. In response to the allegation that he Used or attempted to Use a Prohibited Method in Morelos in February 2018, Mr. Matosevic initially denied that any blood doping occurred. He submitted that the ITIA's case rested on messages exchanged many years ago which he said were being misinterpreted and taken out of context. He maintained that his exchanges with Player B often involved exaggerated banter or joking and should not have been treated as reliable evidence of actual conduct.
109. Mr. Matosevic also disputed the ITIA's interpretation of the financial and logistical arrangements associated with the Mexico trip. In particular, he asserted that the payment relied upon by the ITIA was made at a "*gentleman's club*" rather than in connection with a

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<sup>20</sup> See para. 49 above.

medical procedure, and that this undermined the ITIA's inference that the payment had related to blood doping. He further maintained that the photograph taken in the clinic does not establish blood doping, stating that any blood drawn was for testing purposes and not for transfusion.

110. These denials were subsequently revoked by Mr. Matosevic on 2 February 2026, when he admitted to engaging in blood doping in Morelos. He stated in his public written statement on *The First Serve Live* that “[u]nder desperate circumstances (I had some health issues in 2017), I stupidly and recklessly did a blood transfusion in Morelos, Mexico”.

*ii. Complicity in Player B's Use or Attempted Use of a Prohibited Method*

111. In respect of the allegation that he was complicit in Player B's alleged Use or Attempted Use of blood doping, Mr. Matosevic denies any involvement. He maintains that he did not assist, encourage, or facilitate Player B in the alleged Use of any Prohibited Method. Additionally, he submits that the ITIA's characterisation of shared arrangements, payments, and discussions as evidence of complicity is speculative and rests on assumptions about intent that are not supported by clear evidence.

112. He further denies that references to confidentiality or coded language demonstrate awareness of wrongdoing, again characterising such exchanges as informal and exaggerated communications between friends, rather than evidence of coordinated doping violations.



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*iii. Use and Possession of a Prohibited Substance*

113. Mr. Matosevic accepts that he Used and possessed clenbuterol in 2020. However, he denies that this amounted to an ADRV on the basis that he did not consider himself to be bound by the TADP at that time. His position is that he effectively retired from professional tennis after his final tournament in 2018 and that he did not understand that any formal notification of retirement was required. On that basis, he submits that the TADP no longer applied to him in 2020 and asserts that “*there are no rules stating anywhere that I have to announce my intentions [to retire as a player]*”.

114. In relation to the allegation that he Used clenbuterol while still competing professionally, Mr. Matosevic denies this entirely. He contends that his statement in an audio message that he “*cheated*” using clenbuterol was a figure of speech, intended to describe weight loss or fat reduction rather than performance enhancement in tennis. He also maintains that any apparent familiarity with clenbuterol or its detection window arose from interest and exposure to bodybuilding environments, rather than from personal Use as an athlete.

*iv. Complicity in Player A’s Use or Attempted Use of a Prohibited Substance*

115. In response to the allegation that he was complicit in Player A’s alleged Use of clenbuterol, Mr. Matosevic again relies on his position that he was not bound by the TADP in January 2020. He also disputes the ITIA’s interpretation of the messages exchanged with Player A, asserting that they did not relate to intentional doping, rather the risk of testing positive due to clenbuterol being considered a potential meat contaminant in Bali. He maintains that Player A was seeking reassurance in these concerns and that his responses were general, informal comments, rather than advice intended to facilitate or conceal a violation.



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116. Additionally, he denies that he was acting as a coach or Player Support Person at the time of these communications. He claims that he did not hold himself out as a professional coach in 2020 and therefore did not consider himself subject to the additional responsibilities imposed on Player Support Personnel, under Article 1.16 of the 2020 TADP.

## I. DISCUSSION AND FINDINGS

117. It is important to address the preliminary issues that Mr. Matosevic raised regarding the ITIA obtaining his phone, and his alleged retirement from international tennis.

### *i. Jurisdiction and Admissibility*

118. Firstly, during his interview with *The First Serve Live*, Mr. Matosevic claimed that the ITIA took his phone “*under threatening circumstances*”. According to Mr. Matosevic, “*the ITIA threatened to revoke his tournament accreditation and deny him the chance to coach his players during the event*”.

119. In response to this criticism, the Independent Tribunal notes that Article 5.7.3.1 of the 2024 TADP expressly empowers the ITIA to make a written Demand requiring a Player or other Person to furnish personal electronic devices, including mobile telephones, and to provide access to electronic information that the ITIA reasonably believes may be relevant to an investigation into a potential ADRV.

120. That provision further requires immediate compliance with such a Demand, where practicable, and makes clear that difficulties around volume of data or duration of the extraction process does not provide a basis to refuse or delay compliance.



121. In the Independent Tribunal's view, there is no merit to Mr. Matosevic's complaint. The request for and obtaining of a player's phone is an orthodox investigative tool in light of the limitations and challenges involved in detecting and prosecuting doping offences. Whilst no doubt inconvenient, it is a requirement which professional sports people understand as part of the price of an effective anti-doping system.
122. The Independent Tribunal is satisfied that the ITIA acted within the authority conferred by the TADP in requiring Mr. Matosevic to provide his phone. The possibility of consequences flowing from non-compliance reflects the mandatory nature of the Demand regime rather than any impropriety in the exercise of the ITIA's investigative powers.
123. Additionally, the ITIA may establish the charged violations by "*any reliable means, including admissions*", following Article 3.2.1 of the 2025 TADP.
124. As to the issue of Mr. Matosevic's retirement, the Independent Tribunal agrees with the ITIA's case as set out above. Mr. Matosevic did not formally retire until 1 November 2024 and remained bound by the 2018 TADP and each subsequent version of the Programme until that date.
125. It may be that Mr. Matosevic had no intention of returning to the sport of tennis as a professional player in 2019 or 2020. However, by his own admission, he did not notify any governing body of this, in any way. The TADP does not allow a Player to avoid its application simply by stopping playing.
126. Permitting players to avoid regulatory oversight by informally retiring and then re-engaging with the sport at a time (and in a manner) of their choosing, potentially free from anti-doping controls in the interim, would undermine the integrity of the TADP. The Independent Tribunal therefore proceeds on the basis that Mr. Matosevic had not retired and remained subject to the applicable provisions of the TADP. In addition, the Independent Tribunal is comfortably satisfied that Mr Matosevic was also covered by the relevant TADP because, in addition to not having formally retired as a player, he worked



with and 'assist[ed]' multiple players who were 'participating in or preparing to participate in Covered Events', and was bound by Articles 1.11 and 1.15 of the TADP as a result. It is relevant to note that Mr Matosevic was assisting relatively junior players and held a position of influence in relation to them.

*ii. Findings*

127. For the reasons advanced by the ITIA, and summarised below, the Independent Tribunal is comfortably satisfied that the ITIA has established each of the charged ADRVs.

*iii. Use or Attempted Use of a Prohibited Method*

128. The Independent Tribunal is comfortably satisfied that Mr. Matosevic has breached Article 2.2 of the 2018 TADP. The charge alleged that he had undertaken a blood transfusion in Morelos, Mexico, in mid-February 2018. This charge has been admitted by Mr. Matosevic, and the summarised evidence already provided compelling support of the same. This charge has therefore been proven.

*iv. Complicity in Player B's Use or Attempted Use of a Prohibited Method*

129. The Independent Tribunal is also comfortably satisfied that Mr. Matosevic was complicit in the alleged Use or Attempted Use of the same Prohibited Method by Player B, which breached Article 2.9 of the 2018 TADP. The evidence demonstrates that Mr. Matosevic possessed detailed knowledge of the transfusion, participated in discussions arranging the procedure, shared in payment arrangements, attended the clinic contemporaneously, and engaged in exchanges emphasising the need for confidentiality. These acts go



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beyond passive association and constitute intentional participation in, and facilitation of, Player B's alleged violation. Therefore, the charge is proven.

v. Complicity in Player A's Use or Attempted Use of a Prohibited Method

130. The Independent Tribunal finds that Mr. Matosevic committed a further ADRV under Article 2.9 of the 2020 TADP in relation to Player A's alleged Use of clenbuterol. This charge is made out by the cumulative effect of the information and reassurance Mr. Matosevic provided Player A in the exchange of text messages, together with his deliberate failure to distance himself or notify the relevant anti-doping authority. The evidence shows that Mr. Matosevic was aware that Player A had Used clenbuterol, provided advice as to withdrawal periods, reassured him that the Prohibited Substance would be "gone" within a short timeframe, and encouraged him to proceed with Testing. In doing so, Mr. Matosevic assisted and encouraged the underlying anti-doping violation and at least potentially helped to conceal it. The Independent Tribunal notes the broad ambit of Article 2.9 in the 2020 TADP, which includes actions before and after the violation. Given Mr. Matosevic's history with Player A, his position of influence over Player A, his knowledge of what was being discussed, and Mr. Matosevic's knowledge that Player A had Used clenbuterol, the assurances were sufficient to amount to complicity with the ADRV allegedly committed by Player A.
131. The omission to report the conduct, in circumstances where Mr. Matosevic had knowledge of the violation and occupied a position of influence, reinforces this conclusion. Article 2.9 of the 2020 TADP expressly encompasses "covering up" and other forms of intentional complicity. The Independent Tribunal is comfortably satisfied that this conduct falls within its scope.
132. It is important to note the type of relationship between Player A and Mr. Matosevic. This was a close relationship between someone with influence over a player that was more



than ten (10) years younger. Providing information on how to evade testing positive for a Prohibited Substance goes against Article 1.16.3 of the 2020 TADP, which requires Player Support Personnel to use their influence to promote anti-doping attitudes among players. Although Mr. Matosevic was not Player A's formally appointed coach in January 2020, the evidence establishes that he occupied a position of influence within Player A's professional tennis environment. To exclude such conduct from the scope of complicity would undermine the Programme's fundamental purpose of preventing not only the use of Prohibited Substances and Methods, but also their encouragement and concealment by those in positions of influence.

133. Taking the evidence as a whole, the Independent Tribunal is comfortably satisfied that Mr. Matosevic's conduct amounted to intentional complicity within the meaning of Article 2.9 of the 2020 TADP. This conduct strikes at the integrity of the anti-doping framework and is the type of behaviour Article 2.9 is intended to capture. The charge is therefore proven.

vi. Use and Possession of a Prohibited Substance

134. Mr. Matosevic admitted that he Used clenbuterol in 2020. The Independent Tribunal therefore finds that he violated Articles 2.2 and 2.6 of the 2020 TADP, at which time he remained bound by the TADP.

135. Although there is material suggesting familiarity with clenbuterol and its effects prior to 2020, the Independent Tribunal is not comfortably satisfied, on the evidence before it, that Use or Possession occurred in earlier years. There would need to be more evidence provided to meet that required standard, as set out in Article 8.6 of the 2020 TADP. The Independent Tribunal therefore declines to make findings extending beyond the admitted period. Whilst there is a likelihood that earlier Use and Possession did occur, more evidence would be required for the Independent Tribunal to be comfortably satisfied.



vii. Conclusion on Liability

136. Where the ITIA invited broader inferences as to earlier Use or Possession, the Independent Tribunal considers that the evidence provided raised a reasonable suspicion but does not reach the level of comfortable satisfaction. Those aspects of the case are therefore not upheld.
137. The Independent Tribunal does find that the ITIA has proven violations of Articles 2.2, 2.6, and 2.9 of the applicable TADPs to the appropriate standard.

**J. CONSEQUENCES TO BE IMPOSED FOR MR. MATOSEVIC'S ADRVS**

138. Article 10.7.4(a) of both the 2018 and 2020 TADP provides that an ADRV will only be considered a second ADRV for sanctioning purposes if the ITIA can establish that it was committed after the notice of the first ADRV was received by Mr. Matosevic. The ITIA submits that the requirement in TADP Article 10.7.4(a) is not met and therefore all five (5) ADRVs should be considered together as one single, first ADRV for the purposes of sanctioning. According to the relevant article, the sanction imposed will be based on the ADRV that carries the more severe sanction.
139. In accordance with the provisions of the 2018 and 2020 TADP, the sanctions the ITIA submits ought to be imposed on Mr. Matosevic in respect of his ADRVs are:
- 139.1. a four (4) year period of Ineligibility, beginning on the date of the Independent Tribunal's Decision; and
- 139.2. Disqualification of Mr. Matosevic's results in all events in which he competed following his Use of blood doping in February 2018 (i.e. the Morelos Open and the



Event in 2018), with all resulting Consequences, including forfeiture of any medals, titles, ranking points and Prize Money.

140. The ITIA did not seek any award of costs against Mr. Matosevic.

*i. Four (4) year period of Ineligibility commencing on the date of the final Decision*

141. The ITIA relies on Articles 10.2.1 and 10.2.2 of the 2018 and 2020 TADP, which govern sanctions for Use and Possession of Prohibited Substances and Prohibited Methods. Under Article 10.2.1(a), a first violation involving a Prohibited Substance, that is not a Specified Substance or Specified Method, carries a four (4) year period of Ineligibility unless the player establishes that the violation was not intentional. Clenbuterol is not a Specified Substance, and blood doping is not a Specified Method. The ITIA therefore submits that Article 10.2.1(a) applies to each of the Use and Possession violations alleged against Mr. Matosevic unless he can demonstrate lack of intent.

142. The ITIA further notes that Article 10.2.1 of the 2018 and 2020 TADP gives effect to the mandatory provisions of the 2015 Code and must be interpreted consistently with it. It submits that any differences between the Code and the TADP do not alter the mandatory nature of the four (4) year sanction where the conditions in Article 10.2.1(a) are met. Article 1.2 of the 2018 and 2020 TADP acknowledges that *“this Programme is adopted and implemented pursuant to the mandatory provisions of the 2015 version of the Code”* and Article 1.7 of the 2018 and 2020 TADP states that *“the Programme shall be interpreted in a manner that is consistent with the Code”*.

143. The ITIA submits that Mr. Matosevic’s violations were intentional within the meaning of Article 10.2.3 of the TADP, which defines *“intentional”* as encompassing conduct where the player knew the conduct constituted an anti-doping rule violation, or knew there was a significant risk that it might constitute such a violation and manifestly disregarded that



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risk. According to the ITIA, blood doping and clenbuterol Use are both presumed to be performance-enhancing, and both are prohibited at all times. The ITIA submits that Mr. Matosevic has not argued that his Use or Possession violations were unintentional and that, in any event, the evidence relied upon demonstrates intentional conduct. In particular, it points to his experience as a professional athlete, his admitted knowledge, and later Use, of blood doping, and his admission to having “*cheated*” using clenbuterol, including during a period when he remained bound by the TADP.

144. On that basis, the ITIA submits that a four (4) year period of Ineligibility must apply to each of the Use and Possession violations under Article 10.2.1(a) of the 2018 and 2020 TADP.
145. It additionally submits that the complicity violations under Article 2.9 of the 2018 and 2020 TADP warrant the same sanction. Article 10.3.4 of the 2018 and 2020 TADP provides for a period of Ineligibility of between two (2) and four (4) years for a first complicity violation, depending on seriousness. The ITIA submits that Mr. Matosevic’s complicity violations are at the most serious end of the spectrum and justify the maximum four (4) year sanction. In relation to blood doping, it emphasises that the underlying violation involved manipulation of blood, a particularly serious form of doping, and that the communications relied upon demonstrate awareness of wrongdoing and an effort to maintain confidentiality. In relation to Player A, the ITIA submits that the provision of advice to a significantly younger player on avoiding detection after clenbuterol Use is especially serious, given Mr. Matosevic’s role and experience within the sport.
146. The ITIA further submits that the period of Ineligibility should commence on the date of the final Decision, in accordance with Article 10.10.3 of the 2018 and 2020 TADP. It notes that Mr. Matosevic has not been Provisionally Suspended, has not admitted the violations, and that there has been no substantial delay in the proceedings. The ITIA therefore submits that none of the exceptions permitting an earlier commencement of the sanction are engaged.



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147. For the reasons advanced by the ITIA, the Independent Tribunal accepts that a four (4) year period of Ineligibility is appropriate on each charge and there is no sufficient reason that the period of Ineligibility should commence before the date of this Decision. Mr. Matosevic has been able to operate in the tennis world free of consequences until now. His formal retirement did not occur until relatively recently and he belatedly accepted liability for the blood transfusion (in circumstances where he was very likely to be found guilty of that in any event).
148. The Independent Tribunal imposes the sanctions sought by the ITIA, that is a four (4) year period of Ineligibility in terms of the 2018 and 2020 TADP, commencing on the date of this Decision.

ii. Disqualification of Results

149. In addition to Ineligibility, the ITIA proposes Disqualification of the results obtained by Mr. Matosevic, pursuant to Article 10.8 of the 2018 and 2020 TADP. That provision requires Disqualification of all competitive results obtained from the date of an ADRV through to the commencement of any Provisional Suspension or period of Ineligibility, unless fairness requires otherwise.<sup>21</sup> The ITIA submits that fairness must be assessed in the round and in conjunction with the Independent Tribunal's overall sanctioning powers.
150. Applying that principle, the ITIA submits that fairness requires Disqualification of Mr. Matosevic's results at the Morelos Open and the Event in February 2018. It relies on the allegation that blood doping occurred during that period and notes that Mr. Matosevic competed in one singles match at the Morelos Open on 19 February 2018 and in two singles qualifying matches at the Event on 24 and 25 February 2018. Although Mr. Matosevic did not formally communicate his intention to retire from competing until

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<sup>21</sup> *ITF v Koubek*, 18 January 2005, para 95, appeal dismissed, CAS 2005/A/828.

November 2024, these matches were his final professional appearances. The ITIA therefore proposes that all results obtained at those events be Disqualified, together with the forfeiture of any medals, titles, ranking points, and Prize Money earned.

151. For the reasons advanced, the Independent Tribunal imposes such Disqualification as part of the sanction (being all results obtained at the Morelos Open and the Event in February 2018 are Disqualified, together with the forfeiture of any medals, titles, ranking points, and Prize Money earned).

## **K. COSTS**

152. Article 8.5.3 of the 2025 TADP states the default position that the ITIA will pay the costs of convening the Independent Tribunal and of staging the hearing.

153. Article 8.5.4 of the same provides that “[t]he *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*”. Absent an order under this provision, each party “will bear its own costs, legal, expert, hearing, and otherwise”.

154. Neither Party submitted a costs order. The Independent Tribunal was therefore satisfied to uphold the default position. As such, each Party shall bear its own costs.



## **L. CONCLUSION**

155. The Independent Tribunal is comfortably satisfied that the each of the charges (at paragraph 24) are proven to the required standard.
156. The Independent Tribunal imposes a penalty, for the ADRVs committed, on Mr. Matosevic of a four (4) year period of Ineligibility, commencing on the date of this Decision.
157. In addition, Mr. Matosevic's results achieved at the Morelos Open and the Indian Wells Challenger Event in February 2018 shall be Disqualified, with all resulting Consequences, including forfeiture of all medals, titles, ranking points and Prize Money earned.
158. Each Party shall bear its own costs. The costs of convening the Independent Tribunal shall be borne by the ITIA.

## **M. RIGHT OF APPEAL**

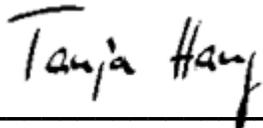
159. This Decision may be appealed to the CAS, located at Palais de Beaulieu, Avenue des Bergières 10, CH-1004 Lausanne, Switzerland ([procedures@tas-cas.org](mailto:procedures@tas-cas.org)), in accordance with Article 13.2.1 of the 2025 TADP. Article 13.8.1.1 of the 2025 TADP sets the deadline to file an appeal to the CAS, which is 21 days from the date of receipt of this Decision.





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Michael Heron KC  
Chair



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Dr Tanja Haug



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Marco Vedovatti

On behalf of the Independent Panel  
London, UK  
16 March 2026

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