



SPORTS  
ARBITRATION  
MOOT



# The SAM Case

3RD EDITION (2023-2024)

World Anti-Doping Agency (Appellant)

v.

Mr Leslie Young (Respondent)

## A. DRAMATIS PERSONAE

1. The Republic of Iridonia ("**Iridonia**") is a notable country in the field of football. Its national Men's Football League (the "**League**") is renowned for training the most talented young football players to the highest level. Its Football Association ("**IFA**") has been a member of the Fédération Internationale de Football Association ("**FIFA**") since 1952.
2. The World Anti-Doping Agency ("**WADA**" or the "**Appellant**") is a Swiss private law foundation. Its seat is in Lausanne, Switzerland, and its headquarters are in Montreal, Canada. WADA was created in 1999 to promote, coordinate and monitor the fight against doping in sport in all its forms on the basis of the World Anti-Doping Code (the "**WADC**"), the core document which harmonises anti-doping policies, rules and regulations around the world.
3. The Iridonian Anti-Doping Agency ("**IADA**") is Iridonia's national anti-doping organisation. IADA is the entity in Iridonia in charge of: (i) adopting and implementing anti-doping rules; (ii) arranging the collection of urine and blood samples for doping control; and (iii) facilitating testing. IADA was established in 2006 and its seat is in Iris, the capital city of Iridonia.
4. Mr Leslie Young (the "**Player**" or the "**Respondent**") is a 17-year-old football player of Iridonian nationality. He has been playing as a professional in the League since 2022. He is one of the League's biggest talents and most valuable players. In 2023, Mr Young was called up to the Iridonia National Team and played in numerous friendly and qualifying matches. He was therefore expected to be selected to be a part of the national team for the final stage of the 2024 FIFA World Cup, set to begin on 1 January 2024 in Tulip, the capital city of Tulipania (the "World Cup"). Tulipania is a neighbour country to Iridonia.

## B. UNCONTESTED FACTS

5. On 6 June 2023, Mr Young played his first match for the Iridonia National Team as part of the qualifying rounds of the World Cup.
6. On 28 October 2023, during a friendly match against Tulipania, organized ahead of the World Cup, Mr Young contracted a mild muscle strain in his left thigh.

7. The Player missed two preparatory matches and was extremely worried about not being in shape for the beginning of the World Cup. However, he recovered fully in late November 2023 and re-joined the national team.
8. On 15 December 2023, heavy snow fell in Iridonia. The Player's mother broke her right arm on 16 December 2023 when walking in the street after sliding inadvertently. She was prescribed by her doctor, Dr Thomas O'Neill, *Tramadol* to deal with the pain.
9. On 22 December 2023, Eugene Deloscampos, the head coach of the Iridonia national team announced on national television his squad list of 26 players for the World Cup (the "**Squad List**"). Mr Young was not selected in the Squad List although he was featured in the 55-man provisional squad (the "**Release List**").
10. Iridonia's first match at the World Cup was scheduled to take place on 3 January 2024.
11. Following the announcement that he had not been selected, the Player had serious trouble sleeping and suffered from the stress of not being able to join the national team and represent his country.
12. On 26 December 2023, Mr Young was distressed and suffering from a headache. He then expressed his concerns to his mother who advised him to drink herbal tea to help with his sleeping issues and headaches in the future.
13. A few days later, during another night of insomnia, the Player asked his mother in the middle of the night if she could give him something to help with his insomnia and headache. His mother prepared an herbal tea and served it to the Player using the first glass that was available in the kitchen. The Player drank the herbal tea, which indeed helped to reduce his headache. There is a dispute between the parties as to whether this occurred on the evening of 31 December 2023 or in the early hours of the morning of 1 January 2024.
14. Mr Marco Neyrado, 19-years-old, is another Iridonian young talent who has been playing in the League since 2021. Unlike the Player, he was successfully selected for the Squad List.
15. On 2 January 2024, during a preparatory training that took place in the morning, Mr Neyrado broke his left ankle. The team's doctor was adamant that he could not play for the entire duration of the World Cup.
16. In the early afternoon, at 13:30, the Player received a call from Mr Deloscampos asking him to replace the injured Mr Neyrado and join the national team ahead of

their first match. Mr Deloscampos however informed the Player that there were no guarantees that he would play the first Match. The Player enjoyably accepted.

17. At 09:30 on 3 January 2024, shortly before his trip to Tilupania to join up with the squad, in the presence of the FIFA Doping Control Officer, Mr Young provided a urine sample (sample no. 329348) as part of a doping control test. The sample was split into A and B sample bottles (the "**A Sample**" and the "**B Sample**").
18. On the evening of 3 January 2024, the Player played for Iridonia as a substitute in their opening match of the World Cup. Mr Young entered the pitch for the second half and performed exceptionally well: he scored two goals during the match against the Bafia National Team. The media reported on this extraordinary achievement. Both Iridonian citizens and the media were looking forward to seeing his future success during the next match.
19. However, Mr Young did not participate in Iridonia's next World Cup match which took place on 9 January 2024 as he felt some pain in his left thigh again and Mr Deloscampos wanted to rest him.
20. On 12 January 2024, the analysis of the Player's A Sample revealed the presence of *Tramadol* in the concentration of 0.8 ng/mL. *Tramadol* is a narcotic which is prohibited In-Competition and listed as a Specified Substance in section S7 of the 2024 WADA Prohibited List. Accordingly, the laboratory reported an Adverse Analytical Finding ("**AAF**"). The AAF was reported in compliance with WADA's International Standard for Laboratories and WADA's applicable Technical Document on Minimum Reporting Levels.
21. Accordingly, on 13 January 2024, the Player was notified by the FIFA Anti-Doping Unit of the AAF for *Tramadol* and was informed that he may have committed anti-doping rule violations ("**ADRVs**") pursuant to Articles 6 and 7 of the FIFA ADR. FIFA exercised its discretion pursuant to Article 36(1) of the FIFA ADR and provisionally suspended the Player with immediate effect.
22. Analysis of the Player's B Sample confirmed the A-Sample result.
23. Following an anonymous tip, IridoTV released the news about the positive test on 17 January 2024. However, the media did not make any allegations as to why *Tramadol* was found in the Player's system. It simply expressed concerns as to the ability of the Player to play further for the Iridonia National Team.
24. The Iridonia National Team lost its Round of 16 match on 18 January 2024.

## C. PROCEDURAL HISTORY

### I. Proceedings before FIFA

25. On 30 January 2024, the Secretariat of the FIFA Disciplinary Committee issued the Player with a formal letter of charge (the "**Charge Letter**"). The Charge Letter asserted that the Player had been charged with breaches of:
- a. Article 6 of the FIFA ADR (Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample); and
  - b. Article 7 of the FIFA ADR (Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method).
26. The Charge Letter also invited the Player to inform the FIFA Disciplinary Committee within 20 days whether he wished:
- a. To admit the alleged ADRVs and accept the sanction set out therein; or
  - b. To contest the alleged ADRVs and/or the proposed consequences and/or request a hearing before the FIFA Disciplinary Committee.
27. On 7 February 2024, the Player contested the alleged ADRVs, refused the proposed consequences and requested that a hearing be held.
28. On 1 March 2024, a hearing was held before the FIFA Disciplinary Committee.
29. On 5 March 2024, the FIFA Disciplinary Committee communicated its operative decision by which the Player was found to have committed the alleged ADRVs but was found to bear no fault or negligence for the ADRVs (the "**FIFA DC Decision**"). Any otherwise applicable period of ineligibility was therefore eliminated.
30. On 20 March 2024, the FIFA Disciplinary Committee communicated the grounds of the FIFA DC Decision to the parties, as well as to IADA and WADA. On the basis of the evidence before it, the FIFA Disciplinary Committee was satisfied that the Player had inadvertently ingested *Tramadol*, prior to the sample collection.

### II. Proceedings before the Court of Arbitration for Sport (the "**CAS**")

31. On 29 March 2024, the FIFA Disciplinary Committee sent the case file in relation to the FIFA proceedings to WADA and the parties.

32. On 8 April 2024, WADA noted that the Player's witness statement was missing from the case file and requested a copy of it from FIFA.
33. FIFA sent WADA the missing document on 11 April 2024.
34. On 30 March 2024, IADA also requested that it be sent the full case file by the FIFA Disciplinary Committee pursuant to Articles 77(3) and 82(1)(a)(i) of the FIFA ADR.
35. The next day, on 31 March 2024, the FIFA Disciplinary Committee sent the full case file to IADA. Following receipt of the full case file, IADA opted not to appeal the FIFA DC Decision. FIFA and the Player similarly opted not to appeal.
36. On 2 May 2024, WADA paid the filing fee of CHF 1,000 and filed a statement of appeal before the CAS against the Player pursuant to Article R48 of the CAS Code and designated Mr Raoul Duval as its party-appointed arbitrator.
37. On 6 May 2024, the Player designated Ms Caroline Mercer as his appointed arbitrator.
38. On 7 May 2024, the President of the Division appointed Mr Dan Rogue as the president of the Panel.
39. On 10 May 2024, WADA filed its appeal brief pursuant to Article R51 of the CAS Code.
40. On 15 May 2024, the Player filed his answer to the appeal brief pursuant to Article R55 of the CAS Code.
41. On 16 May 2024, the Panel fixed the date of the hearing.<sup>1</sup>

## D. ISSUES TO BE ADDRESSED

42. With consideration for the entire case file at hand, the Parties are required to address the following issues as part of their submissions:
  1. Is the appeal lodged by WADA admissible?
  2. Did the Player commit the alleged ADRVs?
  3. Is the doping test to which the Player was subjected to and the urine sample taken as a result a case of In-Competition or Out-of-Competition testing?

---

<sup>1</sup> The participants are to assume that the hearing dates correspond to the dates of the SAM hearings.

43. With regard to the positive finding for Tramadol affecting the Player:
4. How did the prohibited substance enter Mr Young's system ("Source")?
  5. In the event Mr Young is found to have committed the ADRV(s), what sanction should be imposed?
44. The Parties are invited to provide their clarification questions in relation to the problem by no later than 22 January 2024 via email to the organizing committee of the Sports Arbitration Moot.
45. The Parties should be prepared to address questions from the Panel in relation to the jurisdiction of the CAS and the applicable standard(s) and burden(s) of proof. However, these need not appear in the Skeleton of Arguments provided ahead of the SAM General Rounds in March (the final deadline for submission of the Skeletons of Arguments will be confirmed in due course by the SAM Organization).

## AVAILABLE EVIDENCE

1. **Expert report of Mr Javier Herrera, dated 14 May 2024**
2. **Expert report of Mr Brandon Smith, dated 9 May 2024**
3. **Witness statement of the Player, dated 14 May 2024**
4. **Witness statement of Ms Susan García, the Player's mother, dated 13 May 2024**
5. **Witness statement of Mr Eugene Deloscampos, the Player's coach, dated 12 May 2024**
6. **WhatsApp messages exchanged between the Player and his national team's doctor, Mr John McGuinness, dated 4 February and 23 July 2023**
7. **Doctor's Tramadol prescription addressed to Ms Susan García, the Player's mother, dated 18 December 2023**
8. **FIFA DC Decision, dated 5 March 2024**
9. **WADA's public release, dated 10 May 2024**

## Exhibit A

Expert report of Mr Javier Herrera, dated 14 May 2024



Mr Javier Herrera

321, 2<sup>nd</sup> Street

Pelargir, IX 25921

Phone: +99 681 385 923

### Expert report prepared on behalf of Mr Leslie Young

1. I, Javier Herrera, with official address at 321, 2<sup>nd</sup> Street, Pelargir, IX 25921, submit the following expert report. I submit this expert report in the context of Mr Leslie Young's pending arbitration before the CAS against the World Anti-Doping Agency ("WADA"). In preparing this expert report, I have reviewed WADA's submissions and requests.
2. I have been appointed on behalf of the Respondent, Mr Leslie Young, to express an opinion on the issues in dispute.
3. I am an Iridonian national currently 60 years old. I have a Bachelor's degree in Medicine from the Catholic University of Pelargir, which I complemented with a Masters in Laboratory Medicine by the same university. I then embarked in post-graduate studies, completing my thesis in Sports Laboratory Medicine entitled "*Painkillers and anti-doping: methods to ensure fairness in sports*".
4. As part of my studies, I have published several books and articles on the equilibrium between the necessary use of painkillers and fairness of sports, including the best methods to trace purposeful use of painkillers with the potential to affect fairness of sports. I attach all materials as Annex 1<sup>2</sup>.
5. The expert report hereby submitted expresses my personal knowledge.
6. I have been informed that, as part of the 2024 World Cup anti-doping controls, Mr Young provided a urine sample (sample no. 329348) on 3 January 2024 at 09:30.

---

<sup>2</sup> These materials are not reproduced.



7. Both samples A and B submitted by Mr Young revealed the presence of *Tramadol* in the concentration of 0.8 ng/mL.
8. As of 1 January 2024, *Tramadol* is listed on the 2024 WADA Prohibited List as a substance which is prohibited In-Competition.
9. Based on both my scientific studies and professional experience, I conclude that the urine profile revealed by Mr Young's test is not compatible with a deliberate ingestion of a *Tramadol* pill through oral means.
10. It is true that *Tramadol* typically takes 1 to 4 days to be non-traceable in one's system. However, said range could be, and indeed frequently is, severely expanded on the presence of certain individual factors.
11. There are several factors in the present case that should, at least theoretically, extend on the higher end of the spectrum Mr Young's actual detection period for *Tramadol*. Mainly:
  - i. Mr Young's age (17);
  - ii. Mr Young's weight (70kg); and
  - iii. Mr Young's condition (suffering from stress and insomnia) at the time of the contamination.
12. Thus, based on my knowledge, I conclude that Mr Young's *Tramadol* detection period is indeed closer to 3-4 days after ingestion.
13. Yet, based on the minimal (0.8 ng/mL) concentration found in Mr Young's body, I am certain that he was only hours away from *Tramadol* being completely erased from his system. Had Mr Young ingested a whole *Tramadol* pill on the night of 31 December 2023 or afterwards, the concentration of *Tramadol* found in his body would have been significantly higher.

## Exhibit 2

Expert report of Mr Brandon Smith, dated 9 May 2024



Mr Brandon Smith  
123, Maple Street  
Gondor, GR 82048  
Phone: +66 671 935 382

### **Expert report prepared on behalf of the World Anti-Doping Agency**

1. I, Brandon Smith, with official address at 123, Maple Street, Gondor, submit the following expert report in the context of the World Anti-Doping Agency's ("WADA") pending arbitration against Mr Leslie Young before the CAS.
2. I am a 68-year-old Gondor national and I have lived in Gondor, the capital of the nation, since I was 25 years old. I hold a Bachelor's degree in Medicine from the University of Minas Tirith, which I complemented with a Master in Sports Medicine focused on laboratory medicine methods to control doping. Afterwards, I have worked as an expert on the matter for more than 40 years.
3. As part of my professional career, I have published several books and articles on the use of painkillers in the world of sports and the best methods to trace their unlawful use. I attach all published materials as part of the present expert report<sup>3</sup>.
4. I have been appointed on behalf of the Appellant, WADA, to provide an opinion on the issue in dispute. The expert report hereby submitted expresses my personal knowledge.
5. On 3 January 2024, at 09:30, as part of the 2024 World Cup anti-doping controls, Mr Young provided a urine sample (sample no. 329348).
6. Analysis of both samples A and B submitted by Mr Young revealed the presence of *Tramadol* in the concentration of 0.8 ng/mL.
7. *Tramadol* is listed on the 2024 WADA Prohibited List, which entered into force on 1 January 2024, as a substance which is prohibited In-Competition.

---

<sup>3</sup> These materials are not reproduced.

8. Based on my experience and personal knowledge, Mr Young's urine profile is not consistent with accidental contamination with traces of a diluted *Tramadol* pill through oral means.
9. There exists a scientific consensus that urine tests can detect traces of *Tramadol* 1 to 4 days after its last use. This consensus, however, is based on the assumption that the tested person ingested the standard dose, i.e., a 50mg *Tramadol* capsule. Inevitably, dosing affects how long traces can be detected.
10. Had Mr Young been merely contaminated with traces of a *Tramadol* pill, the detection period should have been significantly reduced. This means that Mr Young's actual detection period would have necessarily been reduced from the maximum (4 days) closer to the lower part of the consensus range (1 day).
11. This is not consistent with the fact that *Tramadol* was detected in Mr Young's system 3 days after the alleged contamination date, i.e., the night of 31 December 2023. Instead, it is consistent with Mr Young ingesting a standard 50mg dose of *Tramadol* approximately 6-12 hours before sample provision.
12. Finally, I note that there are strict instructions applicable to the ingestion of *Tramadol* capsules. They should not be broken, crushed or chewed as this can hinder the slow-release process of the substance and increase the risk of an overdose. As a result, patients with swallowing difficulties are usually prescribed drops or soluble alternatives.
13. To sum up, in my opinion, it is extremely unlikely that Mr Young was in fact accidentally contaminated by *Tramadol* traces during the night of 31 December 2023. To the contrary, based on Mr Young's urine profile, it is not possible to rule out intentional ingestion of a standard 50 mg dose of *Tramadol* in the hours before sample provision. Indeed, I consider this to be the most likely explanation for the finding of *Tramadol* in Mr Young's sample.

## Exhibit 3

### Witness statement of the Player, dated 14 May 2024

1. I, Leslie Young, with official address at 245, Heir's Street, Pelargir, IX, 25921, provide the following witness statement in the context of my pending arbitration before the CAS against the World Anti-Doping Agency ("WADA"). In preparing this witness statement, I have reviewed WADA's submissions and requests.
2. I am 17 years old, an Iridonian national and have always lived in the city of Pelargir. I have always played in the youth teams of Pelargir FC, my hometown club. In 2022, I joined the ranks of Pelargir FC's senior team and have played in the Men's Football League, the top league in the Republic of Iridonia, since then. Thanks to my performances at Pelargir FC, I was called up to the Iridonia National Team in 2023 for the first time.
3. The facts and matters I describe below are within my personal knowledge and are true to the best of my recollection. My counsel has assisted me in preparing this witness statement. I have reviewed the final text and confirm that this witness statement accurately sets forth my recollection and understanding of the facts involved.

#### *(i) My long-standing interest and caution over anti-doping matters*

4. Since I started playing football, all of my coaches told me that my dribbling skills resembled those of Maradona, and thus I became very interested in his career.
5. For me, it was quite a shock to learn that Maradona, then the best player in the world, had to abandon the United States World Cup in 1994 after a positive doping test. In my view, Maradona's history with the World Cup should not have ended like this.
6. My discovery of Maradona's doping incident coincided in time with my first appearances for the senior team of Pelargir FC, which entailed a series of anti-doping trainings. In those trainings, I learnt of the importance of anti-doping control to guarantee the fairness of the competition and the potential consequences of its breach. I have also received anti-doping trainings on occasion of the national's team matches.
7. As a result of the above, I promised myself that I was going to take anti-doping matters very seriously and exercise extreme caution if I had to ingest any kind of drug. This is a commitment that, contrary to what others may think, I have always complied with.
8. The few times I have had to take medicines close to or after a match, coincidentally also whilst I was with the national team, I always consulted my doctor. Even though I was almost certain that the medicines I was planning to take (paracetamol and ibuprofen) were not prohibited, I still sent a WhatsApp message to the team's doctor, Dr John McGuinness to confirm that these medicines were not on the Prohibited List.
9. Indeed, in February 2023, following a WhatsApp exchange with Dr McGuinness, I informed my teammates that paracetamol did not pose any doping risk.
10. In sum, despite my young age, I have always shown a particular interest in anti-doping matters, shared it with teammates, and exercised the utmost caution every time I have had to confront a decision that could potentially involve doping.

**(ii) *Mr Deloscampos' Squad List and my reaction***

11. On 28 October 2023, during a friendly match against Tulipania, organized ahead of the World Cup, I contracted a mild muscle strain in my left thigh.
12. On 22 December 2023, Mr Eugene Deloscampos, the head coach of the Iridonia national team, announced on national television his Squad List of 26 players for the World Cup. I was not on the list.
13. I recovered in less than a month from my October injury, re-joined the national team for the last friendly matches playing well and was even featured in the 55-man Release List for the World Cup. Yet, I was not included in the final Squad List.
14. This was a shock for me. I did not understand Mr Deloscampos' decision and had trouble processing it. To the point that, as I have been told, I started to suffer from typical stress symptoms and had serious problems with my sleep.
15. I sought some help from my mother, who counselled me and, to deal with insomnia, advised me to take herbal tea, which she offered to prepare every time I needed.

**(iii) *My headache and the herbal tea of the evening of 31 December 2023***

16. On 31 December 2023, I could not fall asleep. After trying everything (reading, watching a movie, listening to music, and even meditating) I woke my mother up and asked her to prepare an herbal tea for me, for which she replied that she would need 5 minutes.
17. I was so tired I did not keep her company in the kitchen and went straight back to my bedroom.
18. After five minutes, my mother entered my bedroom stirring with a spoon the herbal tea, which was served in a glass. She told me to wait for it to cool down and drink it, and then went back to her bedroom.
19. I followed my mother's suggestion: I left the glass at my bedside table, and after a few minutes, I drank the herbal tea, which served its purpose since I was able to fall asleep soon afterwards.

**(iv) *My positive test and my knowledge of my mother's use of Tramadol***

20. After a teammate's unfortunate injury on 2 January 2024, I was selected to replace him at the World Cup and was able to play in Iridonia's match on 3 January 2024.
21. At 09:30 on 3 January 2024, right before traveling to Tulipania, I underwent an anti-doping test.
22. On 12 January 2024, I was notified of the results of the anti-doping test: I had tested positive for *Tramadol* in the concentration of 0.8 ng/mL. At the time the FIFA Anti-Doping Unit informed me of the positive for *Tramadol* and my provisional suspension, I did not even know what *Tramadol* was.
23. It was only afterwards, when I called my mother to brief her on the incident, that she told me that she had been using *Tramadol* to deal with her post-surgery pain.

24. I am certain that my positive test for *Tramadol* must have been caused by contamination associated with my mother's use of *Tramadol* at home.
25. I had no reason to suspect that the herbal tea served to me by my mother in the comfort of my home was contaminated, and hope that this misunderstanding does not affect my career.

## Exhibit 4

### Witness statement of Ms Susan García, the Player's mother, dated 13 May 2024

1. I, Susan García, with official address at 245, Heir's Street, Pelargir, IX, 25921, submit this witness statement at the request of my son, Leslie Young, in his pending arbitration against the World Anti-Doping Agency ("WADA") before the CAS. In preparing this witness statement, I have reviewed WADA's submissions and requests.
2. I am 51 years old, an Iridonian national and have always lived in the city of Pelargir. I have a Bachelor's degree in Business Administration from the Catholic University of Pelargir, and a Masters in digital marketing from the same University. I currently work as a marketing manager of a small Pelargian firm in the tech industry.
3. The facts and matters I describe below are within my personal knowledge and are true to the best of my recollection. My son's counsel has assisted me in preparing this witness statement. I have reviewed the final text and confirm that this witness statement accurately sets forth my recollection and understanding of the facts involved.

#### *(i) Leslie's upbringing*

4. In 2005, I gave birth to Leslie, my only child, at the hospital in the city of Pelargir.
5. From the very beginning, Leslie knew he could count on me when it came to helping him with school, homework or taking him to extracurricular activities such as football.
6. I made great efforts to make sure Leslie received a proper education and had all the means available to develop himself as a football player, even though it was very costly and time-consuming. For example, I still organize every aspect of Leslie's away matches, from preparing his luggage to reminding him of the time so he can switch off his phone to have a good rest.
7. In sum, I tried to raise Leslie, my only child, with the utmost care. I was a very present mother, to the point that Leslie became very dependent on me, both education and football-wise. It could be said that he had a very sheltered childhood.

#### *(ii) My accident on 16 December 2023 and my prescription of Tramadol*

8. On 15 December 2023, Pelargir experienced one of the heaviest snowfalls of recent times. The city is not used to dealing with these snowfalls, and the streets were full of ice and snow.
9. On 16 December 2023, I fell while walking close to home.
10. As a result of the fall, I broke my right arm and had to undergo urgent surgery.
11. To deal with post-surgery pain, my personal doctor, Dr Thomas O'Neill, prescribed me a painkiller that I had not heard of before, named *Tramadol*. He told me to take one or two pills, depending on the pain, twice a day.

12. I never informed Leslie of the fact that I was prescribed painkillers to deal with my post-surgery pain, let alone the fact that it was *Tramadol*. I do not recall Leslie being present while I took *Tramadol* using my personal method, which I proceed to describe.
13. As I cannot swallow capsules just by taking a gulp of water or food, I always open the capsules in a glass of water and I drink the resulting water. I was not aware this particular method could pose any risk to Leslie or anyone in general.
14. *Tramadol* resulted to be a very effective painkiller. I followed Dr Thomas O'Neill's prescription and took *Tramadol* until 5 January 2024, the date when the pain associated with the surgery became manageable.

***(iii) Leslie's headache and the herbal tea of 31 December 2023***

15. Leslie had problems processing Mr Deloscampos' Squad List of players for the World Cup, announced on 22 December 2023. He failed to understand how he was not in Mr Deloscampos' squad, given his last great appearances and his timely recovery from his thigh injury.
16. Leslie does not usually open up to me when it comes to expressing his feelings. However, after the announcement, I felt my son was very low-spirited and weak.
17. On 26 December 2023, during dinner, Leslie told me he was suffering from a mild headache, and I took the opportunity to ask him whether it might be related to Mr Deloscampos' decision. He then confessed to me that he was suffering from the stress of not being able to join the national team and represent his country. I gave my son a couple of tips to deal with rejection and told him that I could always prepare an herbal tea to help him with sleeping issues.
18. Sometime during the night of 31 December 2023, I was woken up by my son. He told me he was suffering from insomnia, and expressly asked me to prepare him an herbal tea. I went to the kitchen to prepare an herbal tea, while Leslie remained in his bedroom.
19. I was half asleep and, when water was ready to be added to the tea bag, I took the first glass that I saw in the kitchen. Because of my condition, I did not pay any attention to whether that glass was clean or had been used previously. I served the water and, when it was ready, I took it to my son's bedroom and handed it to him.
20. I vividly remember that the last thing I did before going to bed on 31 December 2023 was taking my *Tramadol* using my personal method, which involved dissolving the capsule in a glass of water before drinking it.
21. I am sure that I did not wash the glass, and I believe that it was the same glass that I used to prepare Leslie's herbal tea that resulted in him testing positive for *Tramadol*.
22. I am deeply sorry for the mistake I made and the risk it has created for my son's career. The mistake was only mine. Leslie only asked his mother to prepare an herbal tea and I am sure he could never have imagined that it contained *Tramadol*.



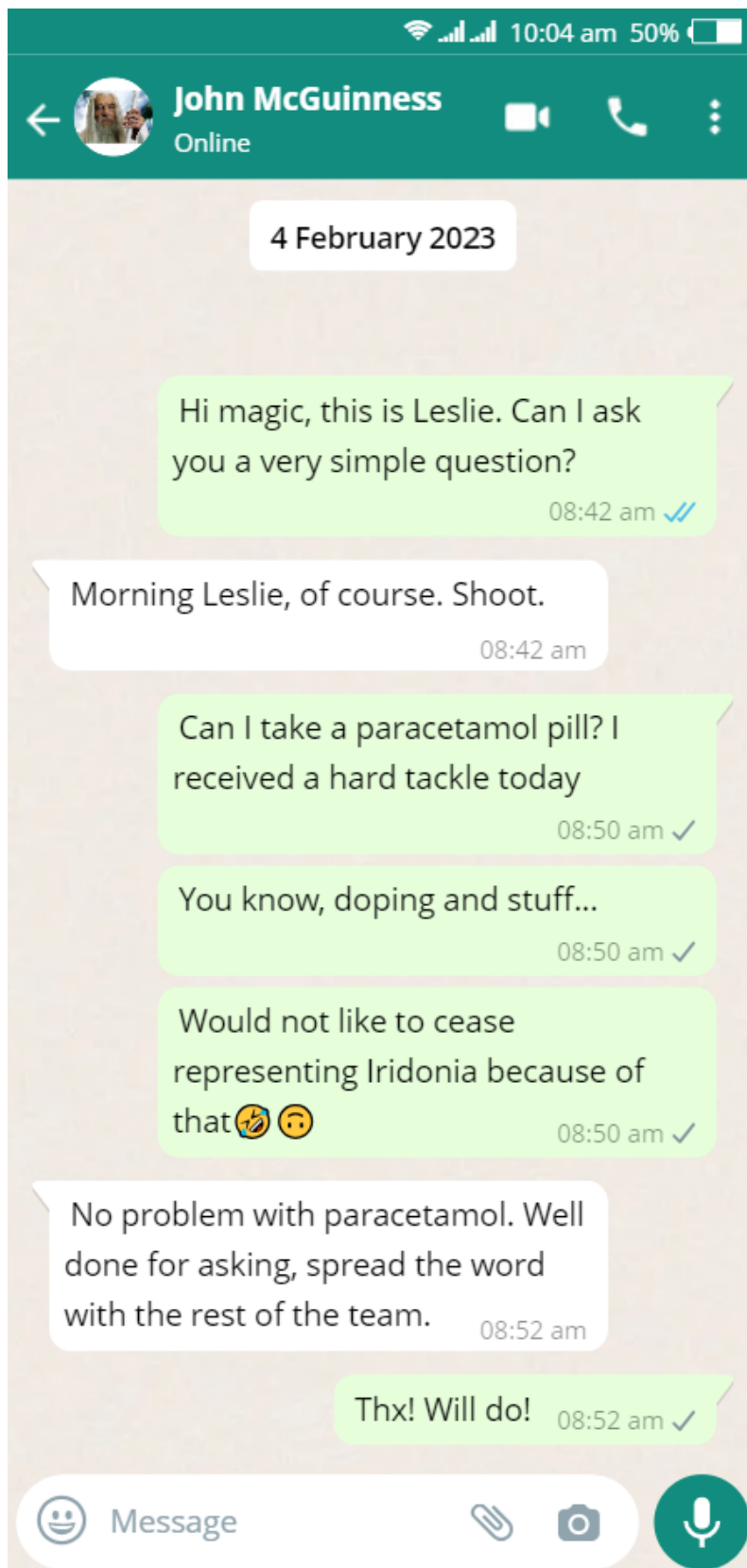
## Exhibit 5

### Witness statement of Mr Eugene Deloscampos, the Player's coach, dated 12 May 2024

1. I, Eugene Deloscampos, with official address at 125, 3<sup>rd</sup> Street, Rohan, IX, 28471, provide the following witness statement.
2. I submit this witness statement in the context of Mr Leslie Young's pending arbitration before the CAS against the World Anti-Doping Agency ("WADA"). In preparing this witness statement, I have reviewed WADA's submissions and requests.
3. I am currently 55 years old, an Iridonian national and I live in the city of Rohan. I have always been a football coach and I am currently the Head Coach of the Republic of Iridonia's national team that participated in the 2024 FIFA World Cup in Tulipania. In my capacity as Head Coach, I followed Mr Leslie Young's development before, during and after our participation in the World Cup.
4. The facts and matters I describe below are within my personal knowledge and are true to the best of my recollection. Counsel for Mr Young has assisted me in preparing this witness statement. I have reviewed the final text and confirm that this witness statement accurately sets forth my recollection and understanding of the facts involved.
5. In my view, being Head Coach of the Republic of Iridonia's national team entails taking an interest in all player's compliance with the anti-doping rules. I recall two instances in which Mr Young's behaviour regarding anti-doping matters surprised me in a positive way.
6. In the midst of the July 2023 qualification matches, we had an anti-doping training conducted by members of the FIFA Anti-Doping Unit. I remember that Mr Young showed a genuine interest in the matter. He was the player who raised most of the questions and he even approached members of the FIFA Anti-Doping Unit at the end of the session.
7. Secondly, the national team's doctor, Dr John McGuinness, informed me in November 2023 that Mr Young had consulted him several times on anti-doping matters throughout 2023. I remember we had a follow-up conversation around how unusual it was for young players like Leslie to be cognizant of their anti-doping obligations.
8. Mr Young showed, as a young man, outstanding maturity for a football player. In this regard, he is definitely one of the most mature players I have had the opportunity to coach.

## Exhibit 6

WhatsApp messages exchanged between the Player and his national's team doctor, Dr John McGuinness, on 4 February and 23 July 2023





## Exhibit 7

Tramadol prescription addressed to Ms Susan García, the Player's mother, dated 18 December 2023



Dr Thomas O'Neill  
459, Main Street  
Pelargir, IX 25921  
Phone: +99 629 471 921

**Patient's name:** Susan García

**Age and date of birth:** 51, 1 August 1972

**Address:** 245, Heir's Street, Pelargir, IX, 25921

**Date:** 18 December 2023

**Recipe:** Tramadol 50 mg capsules

**Signature:** One/two capsules (depending on the pain) every 6-8 hours

**Dispensing:** 60 (sixty) capsules

**Refills:** 1 (one) refill

**Prescriber's signature:**



**Doctor's license:** 23049284528

## Exhibit 8

FIFA DC Decision, dated 5 March 2024

See next page.

## **Decision of the FIFA Disciplinary Committee**

Passed in Zurich, Switzerland, on 5 March 2024

### **DECISION BY:**

Ms Lucía Ama-Bencou, Land of Aloha (member)

### **ON THE CASE OF:**

**Mr Leslie Young, Iridonia**

**(Decision FDD-29382)**

Regarding failure to comply with Arts. 6 and 7 of the FIFA ADR 2021

### **REGARDING:**

Article 23 of the FIFA Disciplinary Code [2023 ed.] – Doping

Article 6 of the FIFA Anti-Doping Regulations [2021 ed.] - Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample

Article 7 of the FIFA Anti-Doping Regulations [2021 ed.] – Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method

## I. THE FACTS OF THE CASE

1. The following summary of the facts does not purport to include every single contention put forth by the actors in these proceedings. However, the FIFA Disciplinary Committee (**the Committee**) has thoroughly considered any and all evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline of its position and in the ensuing discussion on the merits.
2. On 3 January 2024, the Iridonian player Mr Leslie Young (**the Player** or **the Respondent**) was tested by the FIFA Anti-Doping Unit ahead of the FIFA World Cup 2024 Tulupania.
3. The urine sample collected was sent to a World Anti-Doping Agency (**WADA**) accredited laboratory in Tulipania.
4. On 12 January 2024, the aforementioned laboratory reported the analysis results via the Anti-Doping Administration and Management System (**ADAMS**), where it was stated that the Player's urine sample had returned an Adverse Analytical Finding (**AAF**) for *Tramadol Hydrochloride* (**Tramadol**), a specified substance prohibited under the World Anti-Doping Code (**WADC**) International Standard Prohibited List 2024 (**Prohibited List**).
5. Upon receipt of the aforementioned finding, the FIFA Anti-Doping Unit conducted an initial review as required by art. 53 (1) FIFA Anti-Doping Regulations (**FIFA ADR**), which did not yield a justification for this Adverse Analytical Finding.
6. On 13 January 2024, the FIFA Anti-Doping Unit, in collaboration with the Iridonian Football Federation (**IFF**), notified the Player of potential Anti-Doping Rule Violations (**ADRVs**), informing him, *inter alia*, that he had been provisionally suspended with immediate effect and that his case would be referred to the FIFA Disciplinary Committee. Moreover, the Player was asked if he wished to verify whether the Prohibited Substance detected in the "A" sample was also present in the "B" sample. On the same day, the Player requested the opening and analysis of the "B" sample. Analysis of the B Sample confirmed the presence of *Tramadol*.
7. Subsequently, on 30 January 2024, the Secretariat to the FIFA Disciplinary Committee (**Secretariat**) issued the Player with a formal Letter of Charge.
8. In particular, the Player was informed that the present proceedings related to the breaches of the following provisions:
  - Art. 6 FIFA ADR – *Presence of Prohibited Substance or its Metabolites or Markers in a Player's Sample*, and
  - Art. 7 FIFA ADR – *Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method*, and
  - Art. 23(1) FDC – *Specific proceedings (Doping)*.

9. Moreover, the Letter of Charge recounted the factual background of the case as well as the evidence on file and informed the Player that the abovementioned offences should be accompanied by a 4-year period of Ineligibility in accordance with Art. 20(1) FIFA ADR read in conjunction with art. 23(1)(b) of the FIFA ADR.
10. The Player was therefore invited to inform the FIFA Disciplinary Committee within twenty (20) days whether he wished:
  - To admit the alleged ADRVs and accept the aforementioned sanction; or
  - To contest in writing the aforementioned allegations and/or the proposed consequences and/or to request in writing a hearing before the FIFA Disciplinary Committee.
11. On 19 January 2024, the FIFA Anti-Doping Unit informed the Player that the analysis of the “B” sample confirmed the presence of *Tramadol*.
12. On 7 February 2024, the Player submitted a brief correspondence in which he acknowledged that he had been in contact with the substance (*Tramadol*) without intent, fault or negligence on his part. For this reason, the Player rejected the consequences proposed in the Letter of Charge and requested a hearing.
13. On 10 February 2024, the Secretariat, *inter alia*, informed the Player that the hearing was scheduled for 1 March 2024 (**Hearing**). Moreover, the composition of the Committee appointed to hear the case was also communicated to the parties.

## II. POSITION OF THE PLAYER

14. The Player first claimed that his use of *Tramadol* and his test was out-of-competition as he deemed that:
  - He inadvertently ingested *Tramadol* on the evening of 31 December 2023.
  - He was not yet in Tulipania when the urine sample was provided.
  - The Iridonia national team had not yet played its first match in the Competition.
  - He had been informed that there were no guarantees that he would play the first Match.
15. The Player further submitted, subsidiarily, that he had been “contaminated” by a product he drank from a cup that belonged to his mother. In particular, the Player explained that:



- The notification by the FIFA Anti-Doping Unit of his Adverse Analytical Findings shocked him as he has always been diligent, and he had never been in contact with any banned substance during his entire football career. It was not until the commencement of the investigation into the possible origin of the substance in his body, that he learnt from his mother that she had been prescribed *Tramadol* after an accident, and that she had been to dissolving the substance in glasses for ease of digestion since its prescription.
- On 16 December 2023, his mother fell in the streets after an unusual and heavy snowfall the previous day and broke her right arm. She was prescribed *Tramadol* to treat the pain, yet the Player was never informed of this.
- The Player confessed that he had been suffering from the stress of not having been selected to play for his national team and that he had recurring trouble sleeping. He admitted expressing his concerns to his mother who advised taking herbal tea.
- Late on the evening of 31 December 2023, the Player drank a glass of herbal tea served by his mother because he was struggling to sleep due to a stress-induced headache. His mother admitted that she took the first glass available without questioning its origin, whether it had been used or not or whether it was clean. She also confessed that the last thing she did before going to bed was to take *Tramadol* by dissolving the substance in a glass. This would explain the accidental contamination.
- *Tramadol* is a specific prohibited substance that is only available upon prior prescription. It is frequently prescribed for pain management following surgeries or wounds, such as in the present case.
- There are studies that suggest that the substance can remain in the system for several days after ingestion and is detectable in urine. The processing of the substance may take longer depending on the method of administration, notably when the pill is ingested orally via the consumption of a *Tramadol* pill.
- The suspension of the Player would cause irreparable harm by preventing a minor and promising talent from benefitting from developing in his national team. The Player would also be deprived of the possibility to participate in the next FIFA World Cup and other tournaments in which the team would be involved.
- The Player therefore requested that the Provisional Suspension imposed be lifted and that no sanction be imposed as his Adverse Analytical Finding was not intentional. Subsidiarily, the Player requested that a lenient sanction be imposed.

16. In support of his allegations, the Player submitted various evidence, including:<sup>4</sup>

- WhatsApp messages exchanged between the Player and his national's team doctor, Dr John McGuinness, dated 4 February and 23 July 2023;
- Doctor's Tramadol prescription addressed to Ms Susan García, the Player's mother, dated 18 December 2023;
- Expert report of Mr Javier Herrera, dated 14 May 2024;
- Witness statement of the Player, dated 14 May 2024;
- Witness statement of Ms Susan García, the Player's mother, dated 13 May 2024; and
- Witness statement of Mr Eugene Deloscampos, the Player's coach, dated 12 May 2024.

### **III. CONSIDERATIONS OF THE DISCIPLINARY COMMITTEE**

17. In view of the circumstances of the present matter, the Committee decided to first address the procedural aspects, namely, its jurisdiction and the applicable law, before entering into the substance of the matter.

#### **A. Jurisdiction of the FIFA Disciplinary Committee**

18. First of all, the Committee noted that at no point during the present proceedings did the Player challenge its jurisdiction or the applicability of the FDC.

19. Notwithstanding the above and for the sake of good order, the Committee found it worthwhile to emphasize that, in view of arts. 23(1) and 60 of the FDC [2023 ed.] – edition applicable to the present matter as outlined below – the Disciplinary Committee is competent to evaluate any Doping-related violation and to impose sanctions in case of corresponding violations.

#### **B. Applicable Law**

---

<sup>4</sup> The expert report of Mr Herrera and the witness statements filed in the FIFA Disciplinary proceedings are not the same, but are materially similar to, the expert report and witness statements filed before the CAS, which were specifically prepared for the proceedings before the CAS.

20. In order to duly assess the matter, the Committee first recalled the factual circumstances which led to the Adverse Analytical Finding, in particular that the Player's doping control that took place on 3 January 2024. Bearing in mind that the 2023 edition entered into force on 1 February 2023, the Committee considered that both the procedural aspects and merits of the present disciplinary proceedings should be governed by the provisions outlined in the 2023 edition of the FDC.
21. Secondly, the Committee observed that according to art. 23(1) FDC, Doping abides by specific proceedings, and it is sanctioned in accordance with the provisions contained in the FIFA Anti-Doping Regulations and the FDC. Consequently, the Committee determined that the 2021 edition of the FIFA ADR (which came into force on 1 January 2021) should, in addition to the FDC, also apply to the present disciplinary proceedings.
22. The above clarified, the Committee decided to begin by recalling the content of the relevant provisions of the FDC and the FIFA ADR applicable to the present case, without prejudice that other rules may also be at stake. In particular, the Committee acknowledged that the letter of charge sent to the Player on 30 January 2024, referred to a potential violation of arts. 23(1) FDC, 6 and 7 FIFA ADR, which read as follows:

**Article 23(1) FDC – Specific proceedings (Doping):**

*“Doping is sanctioned in accordance with the FIFA Anti-Doping Regulations and this Code.”*

**Article 6 FIFA ADR – Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample:**

*“1. It is the Player's personal duty to ensure that no Prohibited Substance enters his body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping rule violation under art. 6.*

*2. Sufficient proof of an anti-doping rule violation under art. 6 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Player's “A” Sample where the Player waives*

*analysis of the “B” Sample and the “B” Sample is not analysed; or where the Player’s “B” Sample is analysed and the analysis of the Player’s “B” Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player’s “A” Sample; or where the Player’s “A” or “B” Sample is split into two parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Player waives analysis of the confirmation part of the split Sample.*

*3. Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in a Player’s Sample shall constitute an anti-doping rule violation.*

*4. As an exception to the general rule of art. 6, the Prohibited List, International Standards or Technical Documents may establish special criteria for the reporting or the evaluation of certain Prohibited Substances.”*

**Article 7 FIFA ADR – Use or Attempted Use of a Prohibited Substance or its Metabolites or Markers in a Player’s Sample:**

*“ 1. It is the Player’s personal duty to ensure that no Prohibited Substance enters his body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player’s part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.*

*2. The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.”*

### **C. Standard of proof**

23. The above having been established, the Committee recalled that the burden of proof lies with FIFA, which is required to prove the infringement (namely that an ADRV has occurred) under art. 41 FDC and 68(1) FIFA ADR.
24. Furthermore, the Committee noted that, in accordance with art. 68 FIFA ADR, different standards of proof apply in doping proceedings: on the one hand, FIFA must establish that an ADRV occurred to the “comfortable satisfaction” of the Disciplinary Committee (par. 1), whereas on the other hand, the FIFA ADR places the burden of proof on the person alleged to have committed to rebut a presumption or to establish specific facts or circumstances, a lower standard of proof applies, i.e. the “balance of probabilities” (par. 2).
25. Finally, the Committee pointed out that as per art. 69(1) FIFA ADR, “[f]acts related to anti-doping rule violations may be established by any reliable means, including admissions.” Moreover, with respect to the sample analysis, the second paragraph of the above provision clarifies that:

*“b) WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Player or other Person may rebut this presumption by establishing that a departure from the International Standard for laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Player or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then FIFA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.”*

26. Having clarified the foregoing, the Committee subsequently proceeded to consider the merits of the case at hand.

### **D. Merits of the dispute**

- I. In-competition or out-of-competition doping test

27. First, the Committee recalls the wording of the relevant definitions as provided in the related section of the FIFA ADR. As such, in-competition is defined as *“the period commencing at 23:59 on the day before a Match in which the Player is scheduled to participate through to the end of said Match and including the Sample collection process relating to said Match.”*
28. Secondly, the Committee notes the precision made as to the definition of Match in the same text: *“a single football Match. “Match” in the official FIFA terminology corresponds to “Competition” in the World Anti-Doping Code”. Said Code provides that “Competition” refers to “A single race, match, game or singular sport contest.”*
29. The Committee considers that the Player’s argument that the test was out of competition must be dismissed.
30. In fact, the Committee finds that, in view of the definitions above, the in-competition period started at 23:59 on 2 January 2024.
31. The Committee notes that the Player was tested on 3 January 2024 at 9:30.
32. Consequently, it follows that the doping test to which the Player was subjected to must be deemed as In-Competition testing.

## II. The Anti-Doping Rule Violation

33. Firstly, the Committee observed that pursuant to art. 66 FIFA ADR, it has to *“consider first whether or not an [ADRV had been committed”, and if this was the case, “it shall consider the appropriate measures applicable and art. 20 (...) and 21 (...) prior to the imposition of any period of Ineligibility”.*
34. In this regard, the Committee noted that the “A” and “B” samples collected on 3 January 2024 and analysed by the WADA-accredited laboratory in Tulip revealed the presence of *Tramadol*, a specified substance which is on the Prohibited List (2024) under S.7 “Narcotics” and prohibited In-Competition.
35. Further, pursuant to art. 53(1) FIFA ADR, the Player did not have (i) a “Therapeutic Use Exemption” for the use of *Tramadol* detected in his body, (ii) any tangible evidence of an apparent departure from the International Standard for Laboratories, the International Standard for Testing and Investigation or any other applicable provision of the FIFA ADR which undermines the validity of the Adverse Analytical Finding. The Committee notes however that the Player does not dispute the above Adverse Analytical Finding, but he refutes his liability and explains that the presence of *Tramadol* in his body resulted from his

ingestion of herbal tea late on the evening of 31 December 2023 given by his mother who inadvertently took a glass “contaminated” by *Tramadol* traces.

36. Applying art. 66 FIFA ADR, the Committee concluded that the presence of *Tramadol* found in the Player’s urine samples by the WADA-accredited laboratory in Tulip constituted a violation of the FIFA ADR, more specifically of arts. 6 and 7 FIFA ADR which prohibit and sanction the presence and use of a Prohibited Substance – such as *Tramadol* – in a players’ sample.

### III. Liability of the Player

#### **(1) The conditions to establish the standard period of Ineligibility for an ADRV**

37. Having established that the Player had infringed arts. 6 and 7 FIFA ADR, the Committee turned to the extent of the Player’s liability and the necessity or not for a disciplinary sanction to be imposed.
38. In this respect, the Committee recalled that the Player was found in violation of arts. 6 and 7 FIFA ADR due to the presence of *Tramadol*, a specified substance, in his urine samples. With this in mind, the Committee observed that according to art. 20(1) FIFA ADR, the period of Ineligibility for a violation of arts. 6 and 7 FIFA ADR shall be four (4) years if the ADRV involves a specified substance – as *in casu* – and FIFA can establish that that the ADRVs were intentional.
39. Consequently, it was first necessary for the Committee to determine whether FIFA had established that the Player intentionally ingested *Tramadol* in-competition.

#### **(2) Did the Player intend to engage in doping?**

40. As per art. 20(3) FIFA ADR, intention “*is meant to identify those Players or other Persons who engage in conduct which 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.*”
41. The Committee finds that FIFA has not provided sufficient evidence to establish that the ADRVs were intentional.

42. Moreover, all of the evidence filed by the Player suggests that the ADRVs were not intentional. In particular, the Player explained that he was not aware of his mother being prescribed *Tramadol* as a result of her accident. He also pointed out that he had been suffering from distress as a result of his exclusion from the Squad List of the FIFA World Cup 2024 Tulipania. The Player also emphasised his diligent behaviour as regards his anti-doping obligations and his awareness of doping risks. In support of the above, the Player has provided the Committee with various exhibits, including WhatsApp communications with the Iridonian team doctor outlining his consistent caution before consuming any substance.
43. The Committee also notes the witness statement of the Player's mother who acknowledges her condition at the time of the event and the fact that she never disclosed her use of *Tramadol* to her son.
44. Furthermore, the Committee examined the concentration of *Tramadol* in the Player's sample which was 0.8 ng/mL and the (unopposed) Expert Report of Dr Javier Herrera. Both the low concentration of *Tramadol* and the expert report of Dr Herrera corroborate the Player's explanation that presence of *Tramadol* in his sample was a result of inadvertent ingestion, rather than deliberate doping.
45. Therefore, after careful consideration, the Committee concluded that FIFA had failed to establish that the Player had intentionally committed the ADRVs.
46. Consequently, as FIFA has failed to establish that the ADRVs were intentional the standard period of Ineligibility should be no longer than two (2) years in accordance with art. 20(2) FIFA ADR.

### **(3) Possible elimination or reduction of the period of Ineligibility (arts. 22 and 23 FIFA ADR)**

46. With consideration of the above, the Committee focused on the possibility of the sanction being eliminated or reduced on the basis of arts. 22 and 23 FIFA ADR.
47. Pursuant to the former, if the Player can establish that he bears no fault or negligence, the otherwise applicable sanction can be eliminated (art. 22 FIFA ADR).
48. Pursuant to the latter, if the Player can establish that he bears no significant fault or negligence, the sanction can be reduced (art. 23 FIFA ADR).
49. In this respect, the Committee recalled that the Player is a minor, with a clean record who has always been diligent in complying with anti-doping rules. In the circumstances, the Player was served a drink which he reasonably assumed to be exempt from any prohibited substance.



50. In particular, the Player was served tea in a glass by his mother in his home and was not notified as to any medication being involved in order to carry checks beforehand, which is a mitigating factor that cannot be ignored.
51. Imposing a sanction on this minor Player can endanger the viability of his career and deprive him of the opportunity to partake in national competitions or continent-wide championships.
52. In view of the above, the Committee concluded that the Player bore no fault or negligence so that the otherwise applicable sanction shall be eliminated.

#### **IV. DECISION OF THE DISCIPLINARY COMMITTEE**

- 1. The sanction against the Player, Leslie Young is eliminated on the basis that he bore no fault or negligence for the ADRVs as per the FIFA Disciplinary Code related to Doping as well as the relevant provisions of the FIFA Anti-Doping Regulations sanctioning the Presence, Use or Attempted Use of a Prohibited Substance or its Metabolites or Markers in a Player's Sample.**
- 2. The provisional suspension is lifted effective immediately.**

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION



**Ms Lucía Ama-Bencou**

Chairperson of the FIFA Disciplinary Department

## NOTE RELATING TO LEGAL ACTION

According to art. 57 (1) of the FIFA Statutes as read together with art. 49 of the FDC and art. 77 (1) of the FIFA ADR, this decision may be appealed before the Court of Arbitration for Sport (CAS). The statement of appeal must be sent to the CAS directly within 21 days of receipt of notification of this decision. Within another 10 days following the expiry of the time limit for filing the statement of appeal, the appellant shall file a brief stating the facts and legal arguments giving rise to the appeal with the CAS.

The contact details of the CAS are the following:

Avenue Bergières 10

CH-1004 Lausanne

Switzerland

Tel: +41 (21) 613 5000

Fax: +41 (21) 613 5001

[info@tas-cas.org](mailto:info@tas-cas.org)

[www.tas-cas.org](http://www.tas-cas.org)

## Exhibit 9

WADA's public release, dated 10 May 2024

### Public Release – Notice of Appeal: Leslie Young case

Friday 10 May 2024

After careful review of the file related to the case of the Iridonian football player, Leslie Young, the World Anti-Doping Agency (WADA) has filed an appeal against the decision rendered by the FIFA Disciplinary Committee (FIFA DC) on 10 May 2024.

The FIFA DC found that despite having committed an Anti-Doping Rule Violation, the player bore “no fault or negligence” and was relieved from any sanction. However, WADA considers the finding by the FIFA DC to be infringing the terms of the World Anti-Doping Code in this case and has rightfully exercised its right to lodge an appeal with the Court of Arbitration for Sport (CAS).

Within the appeal, WADA is seeking a four-year period of ineligibility.

The case is now pending before the CAS and WADA will not make any further comments in this regard.

Published on WADA official website on 10 May 2024.

## ANNEX 1

# Additional Exhibit - Clarification

13 December 2023

The present document should be read conjointly with the SAM Case 2024 circulated on November 13, 2023, and the Procedural Order No. 1 to be released on February 9, 2024.

Without prejudice to the content of the Procedural Order No. 1 and for the purpose of the SAM Case 2024, the concentration reported in Mr. Young's urine samples shall be considered compliant with the applicable standards.





SPORTS  
ARBITRATION  
MOOT



3RD EDITION (2023-2024)

# PROCEDURAL ORDER N.1

9 FEBRUARY 2024

World Anti-Doping Agency (Appellant)

v.

Mr Leslie Young (Respondent)

[WWW.SPORTSARBITRATIONMOOT.COM](http://WWW.SPORTSARBITRATIONMOOT.COM)

1. The present Procedural Order No. 1 should be read in conjunction with the [SAM Rules](#). The oral rounds referred to in p. 7 of the SAM Rules shall be referred to as the "Hearing".
2. The Hearing will have the following rounds:
  - General Rounds - 4 to 15 March 2024
  - Round of 16 - Thursday 23 May 2024 (morning)
  - Quarter-Finals - Thursday 23 May 2024 (afternoon)
  - Semi-Finals - Friday 24 May 2024 (morning)
  - Final - Friday 24 May 2024 (afternoon)
3. The General Rounds will take place virtually. The Round of 16, quarter-finals, semi-finals and final will be elimination rounds and will take place in person in Madrid, Spain.

## ISSUES TO BE DETERMINED

4. With consideration for the entire case file at hand, the Parties are required to address the following issues as part of their submissions:
  - i. Is the appeal lodged by WADA admissible?
  - ii. Did the Player commit the alleged ADRVs?
  - iii. Is the doping test to which the Player was subjected to, and the urine sample taken as a result, a case of In-Competition or Out-of-Competition testing?
5. With regard to the positive finding for Tramadol affecting the Player:
  - i. How did the prohibited substance enter Mr Leslie Young's system ("Source")?
  - ii. In the event Mr Leslie Young is found to have committed the ADRV(s), what sanction should be imposed?
6. The Parties should be prepared to address questions from the Panel in relation to the jurisdiction of the CAS and the applicable standard(s) and

burden(s) of proof. However, these need not appear in the Skeleton of Arguments.

## **SKELETON OF ARGUMENTS**

7. On 26 February 2024, Appellant and Respondent<sup>1</sup> shall each submit<sup>2</sup> a one-page document with bullet points (Times New Roman, size 11) structured in the order in which they intend to address their oral pleadings.
8. A model for skeleton arguments was sent to the team's respective emails on 19 January 2024.
9. Please refer to the [SAM Rules](#) for more details on the skeleton arguments.

## **LIST OF LEGAL AUTHORITIES**

10. On 26 February 2024, Appellant and Respondent<sup>3</sup> shall each submit<sup>4</sup> a list with the case law, doctrine, commentary, etc. ("Legal Authorities") on which they rely. This document should not exceed two pages and should contain a maximum of twenty (20) Legal Authorities.
11. Appellant and Respondent may submit an updated list of Legal Authorities on 30 April 2024, if they so wish, with up to 20 Legal Authorities. In the Round of 16, quarter-final and semi-final, the Appellant and the Respondent will be bound to the updated list of Legal Authorities.

---

<sup>1</sup> For the avoidance of doubt, each SAM Team must prepare to act as Appellant and as Respondent. This means that each SAM Team is expected to file skeleton arguments on behalf of Appellant and of Respondent.

<sup>2</sup> Teams should send the documents to the SAM Organization at [info@sportsarbitrationmoot.com](mailto:info@sportsarbitrationmoot.com).

<sup>3</sup> For the avoidance of doubt, each SAM Team must prepare to act as Appellant and as Respondent. This means that each SAM Team is expected to file lists of legal authorities on behalf of Appellant and of Respondent.

<sup>4</sup> Teams should send the documents to the SAM Organization at [info@sportsarbitrationmoot.com](mailto:info@sportsarbitrationmoot.com).

12. A model list of Legal Authorities was sent to the teams' respective emails on 19 January 2024.
13. Please refer to the [SAM Rules](#) for more details on the list of Legal Authorities.

## CONDUCT OF HEARINGS

14. In the General Rounds, each SAM team will plead three times, once as Appellant and once as Respondent. Each team will have to repeat one of the positions; this will be randomly determined.
15. Only two team members can plead in any given round. However, Teams are allowed to alternate oralists between rounds.
16. Please refer to the [SAM Rules](#) and the [FAQ](#) for more details on the conduct and structure of the hearings, scoring and awards.
17. The protocol for virtual Hearings is attached as Annex I to the SAM Rules.

## CLARIFICATIONS

18. The Parties have agreed on certain clarifications regarding the dispute's factual background. They are attached as Annex I.

Lausanne, 9 February 2024

On behalf of the Panel:

A handwritten signature in black ink, consisting of several loops and a final horizontal stroke, representing the name Dan Rogue.

Dan Rogue  
President of the Panel



# Annex I

## CLARIFICATIONS REGARDING THE FACTS

The Sam Organization has reviewed all the questions submitted by the Teams. The SAM Organization has chosen to publish only helpful questions, which do not provide the Teams with an undue advantage and the answers to which cannot be inferred from the facts of the Case.

1. Did WADA request a time extension upon noticing the absence of the Statement of the Player?

**No.**

2. To whom did the FIFA Disciplinary Committee communicate its operative decision on 5 March 2024 and when did WADA receive such a decision?

**The operative decision was communicated to the Parties of the FIFA Disciplinary Committee proceedings. As per paragraph 30 of the SAM Case, WADA only received the grounds of the FIFA Disciplinary Committee decision on 20 March 2024.**

3. Did WADA ask the FIFA Disciplinary Committee to send the case file in relation to the FIFA proceedings, and if so, when?

**Yes, on 25 March 2024.**

4. Did the FIFA Disciplinary Committee voluntarily send the case file in relation to the FIFA proceedings to WADA and the parties on 29 March 2024?

**WADA requested the case file on 25 March 2024. The case file was sent to WADA and the parties to the FIFA Disciplinary Committee proceedings on 29 March 2024.**

5. Was WADA informed about IADA's decision not to appeal the FIFA DC decision?

**No.**

6. How many times have both experts appeared in CAS proceedings?

**Mr Brandon Smith, appointed on behalf of the Appellant WADA, has appeared as an expert in 56 CAS proceedings. Mr Javier Herrera, appointed on behalf of the Respondent Mr Leslie Young, has appeared as an expert in 6 CAS proceedings. However, Mr Herrera has ample experience acting as expert in judicial proceedings.**

7. Can the communication of the grounds of the FIFA DC Decision to WADA be considered as the 'notification of the decision'?

**Yes.**

8. When was the Player, Mr Leslie Young, born?

**Mr Leslie Young was born on 7 October 2006.**

9. What is the exact composition of the herbal tea ingested by the Player, Mr Leslie Young?

**The tea ingested by the Player is composed of Ginseng and Green tea commercialized by the leading Iridonian tea brand Sleep-ton®. The product is available in all supermarkets and generally advertised as being composed of "only natural ingredients with calming effects".**

10. Did Mr Leslie Young report taking any other substances, including medications and vitamins, prior to the anti-doping test?

**No.**

11. Did Mr Leslie Young attend a learning session or was he notified about the introduction of Tramadol as part of WADA's Prohibited List?

**No.**

12. Were all applicable standards and rules to doping controls, including those specific to minor athletes, complied with during the test performed on Mr Leslie Young?

**Yes.**

13. Did the concentration reported meet the threshold to constitute an Adverse Analytical Finding (AAF) in accordance with the applicable standards and directions required for reporting of tramadol findings in urine samples?

**Yes. As confined in the Additional Exhibit in Annex I of the SAM Case<sup>5</sup>, the reported concentration shall be considered compliant with all standards applicable.**

14. Is the Player, Mr Leslie Young, part of FIFA's Registered Testing Pool for testing?

**Yes.**

15. When was the Squad List officially released?

**As stated in paragraph 9 of the Uncontested Facts, the Squad List was released at the same time the head coach Eugene Deloscampos announced the list on national television. Therefore, Mr Leslie Young was formally notified that he would not be featured shortly after watching the intervention on television.**

16. Was Mr Leslie Young subjected to an anti-doping test in the past and what were the results?

**Yes. Mr Leslie Young undertook at least 5 doping control tests in the past which were all negative.**

17. Are Tulipania and Iridonia in the same time zone?

**Yes.**

18. Is Mr Herrera's expert report Exhibit A or Exhibit 1?

**Exhibit 1.**

19. Did Mr Leslie Young, at any point in time, ask his mother whether she had been prescribed medication after her surgery?

**No.**

---

<sup>5</sup> communicated by the SAM Organization via e-mail on 13 December 2023.

20. Was the doctor, Dr Thomas O'Neill, aware that Ms Susan García was unable to swallow capsules normally as said in Exhibit 4, paragraph 13?

**No, he was not. Dr Thomas O'Neill was only aware that she could not swallow hard pills, which is why she was prescribed capsules - i.e., medication contained in soluble containers instead of hard pills. However, she did not inform the doctor about her personal method of ingesting capsules.**

21. Where did Ms Susan García keep her medication?

**Ms Susan García's medication was stored in one of the kitchen's cupboards.**

22. Did Mr Leslie Young's mother make him herbal tea before?

**No. Mr Leslie Young's mother only made him an herbal tea in an attempt to relieve the stress provoked by the announcement of his exclusion from the Squad List.**

23. Since his return to football activities, has Mr Leslie Young suffered from chronic pain due to his injury?

**Yes.**

24. Was Tramadol mentioned in the training conducted by members of the FIFA Anti-Doping Unit in July 2023?

**No.**

25. Is Mr Leslie Young considered a minor under the laws and regulations of Iridonia?

**Yes.**

26. The FIFA DC Decision, dated 5 March 2024, is based on the report of Mr Javier Herrera and on the testimonies of Mr Leslie Young, Ms Susan García and Mr Eugene Deloscampos. However, on the record, these documents are dated after the issuance of the FIFA DC Decision. Are the dates referred to in paragraph 16 of the FIFA DC Decision correct?

**The dates outlined in paragraph 16 of the FIFA DC Decision are inaccurate. These documents were first produced in the context of FIFA Proceedings and timely submitted in advance of the hearing before the FIFA Disciplinary Committee held on 5 March 2024.**

**The same materials were submitted *de novo* in the context of CAS proceedings and their content is identical to that examined in the FIFA DC Decision.**

27. Is Mr Brandon Smith repeatedly consulted as an expert by WADA in arbitration proceedings?

**Yes. Since 2021, Mr Brandon Smith has presented a total of 22 expert reports on behalf of WADA before first-instance adjudicatory bodies and CAS arbitration proceedings.**

28. Has Mr Leslie Young been involved in any previous doping or disciplinary issues?

**No.**

29. Is Mr Leslie Young emancipated?

**No.**