

In the Matter of a Notice of Major or Offense of Alleged Corruption Offenses under:

TENNIS ANTI-CORRUPTION PROGRAM

HENRY ATSEYE

and

INTERNATIONAL TENNIS INTEGRITY AGENCY

DECISION ON SANCTION

Before Anti-Corruption Hearing Officer:

Amani Khalifa

**Representing the International Tennis Integrity
Agency:**

Onside Law

Henry Atseye:

Not represented by
outside counsel

I.	INTRODUCTION.....	- 2 -
II.	BACKGROUND	- 2 -
III.	THE APPLICABLE LAW AND JURISDICTION	- 3 -
IV.	THE NOTICE OF MAJOR OFFENSE.....	- 3 -
V.	THE PROCEDURAL BACKGROUND.....	- 4 -
VI.	ITIA’S WRITTEN SUBMISSIONS.....	- 5 -
VII.	THE PLAYER’S WRITTEN SUBMISSIONS	- 8 -
VIII.	REASONS.....	- 8 -
	A. DETERMINING THE OFFENSE CATEGORY.....	- 10 -
	B. STARTING POINT AND CATEGORY RANGE.....	- 11 -
	C. CONSIDERATION OF REDUCTION FOR EARLY ADMISSIONS..-	11 -
	D. OTHER FACTORS WHICH MAY MERIT A REDUCTION	
	INCLUDING SUBSTANTIAL ASSISTANCE.....	- 12 -
	E. THE FINE.....	- 12 -
IX.	DECISION.....	- 12 -

I. INTRODUCTION

1. Pursuant to Section F.4. of the Tennis Anti-Corruption Program (*TACP*) 2024, the International Tennis Integrity Agency (*ITIA*) issued a Notice of Major Offense (the *Notice*) to Mr. Henry Atseye (the *Covered Person* or the *Player*) on 12 July 2024. The Notice informed the Player that he was being charged with various breaches of the 2017 and 2018 TACP, and of his right to have this matter determined at a Hearing before the Anti-Corruption Hearing Officer (*AHO*) if he disputed the ITIA's allegations.
2. To exercise this right, the Player was required to submit a written request for a Hearing within ten (10) Business Days from receipt of the Notice. The Player responded to the Notice on 29 July 2024 admitting to Corruption Offenses tied to three of the matches listed in the Notice, being charges 1, 2 and 4. The Player denied the offences alleged for one of the matches and the linked non-reporting offence, being charges 3 and 5. As a result, the ITIA withdrew charges 3 and 5, and proceeded with charges 1, 2 and 4 only (collectively, the *Charges*).
3. Pursuant to Section G.1.d of the 2024 TACP, the AHO is now issuing a decision confirming the Charges and the imposition of sanctions on the Player.
4. Ms. Amani Khalifa holds the appointment as an AHO as per section F.1 of the 2024 TACP. The AHO was appointed without objection by either party as the independent and impartial adjudicator to rule on the case.

II. BACKGROUND

5. The Charges against the Player stem from his involvement in a match-fixing scheme orchestrated by an organised criminal network with ties to Armenia and Belgium. This network, uncovered by Belgian law enforcement, was found to be fixing professional tennis matches globally. The investigation identified ██████████ ██████████ as the key figure, who coordinated with professional tennis players and intermediaries to fix matches and arrange payments.

6. The Player admitted to collaborating with Karim Hossam, a known intermediary for ██████████ in relation to the Charges. While the Player's admissions came before the ITIA had to present documentary evidence, it is understood that this evidence would have shown that the Player received payments shortly after the matches to which the Charges relate from individuals linked to the criminal network headed by ██████████

III. THE APPLICABLE LAW AND JURISDICTION

7. The applicable rules are 2017 and 2018 TACP with regards to the alleged Major Offenses and 2024 TACP with regards to the procedure.
8. Neither party has objected to the appointment of the AHO to hear this matter. She has been properly appointed and seized of the matters in dispute.
9. No other matters relating to jurisdiction or the arbitrability of these matters have been raised by either party.

IV. THE NOTICE OF MAJOR OFFENSE

10. The Player has been charged with six (6) breaches of the 2017 and 2018 TACP. The ITIA provided the details of the Charges in the Notice, which are summarised and updated following the Player's admissions as follows:
 - (a) Two (2) breaches of section D.1.b of the 2017 TACP and one (1) breach of section D.1.b of the 2018 TACP, by directly or indirectly, soliciting, or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition.
 - (b) Two (2) breaches of section D.1.d of the 2017 TACP and one (1) breach of section D.1.d of the 2018 TACP by, by directly or indirectly, contriving or attempting to contrive the outcome or any other aspect of any Event.

11. The ITIA has provided a summary of the evidence on which it relies in the Notice. That evidence relates to the following matches in which the Player was participating:

(a) Match 1: █████ match on █ October 2017 between the Player and █████ █████ in the █ █████ █ tournament in █████ Nigeria. The Player █████ the match █████.

(b) Match 2: █████ match on █ October 2017 between the Player and █████ █████ in the █████ tournament in █████ Nigeria. The Player █████ the match █████.

(c) Match 3: █████ match on █ October 2018 between the Player and ████████████████████ in the ████████████████████ tournament in █████ Nigeria. The Player █████ the match █████.

12. Under section G.1.d.i of the 2024 TACP, the Player has admitted the Charges brought against him, and has and acceded to the potential sanctions specified in the Notice.

13. Under Section B of the Notice, the ITIA highlighted in accordance with Section H of the 2024 TACP, the Player's potential sanction under Section H.1.a is life/permanent ineligibility, a \$250,000 fine and repayment of his corrupt payments.

14. The Notice also provided that the Player was entitled to have the matter determined by the AHO at a Hearing if he disputed the ITIA's allegations. The Notice provided the details of the procedure and the deadline for submitting a request for a Hearing.

V. THE PROCEDURAL BACKGROUND

15. On 12 July 2024, the ITIA issued the Notice to the Player outlining the allegations and Charges against him and informing him of the identity of the AHO responsible for deciding this dispute. The Player was given ten (10) Business Days to submit a written request for a Hearing.

16. On 29 July 2024, the Player responded to the Notice admitting to Corruption Offenses tied to three of the matches listed in the Notice, being charges 1, 2 and 4. The Player denied the offences alleged for one of the matches and the linked non-reporting offence, being charges 3 and 5. Following this, the ITIA withdrew charges 3 and 5, and proceeded with charges 1, 2 and 4 only
17. On 20 August 2024, the AHO noted that under section G.1.d.i of the 2024 TACP, the Player has admitted the Charges brought against him and has acceded to the potential sanctions specified in the Notice. The AHO decided that the matter would proceed to submissions on sanction.
18. On 21 August 2024, the AHO directed counsel for the ITIA to file written submissions on sanction by 10 September 2024, and directed the Player to file his written submissions on sanction by 1 October 2024, further to which the AHO would issue her decision.
19. On 10 September 2024, the ITIA filed its submissions on sanction (the *Sanctions Submissions*) as directed.
20. On 30 September 2024, the Player filed his submission on sanction (the *Player's Response*) as directed.
21. Pursuant to Section G.1.d.iii of the 2024 TACP, the AHO now proceeds to consider the appropriate sanction in this case.

VI. ITIA'S WRITTEN SUBMISSIONS

22. The AHO has carefully considered the Sanctions Submissions and the Player's Response which are summarised below. Additional facts and allegations found in the parties' submissions may be set out, where relevant, in connection with the discussion that follows. The AHO refers in this decision only to the submissions and evidence she considers necessary to explain her reasoning.
23. Whilst recognising that the 2024 TACP Sanctioning Guidelines (the *Guidelines*) are not strictly binding on the AHO who has broad discretion to

determine the sanction, the ITIA submits that the Guidelines should be followed in this case.

24. The ITIA submits that given the Charges, the maximum potential sanction under section H.1.a of the 2024 TACP is life/permanent ineligibility from Sanctioned Events, a US\$250,000 fine and repayment of any corrupt payments he may have received.
25. The ITIA submits that in line with the Guidelines, the Charges against the Player should be categorised between Categories B1 and B2.
26. The ITIA submits that with regards to culpability:
 - (a) The Player displayed “*Some planning or premeditation*” in the offences with which he is charged, given the need for him to liaise with third parties in relation to the fixes. The Player has admitted working with Mr. Hossam.
 - (b) Given the Player’s conduct and his admissions, the Player was “*Acting in concert with others*”. The Player has admitted to acting in concert with Mr. Hossam (and, potentially unknown to him, ██████████ as well).
 - (c) In terms of the number of offences, the Player has committed “*Several offenses*”.
27. The ITIA submits that with regards to impact:
 - (a) The Player’s conduct involves “*Major TACP Offenses*” (i.e., Category 1). Match-fixing itself is one of the most serious forms of offence under the TACP, and the Player was charged with multiple offences. As per the relevant definition of Major Offense, each of the Charges is subject to a sanction of at least a six-month suspension and fine of \$10,000.
 - (b) The Player’s conduct results in a “*Significant material impact on the reputation and/or integrity of the sport*” (i.e., Category 1). All match-fixing offences damage the reputation and integrity of the sport. That

impact is exacerbated by multiple offences over the relevant period. If not within Category 1, the Player's conduct has a "*material impact on the reputation and/or integrity of the sport*".

(c) The Player has received, at least, "*Material gain*" (i.e., Category 2) as evidenced by the money transfers he received, which totalled approximately \$1,100. It is arguable that the Player received a "*Relatively high value of illicit gain*" given the sums earned may well have been significant for him when compared to his usual earnings, albeit the evidence does not exist to prove that either way. Therefore, the ITIA submits that a sum over \$1,000 should at least be considered "*material*".

28. The ITIA submits that the appropriate starting point for the Player is a ban of five (5) years, being between the starting point for Categories B1 (10-year suspension) and Category B2 (three (3) years). The ITIA submits that the AHO may consider any adjustment from the starting point for any aggravating or mitigating factors.
29. The ITIA acknowledges that although the Player has previously been sanctioned under the TACP, this should not be viewed as an aggravating factor since the Charges relate to offenses committed prior to the Player's earlier sanction.
30. The ITIA notes that the Player may benefit from a reduction of his sanction for an early admission to the Charges, and in accordance with the Guidelines, a reduction of 15% for an early admission is appropriate. The ITIA does not consider that the full 25% reduction be applied given that the Player did not admit the Charges at the earliest possible stage (e.g., during the interview with the ITIA). Therefore, applying the 15% reduction to the 5 years starting point, the ITIA submits the appropriate sanction is 4 years and 3 months.
31. With regards to the applicable fine, the ITIA submits that the Player has admitted to match-fixing in relation to three (3) matches. In accordance with The Fines Table in the Guidelines, the appropriate fine for 0 to 5 Offences is US\$0 – US\$25,000. Given the ITIA's submission on categorisation, it submits that a fine of US\$15,000 is appropriate.

32. In summary, the ITIA requests the AHO to impose the following sanctions on the Player:

(a) a ban of four (4) years and 3 (three) months; and

(b) a fine of US\$15,000.

VII. THE PLAYER'S WRITTEN SUBMISSIONS

33. The Player has filed two submissions in this matter:

(a) on 29 July 2024, the Player stated in his response to the Notice that he would comply with any further investigation which may arise. He also asked for his financial difficulties to be considered, albeit these were not substantiated; and

(b) on 30 September 2024, the Player's Reply asked for his admissions of guilt to be considered when deciding on a fine. He also requested that any payments he is ordered to make be in instalments.

VIII. REASONS

34. Match fixing is a serious threat to tennis. Once admitted to or proven, match fixing is a deliberate, intentional offense that threatens competition by eliminating the uncertainty which is the heart of professional tennis.

35. The imposition of a lenient sanction would defeat the purpose of the TACP. However, any sanction imposed must both be proportional to the offense and consistent with the sanctions imposed in similar cases to ensure consistency. There are three (3) charges against the Player related to six (6) offenses under the 2017 and 2018 TACP which are summarised at paragraph 10 above.

36. The Guidelines provide that where there are multiple Corruption Offenses, in the interests of efficiency, they should be taken together in one concurrent sanctioning process – *i.e.*, a single sanction is imposed.

37. Section H.1 of the 2024 TACP provides that:

Except as provided in Sections F.5., F.6. and F.7., the penalty for any Corruption Offense shall be determined by the AHO in accordance with the procedures set forth in Section G, and may include:

H.1.a. With respect to any Player, (i) a fine of up to \$250,000 plus an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with any Corruption Offense, (ii) ineligibility from Participation in any Sanctioned Events for a period of up to three years unless permitted under Section H.1.c., and (iii) with respect to any violation of Section D.1., clauses (c)-(p), Section D.2. and Section F. ineligibility from Participation in any Sanctioned Events for a maximum period of permanent ineligibility unless permitted under Section H.1.c.

38. The Player has admitted the Charges in pursuant to Section G.1.d.iii, as confirmed by the AHO on 21 August 2024.
39. The case against the Player arose out of a previous investigation by Belgian authorities who uncovered a scheme to fix professional tennis matches globally, orchestrated by an organised criminal network with ties to Armenia and Belgium. The Player is said to have contrived the outcome of three tennis matches which were accompanied by either: (i) payments made to the Player by persons associated with the aforementioned criminal network, (ii) suspicious bets, highlighted by the International Betting Integrity Association, or (iii) a report from the relevant tournament supervisor suggesting the Player was complacent.
40. The ITIA is seeking the imposition of a fine of US\$15,000 and a ban of four (4) years and three (3) months. The AHO is not bound to accept the sanction sought by the ITIA and must independently impose an appropriate, just, and proportionate sanction applying the TACP and the Guidelines, bearing in mind the circumstances of the individual case.
41. AHOs retain full discretion in relation to the sanction imposed. However, the application of the Guidelines promotes fairness and consistency in sanctioning

across tennis. Therefore, the AHO has followed the Guidelines to reach her decision.

42. The Guidelines set out a five step-process to determine the appropriate sanction as follows:
- (a) Determining the offense category;
 - (b) Starting point and category range;
 - (c) Consideration of reduction for early admissions;
 - (d) Consideration of other factors which may merit a reduction including substantial assistance; and
 - (e) Setting the amount of the fine (if any).

These are addressed in turn below.

A. DETERMINING THE OFFENSE CATEGORY

43. The AHO agrees with the ITIA's submission that the Player's level of culpability falls within Category B. It is clear that the Player has committed "*Several offences*" that involved "*Some planning or premeditation*" in which he was "*Acting in concert with others*". These are the hallmarks of Category B culpability. The weight of the evidence does not suggest this should fall within a lesser category.
44. The AHO does not agree with the ITIA's submission that the Player's level of impact sits between Category 1 and 2. The AHO concludes that the Player's impact sits within Category 2 for the following reasons:
- (a) The Player's conduct undoubtedly involves "*Major TACP Offenses*" as the ITIA submits. While this is a feature of conduct that has a Category 1 impact, it is also a feature of Category 2 conduct.
 - (b) The Player's conduct has resulted in a "*Material impact on the reputation and/or integrity of the sport*". It is acknowledged that all

match-fixing offenses damage the sport's reputation and integrity and this impact may be exacerbated by the commission of multiple offenses over the relevant period. However, the distinction between Category 1 and Category 2 lies in the term "*Significant*". The offenses relate to three matches which took place in Nigeria over a twelve-month period involving a fix for a single set in each match. The ITIA appears to acknowledge that there may be some doubt as to whether the impact was both significant and material or not and that these categories may overlap. In the circumstances, the AHO considers that Mr Atseye's conduct is more appropriately classified under Category 2 rather than Category 1.

- (c) The Player's conduct has resulted in a "*Material gain*". The Player has benefitted from approximately US\$1,000. As the ITIA rightly admits, there is no evidence to prove that the sums earned by the Player in the commission of the offenses were significant when compared to his usual earnings and consequently, this cannot be considered to be of "*Relatively high value*".

45. For these reasons, the AHO considers that the Player's offense category is B2.

B. STARTING POINT AND CATEGORY RANGE

46. Under the Guidelines, the starting point for a Category B2 offense is a three (3) year suspension, with a range of six (6) months to five (5) years.

47. The AHO agrees that there are no aggravating factors to be considered, and therefore determines an starting point is a three (3) year suspension.

C. CONSIDERATION OF REDUCTION FOR EARLY ADMISSIONS

48. The AHO agrees with the ITIA's submissions concerning a potential reduction in sanction due to an early admission, as outlined in paragraph 31. Applying a 15% reduction to the appropriate sanction results in an applicable sanction of two (2) years and six (6) months (rounding up to the nearest month).

D. OTHER FACTORS WHICH MAY MERIT A REDUCTION INCLUDING SUBSTANTIAL ASSISTANCE

49. There are no other factors which merit a reduction in the Player's sanction.

E. THE FINE

50. The Guidelines include The Fines Table which shows several of scales based on the number of Major Offenses that are proven or admitted. In the present case, the Player has admitted six (6) offenses in relation to three (3) matches.

51. The ITIA submits that the appropriate fine is US\$15,000, based on the Player being liable for 0 to 5 offenses. The AHO notes that, while this is technically incorrect (as the Player has committed six (6) offenses), a lesser fine is appropriate in the circumstances. The Player has committed a relatively modest number of offenses across three matches and has gained relatively little as a result.

52. The Guidelines stipulate that the amount of any fine should reflect the categorisation of the offense. Considering the number of offenses, the categorisation of the offense as B2, the Player's Reply and the ITIA's submissions, the AHO sets the fine at US\$10,000.

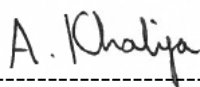
IX. DECISION

53. The Player, a Covered Person as defined in Section B.10 of the 2024 TACP, is liable for Corruption Offenses pursuant to the following sections of the 2017 TACP:

- (a) D.1.b – directly or indirectly, soliciting, or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition – two charges; and
- (b) D.1.d – directly or indirectly, contriving or attempting to contrive the outcome or any other aspect of any Event – two charges.

54. The Player is also liable for Corruption Offenses pursuant to the following sections of the TACP 2018:
- (a) D.1.b – directly or indirectly, soliciting, or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition – one charge; and
 - (b) D.1.d – directly or indirectly, contriving or attempting to contrive the outcome or any other aspect of any Event – one charge.
55. Pursuant to the 2024 TACP and the Guidelines, the sanctions imposed upon the Player as a result of these Corruption Offenses are:
- i. A ban of two (2) years and six (6) months from Participation, as defined in section B.26 of the 2024 TACP, in any Sanctioned Event as defined in section B.31 of the 2024 TACP and as prescribed in section H.1.a.iii of the 2024 TACP, effective on the date of this Decision; and
 - ii. A US\$10,000 fine as prescribed in section H.1.a.(i) of the 2024 TACP, to be paid in equal instalments over 24 months pursuant to Section J.2 of the 2024 TACP.
56. Pursuant to section G.4.e of the 2024 TACP, this award on sanction is to be publicly reported.
57. Pursuant to section G.4.d of the 2024 TACP this award on sanction is a full, final, and complete disposition of this matter and is binding on all parties.
58. This Decision can be appealed to Court of Arbitration for Sport in Lausanne, Switzerland within twenty business days from the date of receipt of the Decision by the appealing party.

Dated at Riyadh, Saudi Arabia this 14th day of October 2024.



AMANI KHALIFA, Anti-corruption Hearing Officer