TAS / CAS
TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

CAS 2024/A/10838 Melina Ferrero v. ITIA

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr. Juan Pablo Arriagada Aljaro, Attorney-at-law in Santiago, Chile
Arbitrators: Mr. Gustavo Albano Abreu, Professor in Buenos Aires, Argentina
Mr. André Brantjes, Attorney-at-law in Amsterdam, The Netherlands

in the arbitration between

Ms. Melina Ferrero, Córdoba, Argentina

Represented by Mr. Ignacio Forconi, Attorney-at-law in Buenos Aires, Argentina.

- Appellant -

and

The International Tennis Integrity Agency, London, United Kingdom

Represented by Mr. Stephen D. Busey, Mr. John R. Thomas, Ms. Margaret G. McQuiddy, and Ms. Katy Stirling, Counsels at Smith Husley & Busey in Jacksonville, Florida.

- Respondent –

I. INTRODUCTION

1. This appeal is brought by Ms. Melina Ferrero (the "Appellant") against the decision rendered by the Anti-Corruption Hearing Officer of the International Tennis Integrity Agency (the "ITIA" or the "Respondent") on 23 July 2024 (the "Appealed Decision"), which held the Appellant in violation of 12 breaches of Tennis Anti-Corruption Program during 3 matches in 2017 and 2018.

II. THE PARTIES

2. The Appellant, Ms. Melina Ferrero, is a professional tennis player of Argentinian nationality with world career-high rankings of 731 in the Women's Tennis Association (WTA) and 522 in the International Tennis Federation (ITF).

3. The Respondent, the International Tennis Integrity Agency (ITIA), is an independent body established in 2021 by the Professional Tennis Association (ATP), the International Tennis Federation (ITF), the Women's Tennis Association (WTA) and Grand Slams to promote, encourage, enhance and safeguard the integrity of their professional tennis events worldwide. The ITIA has its headquarters in London, United Kingdom.

4. The Appellant and Respondent are collectively referred to as the "Parties" when applicable.

III. FACTUAL BACKGROUND

5. Below is a summary of the main relevant facts, as established based on the Parties' written submissions on the file, the hearing, and relevant documentation produced in this appeal. Additional facts and allegations found in the Parties' submissions may be set out, where relevant, in connection with the further legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments, and evidence submitted by the Parties in the present proceedings, the Award only refers to the submissions and evidence it considers necessary and to explain its reasoning.

6. Between 2014 and 2018, Belgian law enforcement authorities investigated a suspected organized criminal network that those authorities believed to be operating to fix tennis matches in the circuit. This investigation was named Operation Belgium.

7. In 2020, Belgian law officials provided the Respondent access to evidence that they had obtained during the operation in Belgium that included transcripts of interviews, the content of forensic downloads of four mobile phones, and numerous records of money transfers. At the center of the organized criminal network was Mr. Grigor Sargsyan.

8. On 30 June 2023, the Court of First Instance of East Flanders in Belgium entered a verdict convicting Mr. Sargsyan to five years in prison and imposing monetary penalties.

9. Inside the network of people who cooperated in the mass match fixing operation was the participation of Mr. Sebastian Rivera, a former professional tennis player that recruited players for fixing matches, including the Appellant's matches.

10. On 7 September 2022, the Anti-Corruption Hearing Officer Mulcahy imposed a sanction on Mr. Rivera of the maximum fine of USD 250,000 and permanent ineligibility from participation in sanctioned tennis events.

11. On 26 January 2024, the Respondent served (electronically) a Notice of Major Offences to the Appellant pursuant to section G.1.a of the 2024 version of the Tennis Anti-Corruption Program (the "TACP") on the grounds that she was being charged with 12 alleged breaches of the 2017 and 2018 TACPs contained within three charges.

12. As per the decision of the Anti-Corruption Hearing Officer, the Appellant made no request for a hearing within the deadline specified in section G .1-point E of the TACP 2024, and did not respond to any communications or file any submissions as to the sanction.

13. On 22 February 2024, the Respondent filed its sanction submissions requesting the imposition of a 3-year ban to the Appellant from professional tennis and a fine of USD 15,000.

14. The Respondent concluded that the Appellant was deemed to have committed 12 major offenses over three matches, two of which occurred at ITF tournament in the city of [redacted] and the other which occurred at the ITF tournament in the municipality of [redacted].

15. In particular, the Respondent's investigation revealed the following:

- On [redacted] November 2017, the Appellant contrived aspects of accepted money to use less than her best efforts during and facilitated wagering on her singles match ("Match 1") against [redacted] in [redacted] (Charges 1-3). Additionally, the Appellant failed to report the corrupt approach from Mr. Rivera that led her fixing this match (Charge 4)

- On [redacted] December 2017, the Appellant contrived aspects of accepted money to use less than her best efforts during and facilitated wagering on her doubles match "Match 2" partnering Sofia Luini against [redacted] and [redacted], [redacted] (Charges 4-7). Additionally, the Appellant failed to report the corrupt approach from Mr. Rivera that led to her fixing this match (Charge 8).

- On [redacted] May 2018, the Appellant contrived aspects of accepted money to use less than her best efforts during and facilitated wagering on her doubles match ("Match 3") partnering Sofia Luini against [redacted] (Charges 9-11). Additionally, the Appellant failed to

report the corrupt approach from Mr. Rivera that led to her fixing this match (Charge 12).

16. The Respondent's agents led a large-scale criminal investigation conducted by Belgian law enforcement authorities that encompassed a large group of people and players who were recruited to manipulate match outcomes.

17. The Respondent performed numerous forensic downloads to the mobile device of Mr. Sargsyan, the leader of a match fixing network, which included messages between him and a former professional tennis player Mr. Rivera, in relation to the Appellant's matches.

18. After said investigation, the Respondent categorized the Appellant's offenses under Category B2 considering:

a. **The Appellant's Culpability:** The Appellant's actions involved premeditation, as evidenced by her pre-arranged agreements with Mr. Rivera. She acted in concert with Mr. Rivera and committed the offenses in 2017 and 2018.

b. **The Impact of the Appellant's Conduct:** The Appellant's conduct includes multiple major TACP offenses, had a material impact on the integrity and reputation of tennis, and involved receipt of payments that were significantly relative to her legitimate earnings.

19. On 23 July 2024, the Anti-Corruption Hearing Officer ("AHO") issued a Determination of Sanctions in Admitted Major Offenses under the Tennis Anti-Corruption Program (the "Appealed Decision"), in which the AHO deemed the Appellant to have admitted all the Corruption Offenses specified in the Notice of Major Offences as follows:

I. Charges:

a. ***TACP 2017***

- *2 charges under Section D.1.b*
- *2 charges under Section D.1.d*
- *2 charges under Section D.1.f*
- *2 charges under Section D.2.a.1.*

b. ***TACP 2018***
- *1 charge under Section D.1.b*
- *1 charge under Section D.1.d*
- *1 charge under Section D.1.f*
- *1 charge under Section D.2.a.i*

20. The AHO also made the following findings:

"*Melina Ferrero is deemed to have committed 12 Major Offenses over 3 matches,*

two of which occurred at the 2017 ITF tournament in [redacted] *and one at the ITF* [redacted] *tournament in* [redacted]. *Three of those Major Offenses involved contriving aspects of her own matches. She also facilitated wagering on aspects of matches in both years. She further failed to report three corrupt approaches made to her by Mr Rivera.*

Ferrero at all times acted in concert with Rivera to contrive each of her fixed matches and in so doing engaged in a pattern of corruption in 2017 and 2018. To facilitate wagering on the matches there had to be premeditation and planning of what matches would be fixed and which points within the match would be fixed so that Sargsyan and Rivera could benefit from the fixed arrangements. Moreover, two of the matches were doubles matches which imply a level of coordination and co-operation between the doubles partners to execute the fix.

Ferrero's conduct includes multiple major TACP offenses and had a material impact on the integrity and reputation of tennis. Her conduct undermined the integrity of the sport and justifies a strong response to deter similar conduct by other players. Based on these factors, the AHO finds that Ferrero's conduct falls under Category B1, which includes offenses involving some planning or premeditation, acting in concert with others and multiple offenses.

The AHO finds that no other factors are present that warrant either a reduction or uplift in Ferrero's sanctions.

In respect of the fine Ferrero committed three instances of contriving aspects of her own matches. In doing so the ITIA was able to identify that Ms Ferrero received financial benefit, via nominated third party, for her involvement. Both the Guidelines and recent cases, such as that of ITIA v Baptiste Crepatte, provide for a minimum sanction of $15,000 USD in the circumstances of Ferrero's case. The AHO finds that this amount is proportionate in relation to the Charges, and in consideration that there was a financial gain, it strikes the correct balance between punishment for the breaches of the TACP and deterring any future behaviour. Therefore, the AHO finds that a fine of $15,000 USD appropriate on terms that may be arranged with the ITIA".

21. On the basis of the above, and pursuant to the TACP and the ITIA Sanctioning Guidelines (the "Guidelines"), the Appealed Decision went on to impose on the Appellant, a ban from participation in any sanctioned event for a period of 3 years. The relevant part of the decision read:

"*Pursuant to the TACP and the Guidelines, the sanctions imposed on the Covered Person for these breaches of the 2017 and 2018 are a ban from Participation in any Sanctioned Event for a period of three (3) years in accordance with Section H. The above ordered suspension shall commence on and is effective from the date of this Decision. The period begins on the 23 July 2024 and ends on the 22 July 2034 [sic]*".

22. The Appealed Decision further provided that pursuant to section G.4.d. of the TACP,

the decision was "*full, final and complete disposition of the matter and will be binding on all parties*" and appealable under section I.1 and I.4 of the 2021 TACP to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland within a period of "*twenty business days from the date of receipt of the decision by the appealing party*".

23. On 2 September 2024, the Respondent informed the Appellant about the correction of a couple of typographical errors they spotted in the Appealed Decision of 23 July 2024, that included the correction of the Appellant's name and sanction date. The Appellant's name appeared in the title of the originally issued Appealed Decision as "Milena", even though the body of the decision referred to her repeatedly as Melina.

24. As for the sanction, as seen above, the originally issued Appealed Decision mistakenly calculated the period until 22 July 2034, even though both stated that the period of suspension would be "three (3) years". Noting this, the Respondent reissued the decision with the correct calculation until 2027. To compare, the Appealed Decision in the relevant part as amended read:

> "*Pursuant to the TACP and the Guidelines, the sanctions imposed on the Covered Person for these breaches of the 2017 and 2018 are a ban from Participation in any Sanctioned Event for a period of three (3) years in accordance with Section H. The above ordered suspension shall commence on and is effective from the date of this Decision. The period begins on the 23 July 2024 and ends on the 22 July 2027*" (emphasis added by the Panel).

25. On 8 September 2024, the Appellant filed her Statement of Defense in response to the Notice of Major Offence dated 26 January 2024. In her Statement of Defense, she denied the accusations for lack of evidence and violation of due process, and demanded a proper hearing in Spanish, legal and financial support, damages to her person, image, and rights, and irreparable harm. More specifically, the Appellant petitioned the Respondent to:

- Order the lifting of any conviction or sanction imposed on the Appellant under the contested procedure, pending the resolution of the objections raised and a definitive decision, unless a revocation request is submitted.

- Ensure the suspension of any sanction that resulted from the lack of response to the notification diverted to the Appellant's spam folder, and that this suspension remains in effect until a final resolution is issued that guarantees her right of defense and due process.

VI. SUMMARY OF PROCEEDINGS BEFORE THE CAS

26. On 23 September 2024, pursuant to Article R51 of the Code of Sports-related Arbitration (the "CAS Code"), the Appellant filed her Appeal Brief before the CAS against the Respondent's decision issued on 23 July 2024.

27. On 20 September 2024, in view of the Parties' disagreement, pursuant to Article R29 of

the CAS Code, the Deputy President of the CAS Appeals Arbitration Division issued an Order on Language, setting English as the language of the proceedings.

28. On 3 October 2024, the Respondent submitted a letter to the CAS Court Office, petitioning the CAS:

- "To terminate the appeal procedure pursuant to Article R49 of the Code because the Appellant's statement of appeal was untimely, and

- To suspend the Respondent's deadline to file its answer and related materials pending resolution of the timeliness issue."

29. On 31 October 2024, pursuant to Article R55 of the CAS Code, the Respondent filed its Answer.

30. On 19 November 2024, the CAS Court Office notified the Parties that the Panel appointed to decide the matter would be constituted by Mr. Juan Pablo Arriagada Aljaro as President and Prof. Gustavo Albano Abreu designated by the Appellant and Mr. André Brantjes designated by the Respondent.

31. On 26 November 2024, the CAS Court Office invited the Appellant to present her comments about the Respondent's request made in its Answer and in its letter of 3 October 2024. More specifically, the Appellant was invited to comment on the late submission of the appeal, the effective receipt of the email notification, and the acceptance of the ITIA's Anti-Corruption Program conditions.

32. On 3 December 2024, the Appellant submitted a letter to the CAS Court Office, petitioning the CAS:

- *"To reject the Respondent's request to terminate the case due to the alleged-on timeliness of the appeal, declaring it timely and valid.*
- *To consider the severe irregularities in the Respondent's proceedings which violated the appellant's fundamental rights.*
- *To ensure the continuation of this procedure, safeguarding the principles of justice and due process.*
- *To revoke the appealed decision as null and void due to the irregularities and procedural violations detailed in the letter."*

33. On 9 December 2024, the CAS Court Office notified the Parties that the Panel would decide on the admissibility of the appeal in the final award, and that, pursuant to Article R57 of the CAS Code, the Panel had also decided to hold a hearing by videoconference on 18 February 2025. The CAS granted the parties until 16 December 2024 to confirm their availability to the hearing date.

34. On 9 December 2024, the CAS Court Office acknowledged receipt of the Appellant's letter dated 29 November 2024, in which she requested the Panel to reject Respondent's claim that her appeal was untimely.

35. On 11 December 2024, the CAS Court Office notified the Parties that, pursuant to article R57 of the CAS Code, the Panel had decided to hold a Case Management Conference (CMC) by videoconference, proposing the dates 27, 28, 29 and 30 January 2025. The CAS Court Office gave the Parties until 18 December 2024 to confirm their availability on those dates.

36. On 13 December 2024, the CAS Court Office informed the Parties that the Management Conference (CMC) would be held in English by video conference on 30 January 2025.

37. On 18 December 2024, the CAS Court Office set the hearing to be held by videoconference on 12 March 2025.

38. On 19 December 2024, the CAS Court Office issued the Order of Procedures to be signed by the Parties by 27 December 2024.

39. On 20 December 2024, the Appellant emailed a letter to the CAS Court Office and the Respondent providing the list of issues she wished to have considered at the CMC.

40. On 9 January 2025, the Panel requested the Parties to clarify by 16 January 2025 whether they intend to rely solely on written witness statements, rather than presenting direct testimony at the hearing, and whether this meant there would be no witness examination during the hearing. The Panel added that, in the event there was to be a cross-examination of the witnesses, that the Parties provide a list of the witnesses they planned to cross-examine by no later than 30 January 2025. Finally, regarding the Appellant's letter from 20 December 2024, the Panel requested the Appellant to provide by 20 January 2025 further information as to the specific procedural issues the Appellant wished to address during the CMC.

41. On 16 January 2025, the Respondent accepted the proposal that the Appellant be permitted to file a substantive brief, witness statements, and exhibits in support of her arguments, provided that the Respondent would then have the right to file a reply with witness statements and supporting evidence.

42. On 24 January 2025, the CAS Court Office invited the Appellant to provide her witnesses' statements, as well as to clarify whether she still sought a stay of the Appealed Decision, and if necessary, to provide further details in support of said request by no later than 1 February 2025.

43. On 29 January 2025, the Appellant submitted a letter to the CAS Court Office in which she responded to the communication dated 24 January 2025 and to the procedural proposal from the Respondent presented on 16 January 2025 as follows:

- *" **1. Witness Statements**: The Appellant will submit written statements by 1 February 2025 in line with the CAS rules.*

*- **2. Evidence:** The Appellant accepts full responsibility for submitting her own evidence and will not request the Tribunal to obtain evidence on its behalf.*
*- **3. Respondent's Documents:** The Appellant repeats its request for the Respondent to provide all records related to: notifications and communications with the Appellant, accessibility of files attached to the accusation, address update request in the past five years, and the Appellant's last professional engagement under the Respondent's jurisdiction.*
*- **4. Suspension Request:** The Appellant maintains its request to suspend the challenged decision to prevent ongoing harm, citing Article R37 of the CAS Code.*
*- **5. Procedural Proposal:** The Appellant agrees to using written statements instead of direct examination, provided that cross-examination and redirect are permitted to ensure fairness.*
*- **6. Case Management Conference (CMC):** The Appellant supports holding a CMC to finalize the procedural timetable, confirm witnesses, and resolve any pending procedural matters.*
*- **7. Jurisdiction and Tribunal Composition:** The Appellant raises no objections.*
*- **Conclusion**: The Appellant reaffirms its cooperation for a fair and efficient arbitration process."*

44. On 31 January 2025, the Appellant submitted to the CAS Court Office the witness statement of [redacted], its IT expert.

45. On 1 February 2025, the Appellant submitted a letter to the CAS Court Office in which she, in response to the Panel´s instructions regarding the submission of witness statements, confirmed that despite her counsel made multiple attempts to contact [redacted] declined to testify.

46. On 10 February 2025, the Respondent submitted a letter to the CAS Court Office in which it, in response to the CAS letter dated 30 January 2025, confirmed that all communications and attachments sent to the Appellant's email were accessible, and provided information regarding any address update requests over the past five years, as well as the date of her last professional activity under the Respondent's jurisdiction.

47. On 17 February 2025, the Appellant submitted a letter in which she alleges that the Respondent's attempt to notify her of the charges against her was fundamentally flawed. The Appellant emphasized the Respondent has relied on an outdated email address that had not been used in over five years and has failed to take reasonable steps to confirm receipt or explore alternative methods of contact, such as a phone call or physical mail. As a result, the Appellant was unaware of the proceedings until it was too late to respond meaningfully. The notice went to her spam folder, and the links contained in the message were nonfunctional, denying her access to the charges and supporting materials. These deficiencies compromised her ability to defend herself and raise serious questions about whether her right to due process was upheld.

48. Moreover, according to the Appellant, the ITIA's handling of the matter reflects a troubling lack of procedural diligence. While athletes are expected to keep their contact

information current, the ITIA has a parallel obligation to exercise reasonable efforts to ensure delivery of critical legal documents, especially when dealing with former players who may not be actively monitoring outdated accounts. The ITIA's ongoing document search underscores that the case against Ms. Ferrero remains incomplete. Its refusal to permit the testimony of a key witness who could illuminate the notification failures, while proposing testimony that offers little insight into those errors, suggests an imbalanced and prejudicial process. These factors justify a suspension of the sanction and a closer review of whether the Appellant was afforded a fair opportunity to respond.

49. On 19 February 2025, the CAS notified the Parties that the Appellant's submission dated 17 February 2025 was inadmissible pursuant to article R56 of the CAS Code and, therefore, would not be considered by the Panel. Furthermore, the CAS Court Office informed the Parties that the Panel would be available for the CMC on 3 March 2025, and requested the Parties to confirm their availability for that date.

50. On 19 and 21 February 2025, the Appellant submitted unsolicited letters, in which she requested dismissal of all allegations and the Respondent's documentation, citing: 1) inadequate notification, 2) lack of opportunity to defend herself, 3) untimely submission of evidence, and 4) disavowal of potentially supportive evidence. The Appellant also contested the inadmissibility of her submission of 17 February 2025 submission and objected to the testimony of investigator Mr. Alan Boyd.

51. On 24 February 2025, the CAS Court Office informed the Parties that the Panel had ruled it could not prevent from calling Mr. Alan Boyd, but that, notwithstanding the Respondent would have the right to cross-examine him during the hearing. Additionally, the CAS Court Office informed the Parties, on behalf of the Panel, that, in accordance with Article R56 of the CAS Code, the Appellant's letters dated 19 and 21 February 2025 were deemed inadmissible. Finally, the CAS Court Office advised the Parties that the evidentiary proceedings were closed, and that, accordingly, the Parties were not allowed to submit new documents unless requested by the Panel.

52. On 3 March 2025, a Case Management Conference was held via video conference, during which the Panel discussed with the Parties the evidence to be submitted in the scheduled hearing. The Appellant confirmed during the conference that she would not be calling any additional witnesses to this proceeding and expressed satisfaction with the documents the Respondent presented.

53. On 12 March 2025, a hearing was held by video conference. In attendance at the hearing were:

- The Panel of Mr. Juan Pablo Arriagada Aljaro (President), Prof. Gustavo Albano Abreu (Arbitrator), and Mr. André Brantjes (Arbitrator), assisted by Mr. Andrés Redondo Oshur (CAS Counsel);
- For the Appellant: Mr. Ignacio Forconi (Counsel) and the Appellant herself; and
- For the Respondent: Mr. Stephen D. Busey, Mr. John R. Thomas, Ms. Margaret G. McQuiddy, and Ms. Katy Stirling (Counsels).

Mr. Alan Boyd (ITIA Investigator) testified at the hearing.

54. At the outset of the hearing, the Parties confirmed that they had no objections to the constitution and composition of the Panel. The Parties were then given the opportunity to fully present their case at the hearing.

55. At the end of the hearing, the Parties confirmed that they were satisfied with the procedure throughout the hearing, and that their right to be heard had been fully respected.

56. On 13 March 2025, the Respondent submitted its closing presentation following up to the Panel's request during the hearing.

57. At the hearing, the Panel heard the testimony of Mr. Alan Boyd, who confirmed the authority of his report, affirmed his findings, and mentioned that they were category evidence to establish the charges against the Appellant.

58. On 14 March 2025, the Appellant submitted a letter maintaining its request for provisional measures.

59. On 14 March 2025, the Panel rejected the Appellant's Request for Provisional Measures as none of the conditions set forth in R37 of the CAS Code for the granting of provisional measures were satisfied in this case. The Panel indicated that the full reasons would be provided in the final award.

VII. SUBMISSION OF THE PARTIES

A. The Appellant: Ms. Melina Ferrero

60. In her request for relief, the Appellant requests that the CAS orders the following:

"*1.* ***Access to the Full Case File and Request for Submission***

I request immediate and complete access to the case file and ask that the Tribunal order the submission of all actions to review all evidence presented by the ITIA. I also request a reasonable extension to submit new evidence in defense of Ms. Melina Ferrero, in light of the irregularities that have hindered her right to a full defense.

2. ***Recognition of Inconsistencies and Errors in ITIA's Resolutions***

I request formal recognition of the inconsistencies in the resolutions issued by the ITIA, particularly:

- *Typographical errors affecting the substantial content of the decision.*

- *Contradiction in ITIA's assertion that they could not modify the decision, yet they did, creating legal uncertainty.*

3. Declaration of Nullity of the Procedure

I request that the procedure carried out by the ITIA be declared null and void due to the severe procedural irregularities, including:

- *Lack of effective notification.*
- *Inability to access attachments.*
- *Inability to witness and participate in the production of evidence.*
- *Conviction in absentia.*
- *Modifying the sanction under the pretense of correcting typographical errors, contradicting ITIA's previous assertion that it lacked the authority to amend the decision.*
- *ITIA's insistence on using English, despite previously accepting Spanish, obstructing Ms. Ferrero's right to defend herself in her native language, as guaranteed by CAS regulations.*
- *The invalidity of a mere email as the sole means of official communication, depriving Ms. Ferrero of timely information and defense.*

4. Acceptance of the Requested Evidence

I request the Tribunal accept the evidence presented by Ms. Ferrero, allowing for the submission of any necessary evidence to ensure a fair and complete defense. The Ms. Ferrero's ability to present her defense fully.

5. Protected Witness Testimony

I specifically request the acceptance of testimony from protected witnesses, ensuring the safety and integrity of those who may provide relevant information for Ms. Ferrero's defense, given the potential repercussions such testimony may have on their professional careers.

6. Appointment of a Defense Expert for Technical Examinations

I request the appointment of an expert to be present during all technical examinations to guarantee transparency and control over the results. Additionally, I ask that the appointed expert be allowed to submit their own report, which must be considered by the Tribunal in its assessment of the evidence, ensuring fairness and balance in the technical evaluation.

7. Immediate Revocation and Suspension of the Sanction

I request the immediate revocation of the sanction imposed on Ms. Ferrero, including the three-year suspension and fine, due to the lack of procedural guarantees and the absence of conclusive evidence. The procedural errors and irregularities that have arisen in this case deeply affect the legitimacy of the

sanction. Pending a final resolution, I also request the immediate suspension of the sanction to prevent further unjust harm to Ms. Ferrero.

8. Reduction of the Sanction

Should the procedure not be declared null, I request a reduction of the imposed sanction, considering the disproportion of the facts and applicable law. The contradictions and irregular actions by the ITIA must be considered to mitigate the impact of an unjust sanction on Ms. Ferrero's career.

9. Imposition of Costs

I request that the costs of these proceedings be imposed on the ITIA, as its irregular and contradictory actions have forced Ms. Ferrero to resort to this appeal, generating unnecessary procedural costs due to its arbitrary conduct and the serious irregularities in the process.

10. Exemption from Costs Regarding the Language Dispute

I request that Ms. Ferrero be exempted from any costs related to the language dispute, as her initial choice of Spanish was in line with the rules of the proceedings.

11. Right to Litigate Without Costs

I respectfully request that this Honorable Tribunal grant Ms. Ferrero the right to litigate without bearing the procedural costs, considering her current financial situation.

13. Authorization for Remote Proceedings

I request that this Honorable Tribunal allow the entire procedure, including hearings, witness testimonies, and expert participation, to be conducted remotely via technological means to alleviate logistical and financial burdens on Ms. Ferrero and other involved parties.

14. Swiss Federal Tribunal *Please take note of our reservation to appeal to the Swiss Federal Tribunal*".

61. The Appellant's submissions, in essence, may be summarized as follows:

(a) <u>On the language of the proceedings</u>: Language has been used as a tool of obstruction and procedural inequality detrimental to the Appellant. For the Respondent, there is no reasonable or justified reason to use English and not Spanish as the language of the proceeding before the ITIA or the CAS. The Respondent has the resources and the capacity to handle the process in Spanish. Notwithstanding, rather than facilitating communication, the Respondent has sought to obstruct and hinder the Appellant's defence by objecting to the use of Spanish in the proceeding before the ITIA and now in the appeal before CAS. Moreover, the use of English is contradictory, considering that the Respondent

had invited the Appellant to defend herself in Spanish at the administrative stage of the case, thereby creating a legitimate expectation that Spanish would be used throughout the entire process. The change in the language of the process from Spanish to English has violated the Appellant's due process, right to equal treatment, and placed on her unreasonable procedural burdens. The Appellant had the right under the CAS Code to choose Spanish as the language of the appeal proceedings; however, the Order on Language has forced her to litigate in a language that she does not command, thereby compromising her right of defence. This Order on Language should be annulled. The CAS appeal proceeding should be conducted in Spanish, and the Appellant should not be made responsible for paying costs for the Order on Language.

(b) On litigating without costs: Forcing the Appellant to use a different language and pay related costs is a double penalty that violates the principle of proportionality in procedural sanctions. Simply using a legal right should not result in extra costs or a change of language. These actions violate the principles of justice and fair legal process.

(c) On the typographical errors: The typographical errors presented in the Appealed Decision, as notified on 23 July 2024, reflect a worrying level of disorganization and lack of precision in handling information by the Respondent. Moreover, the "corrections" taken raise serious concerns about the arbitrariness and impartiality of the Respondent and about transparency and fairness in the process, putting in direct harm her right to a proper defence. The corrections were more than typographical; they were substantial elements of the decision (including the name and the date for enforcement of the sanction). Altering these elements implied a modification of the substance of the ruling and directly affected the rights of the Respondent. Finally, if the Appealed Decision was "functus officio", as indicated by the Respondent in its email of 2 September 2024 in which it issued the amended decision, any change of the decision, no matter how minor, would have been improper. In fact, at the time of the change to Appealed Decision, the ITIA no longer had jurisdiction or authority to alter what was already decided. Modifying the decision without jurisdiction has created a serious procedural flaw that undermines the principle of legal certainty. The principle of the immutability of decisions, once rendered, protects the parties involved from arbitrary changes to their sanctions or rights

(d) On failure to properly notify the Appellant: The Respondent never formally requested that the Respondent provide her email address for receiving notifications and official correspondence. The only personal information the Respondent has gathered about her comes from the mandatory forms that must be filled out before entering any competition. These forms serve a strictly administrative purpose and are not designed to update contact information for formal notifications, as would be necessary in a disciplinary or administrative process. The last tournament the Appellant participated in was in October 2019, meaning that the personal information held by the Respondent was collected four years before the disciplinary process against her began. This long-time gap raises serious doubts about the validity and reliability of the data the Respondent

used for notifications, without ever requesting that the athlete update this information. The first notification the Respondent sent was crucial for the Respondent's defense; however, the email ended up in her spam folder, underscoring the inadequacy of the method used (in fact, she did not become aware of the Appealed Decision until 6 August 2024 through social media and her subsequently checking her spam). By never requiring a formal update of the Respondent's contact information and relying on outdated data from 2019, the Respondent acted negligently and failed to meet basic procedural safeguards, violating her right to an adequate defense and seriously undermining the principle of due process. The use of email lacks the necessary formality and is inconsistent with communication standards in other sports institutions and with the seriousness of the sanctions the Respondent has the power to impose; it cannot serve as proper notification for a legal proceeding. The legitimacy of the Appealed Decision and authority of the Respondent is undermined by the lack of proper notification and poorly managed process.

(e) On violation of due process: The Appellant never waived her right to defense or to a hearing; she simply did not have proper notice of them in breach of art. 6 of the European Convention on Human Rights (ECHR). The Appellant never had the opportunity to defend herself, to present evidence, or to participate in the evidence-gathering process. The conviction was based on evidence she never had access to, and on which she could not exercise her right to defense. She was condemned based on a notification she never received.

(f) On arbitrariness: The decision to modify the sentence on 2 September 2024 while maintaining the 23 July 2024 date reflects arbitrary administration of justice. This not only delegitimizes the process but also raises questions about the impartiality and seriousness of the Respondent This arbitrariness significantly harms the rights of the sanctioned individual by affecting the clarity of the procedure. The AHO was also arbitrary in the evaluation of the evidence.

(g) On the presumption of innocence: The accusations against the Appellant are based on highly questionable elements, such as subjective interpretations of her performance in certain matches, her social media friendships with supposedly involved individuals, and a series of communications that do not provide clear evidence of her participation in the alleged misconduct. This type of evidence not only lacks the necessary solidity to overturn the presumption of innocence, but, being subjective and debatable, should not have been considered sufficient to justify a disciplinary sanction of such magnitude.

(h) On lack of objectivity: The necessary clinical objectivity, understood as the ability to evaluate facts neutrally, based solely on observable and verifiable evidence, without being influenced by subjective interpretations or external, unproven factors, was not respected.

(i) On illegal use of evidence from different proceedings: The Appellant's right to due process was violated when she was sanctioned based on evidence from unrelated cases (of Grigor Sargsyan and Sebastian Rivera) in which she was not

involved and had no chance to defend herself. Using this evidence, without respecting her rights to contest it, undermines basic legal standards and demands that her conviction be annulled to restore fairness and justice.

(j) On lack of access to evidence: The Appellant was denied access to the evidence used against her, preventing her from preparing an adequate defense and violating the principle of due process. For this reason, she requests the annulment of the appealed decision, as the lack of access irreparably compromised the fairness and integrity of the entire proceeding.

(k) On the fragility of the evidence used to convict: There is no direct evidence or indication of the Appellant's involvement in the alleged activities. Instead, her conviction is based on a supposed friendship on Facebook with a person who allegedly received money for match-fixing. This basis is extremely weak and lacks legal rigor, as the mere fact of having a connection on social media with someone does not, in any way, imply knowledge of their activities or intentions. The Appellant is essentially being considered "guilty by association". However mere association cannot imply guilt; substantial evidence is needed.

(l) On the alleged participation in match fixing:

The Appellant did not take part in placing bets, manipulating match outcomes, or engaging in any unsportsmanlike behavior, nor did she receive financial compensation related to such activities. She was not involved in, or had knowledge of, the corrupt network investigated by Belgian authorities, and there is no evidence linking her to any of the individuals implicated in those proceedings.

There are no communications or agreements between the Appellant and the convicted individuals Grigor Sargsyan or Sebastian Rivera, nor is there any indication that she was approached with offers to fix matches or influence her performance. Because no such approach ever occurred, she had no relevant information to report to the TIU or ITIA.

The only alleged connection to the case is the appearance of the Appellant's name in messages exchanged between Grigor Sargsyan and Sebastian Rivera. However, there is no direct evidence that she participated in these conversations, accepted money, or engaged in corrupt behavior. A name mentioned alone, without context or corroborating proof, is insufficient to establish guilt.

The ITIA also pointed to a Facebook friendship between the Appellant and [redacted] —an individual supposedly involved in corrupt activities— as partial justification for its accusations. Yet a social media connection does not prove a meaningful or criminal relationship, and there is no evidence of communication or coordination between them related to any offense.

Furthermore, errors in the Appellant's gameplay, such as double faults cited by the ITIA, are normal occurrences in tennis and are not, on their own, proof of intentional match-fixing. These types of errors are common even among top-level athletes and must be supported by additional evidence to suggest wrongdoing, which is lacking in this case.

On the proportionality of the sanction: Sanctions in sports must be fair and proportionate to the offense. In the Appellant's case, the three-year suspension and $15,000 fine are excessive and unjustified, especially given the weak evidence and the minimal impact of the alleged actions. There is no clear proof of her intent or involvement, and the matches in question did not affect any outcomes. At age 31, this suspension effectively ends her career, causing irreversible damage to her future and reputation. The penalty is severe, arbitrary, and fails to serve any real purpose. This appeal calls for a reassessment based on facts, not assumptions, to restore fairness and justice.

(m) On the impact of the disciplinary sanctions: The Appealed Decision has severely damaged the Appellant's honor and reputation. Her public image has been tarnished, affecting not only her position in the sport but also her credibility and opportunities outside of it, including potential sponsorships, job offers, or professional collaborations. The repercussions spill over into her personal life, affecting her emotional and social well-being and undermining her trust in the disciplinary system. This devastating impact also carries economic consequences. The sanction not only prevents her from competing but also deprives her of her primary source of income, during a critical stage in her career, where, without the sanction, she could have maximized her athletic and financial potential.

B. The Respondent: International Tennis Integrity Unit

62. In their prayers for relief, the First Respondent requests that the CAS orders the following:

- *"The Appellant's appeal is untimely and should be dismissed in accordance with Article R49 of the CAS Code.*
- *In any event, the evidence establishes that the Appellant violated the Program as set forth in the AHO's decision sanctions.*
- *The Appellant's complaints about the procedure are either misplaced or moot.*
- *The Respondent requests that the Panel upholds the AHO's decision, including the sanctions imposed upon the Appellant."*

63. The Respondent's submissions, in essence, may be summarized as follows:

(a) On 26 January 2024, pursuant to Section G.1.a. of the 2024 TACP, the Respondent served a Notice of Major Offense on the Appellant alleging that she committed 12 corruption offenses in violation of Sections D.1.b, D.1.d, D.1.f, and D.2.a.i. of the 2017 and 2018 versions of the TACP. The Appellant did not make a request for a hearing within the deadline specified within Section G.1.e. of the 2024 TACP. The AHO thus proceeded to issue the Appealed Decision, imposing on the Appellant a three-year period of ineligibility from participation in any sanctioned event and a fine of USD 15,000.00.

(b) The Appellant now seeks to appeal the Appeal Decision. However, her appeal must be dismissed as untimely pursuant to Article R49 of the CAS Code. The Appealed Decision was issued on 23 July 2024 and notified to the email addresses provided by the Appellant (i.e. the email addresses the Appellant provided when registering for an International Player Identification Number "IPIN"). Pursuant to Section F.8 of the TACP, the Appellant "received" the Appealed Decision even if, as she claims, her email system "filtered it as spam" and she does not monitor her email addresses. Therefore, in line with Section I.4 of the TACP, which grants a party twenty business days from the date of receipt of a decision to appeal, the Appellant's appeal must be deemed untimely since it was filed on 2 September 2024. As such, the appeal is inadmissible, and the CAS procedure must be terminated.

(c) The Appealed Decision correctly found that the Appellant violated the 2017 and 2018 TACP by committing the corruption offenses. Indeed, there is more than a preponderance of the evidence that the Appellant contrived aspects of her matches, facilitated wagering on aspects of her matches, accepted and solicited money with the intention of negatively influencing her best efforts in matches and failed to timely report corrupt approaches. In particular:

- For **Match 1** on [redacted] November 2017, the evidence consists of: (i) Messages between Grigor Sargsyan and the Appellant —a known member of Mr. Sargsyan's criminal betting syndicate who has been banned for life from professional tennis based on his prolific match fixing—offering to pay the Appellant to contrive her match; (ii) a screenshot extracted from Mr. Sargsyan's phone containing betting information for the Appellant's match; (iii) the scorecard confirming that, in accordance with the agreed-upon fixes, the Appellant lost her [redacted] service game in the [redacted] and [redacted] sets of the match; (iv) Messages between Mr. Sargsyan and a known member of his criminal betting syndicate providing instructions for compensating the Appellant for her match-fixing; and (v) the witness statement of the ITIA investigator that Ms. Ferrero failed to report this corrupt approach.

- For **Match 2** on [redacted] December 2017, the evidence consists of: (i) Messages between Grigor Sargsyan and Sebastian Rivera -a known member of Grigor Sargsyan's criminal betting syndicate who has been banned for life from professional tennis based on his prolific match fixing- offering to pay

the Appellant to contrive her match; (ii) a screenshot extracted from Grigor Sargsyan's phone containing betting information for the Appellant's match; (iii) the scorecard confirming that, in accordance with the agreed-upon fixes, the Appellant lost her [redacted] service game in the [redacted] and [redacted] sets of the match; (iv) messages between Grigor Sargsyan and a known member of his criminal betting syndicate providing instructions for compensating the Appellant for her match-fixing; and (v) the witness statement of the ITIA investigator that the Appellant failed to report this corrupt approach.

- For **Match 3** on [redacted] May, 2018, the evidence consists of: (i) Messages between Grigor Sargsyan and Sebastian Rivera offering to pay the Appellant to lose the [redacted] set of her doubles match at a score of [redacted]; (ii) the scorecard confirming that, in accordance with the agreed-upon fix, the Appellant and Ms. Luini (the Appellant's doubles partner) lost the [redacted]t set of the match at a score of [redacted] (iii) the AHO's Decision determining that Ms. Luini participated in contriving the score of the first set of match 3; (iv) messages between Grigor Sargsyan and a known member of his criminal betting syndicate providing instructions for compensating Ms. Luini for their collective match-fixing by sending $1,800 to [redacted]; (v) evidence extracted from Grigor Sargsyan's mobile phones evidencing a MoneyGram transfer by a known associate of Grigor Sargsyan ([redacted]) to [redacted]- in compliance with Sebastian Rivera's instructions to Grigor Sargsyan for payment to Ms. Luini; and (vi) the witness statement of the ITIA investigator that the Appellant failed to report this corrupt approach.

(d) The sanctions imposed upon her by the AHO must be upheld. A sanction can only be reviewed it if is "*evidently and grossly disproportionate to the offense*". In the present case, the sanction imposed on the Appellant is not evidently and grossly disproportionate, considering that (i) match-fixing develops a negative perception of integrity of all professional tennis competitions, (ii) match-fixing is the most serious type of corruption offense because it poses the greatest threat to the integrity of professional tennis, and that tennis regulators, therefore, must demonstrate zero tolerance against match-fixing and impose sanctions which both punish a corrupt player and serve as an effective deterrent for other players and individuals who may be tempted through greed or fear to become involved in corruption of tennis competition, (iii) the penalties in the 2018 TACP for corruption – in accordance with the aforementioned considerations – are severe and even allow for permanent ineligibility and a fine up to USD 250,000, (iv) the Appellant was correctly classified as a B2 Offender and thus imposed a three-year period of ineligibility with a USD 15,000 fine.

(e) The Appellant's reliance on the ECHR, the U.S. Supreme Court and other authorities to allege irregularities in the first instance proceeding before the AHO must be rejected because the applicable law is the TACP and subsidiarily Florida law. In any event, the CAS has repeatedly held that the *de novo* review

of the CAS cures any procedural deficiency in the first instance and the CAS has held that its procedures are compliance with the ECHR.

III. JURISDICTION

64. Article R47 of the CAS Code provides:

> "*An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body*".

65. Pursuant to Section I.1. of the 2021 Tennis Anti-Corruption Program (TACP):

> *"Any decision by an AHO (i) that a Major Offense has been committed, (ii) that no Major Offense has been committed, (iii) imposing sanctions for a Major Offense (all three of which amount to a Decision under section G.4.b), or (iv) that the AHO lacks jurisdiction to rule on an alleged Major Offense or its sanctions, may be appealed exclusively to CAS in accordance with CAS's Code of Sports Related Arbitration and the special provisions applicable to the Appeal Arbitration Proceedings, by either the Covered Person who is the subject of the decision being appealed, or the ITIA. For the avoidance of doubt, a decision to impose, or not to impose, a provisional suspension cannot be appealed to CAS."*

66. Furthermore, when registering for an IPIN, the Appellant agreed to the Player Welfare Statement (PWS), which provides, in part, the following declaration:

> "*I am bound buy and will comply with the Uniform Tennis Anti-Corruption Program... A copy of which is available upon request from the ITF or may be downloaded at http://www.tennisintegrityunit.com. The Anti-Corruption program will govern my participation in ITF-sanctioned events (alongside the ITF rules, including the player code of conduct and the ITF tennis Anti-Doping Program, each of them applying concurrently and without prejudice to the other). The Tennis Integrity Unit may conduct investigations in relation to ITF-sanctioned events under the Anti-Corruption Program and will enforce any penalties sanctions and or other measures taken against me under the Anti-corruption program. Same line I hereby submit to the jurisdiction and authority of the ITF to manage administer and enforce the Anti-Corruption Program and to the jurisdiction and authority of the Court of Arbitration for sport to determine any appeals brought under the Anti-Corruption Program*".

67. The Parties did not raise any objection regarding jurisdiction and confirmed it when they signed the Orders of Procedure.

68. Considering the foregoing, the Panel holds that the CAS has jurisdiction to decide the present dispute.

IV. ADMISSIBILITY

69. Article R49 of the CAS Code states the following:

> "*In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against. The Division President shall not initiate a procedure if the statement of appeal is, on its face, late and shall so notify the person who filed the document*".

70. Pursuant to Article I.1 and I.4 of the 2021 TACP, a decision of the AHO can be appealed to the CAS within "*twenty business days from the date of receipt of the decision by the appealing party*".

71. The Respondent argues that the appeal is inadmissible because it was filed late by the Appellant. The Respondent is of the opinion that the time limit to appeal began to run on 23 July 2024 when the Appealed Decision was initially notified to the Respondent. Therefore, since the Appellant filed the appeal on 23 September 2024, it must be considered filed untimely.

72. The Panel noted, however, that the Appealed Decision was re-notified on 2 September 2024 because the initially notified decision contained errata/typographical errors. In particular, the initially notified decision contained an error in the Respondent's name and in the calculation of the sanction. The Panel considers that, regardless of the magnitude of the erratum, this re-notification constituted a new decision, thereby resetting the time limit for filing the appeal.

73. Considering the foregoing and given that the decision was notified on 2 September 2024 and the appeal was lodged on 23 September 2024, i.e. within the 20 business days allotted under Article I.1 and I.4 of the 2021 TACP, the Panel concludes the appeal was submitted on time and is thus admissible.

V. APPLICABLE LAW

74. Article R58 of the CAS Code provides:

> "*[t]he Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision*".

75. In accordance with the principle of *tempus regit actum*, an offence is to be judged on the basis of the substantive rules in force at the moment the alleged offence was committed, subject to the principle of *lex mitior*. However, the procedural aspects of the proceedings are governed by the regulations in force at the time the appeal was lodged

(see CAS 2018/A/5920 para. 64-69).

76. Accordingly, the TACP is primarily applicable in the present case, with the 2017 and 2018 versions of the TACP, which were in force at the time of the alleged offences committed by the Appellant, to be applied with respect to the substantive matters, whereas the procedural elements of the alleged offences committed by the Appellant are governed by the 2024 TACP, which was in force at the time when the proceedings were initiated against the Appellant by the ITIA.

77. The applicable regulations are the TACP, which provide in Article Section K.2 that "*This Program shall be governed in all respects (including, but not limited to, matters concerning the arbitrability of disputes) by the laws of the State of Florida, without reference to conflict of laws principles*".

78. In accordance with the above provisions, the applicable law is the TACP and, subsidiarily, the laws of the State of Florida.

79. For the sake of completeness, the Panel notes that the Appellant refers to the ECHR and jurisprudence of the U.S. Supreme Court in alleging irregularities in the first instance proceeding before the AHO. Notwithstanding that, as will be discussed *infra* at para. 83 *et seq.*, the *de novo* nature of the CAS proceeding cures said irregularities in application of CAS jurisprudence, as stated above, the applicable law is the TACP and the laws of the State of Florida. Therefore, the Appellant's reference to the ECHR and the U.S. Supreme Court is misplaced, as these sources are not controlling under the applicable law.

VI. PROCEDURAL MATTERS

A. Language of the proceedings

80. The Appellant argues in her submissions that the present proceedings should have been conducted in Spanish. In her view, using English as the language of the CAS proceedings instead of Spanish has hindered her right of defence. The Appellant requests that, based on this, the CAS annul the Order on Language and proceed in English.

81. The Panel finds, however, that the matter of the language of the proceeding has been definitively decided in accordance with Article R29 in the Order on Language issued by the Deputy President of the CAS Appeals Arbitration Division on 20 September 2024. Said order is final and binding and the Panel finds no reason to annul the decision. The Panel concurs that English is an appropriate language for the proceedings for the reasons set forth in said Order and, in particular, notes that the Appellant and her counsel have been able to put forth a lengthy and coherent defense in English in these proceedings. Accordingly, the Panel is satisfied that the Appellant's right to be heard has not been hindered in any manner by the choice of language.

82. The Panel also rejects the Appellant's argument that allocating the costs on the

Respondent for the Order on Language would constitute a "double penalty" or violates the principle of proportionality. The resulting cost allocation simply reflects the outcome of the need to decide the disagreement between the parties on the language and does not amount to a sanction.

B. Rejection of provisional measures

83. The Appellant requested provisional measures, citing emotional harm caused by being wrongly blamed during the proceedings, which forced her to relive a traumatic and unjust situation from August 2024. She has since experienced a relapse into [redacted] due to the emotional weight of the accusations. Given the compelling evidence of her innocence and lack of fair trial, the Appellant argues that protective measures are necessary to safeguard her mental health and prevent further harm, thus claiming that Article R37 of the CAS code is satisfied.

84. On March 17, 2025, the Panel rejected the request for reasons to be explained in this final award.

85. Pursuant to Article R37 of the CAS Code, the Panel may, upon application by one party, issue an order for provisional or conservatory measures.

86. In accordance with Article R37 of the CAS Code and CAS jurisprudence (ex multis: CAS 2013/A/3052, CAS 2008/A/1630, CAS 2007/A/1370-1376, CAS 2006/A/1088, CAS 2004/A/780, TAS 2004/A/708-709, CAS 2003/O/486, CAS 2002/A/378, and CAS 2001/A/324), when deciding whether provisional measures should be ordered, the Panel must consider the following factors:

(a) whether the requested relief is necessary to protect the applicant from irreparable harm ("irreparable harm" test): the Appellant must demonstrate that the requested measures are necessary to protect its position from damage or risks that would be impossible, or very difficult, to remedy or cancel at a later stage;

(b) whether there is a likelihood of success on the merits of the claim ("likelihood of success" test): the Appellant must demonstrate that its position is not obviously groundless and that it has a reasonable chance to eventually win the case;

(c) whether the interests of the applicant outweigh those of the respondents and of third parties ("balance of convenience" test): the Appellant must demonstrate that the harm or inconvenience it would suffer from the refusal of the requested provisional measures would be comparatively greater than the harm or inconvenience other parties would suffer from the granting of the provisional measures.

87. In accordance with the CAS jurisprudence, the three aforementioned factors must be cumulatively fulfilled (see e.g. CAS 98/200, and CAS 2007/A/1397). Each of the

mentioned factors are relevant, but any of them may be decisive on the facts of a particular case (see e.g. CAS 2013/A/3052, CAS 2007/A/1370-1376, and CAS OG 02/004).

88. The Panel decided to reject the Appellant's request for provisional measures because the three cumulative factors mentioned above have not been fulfilled. More specifically:

(a) Irreparable harm was not proven. According to CAS jurisprudence, there is irreparable harm when a final decision, even favourable to the applicant, would not completely remedy such harm (see e.g. CAS 2019/A/6226). The Panel notes that in the present case, the Appellant had been inactive for the past five years, i.e., since 2019, demonstrating no ongoing or imminent competitive activity that would be adversely affected if the requested provisional measures were not granted. In general, the risk of irreparable harm implies that the applicant remains actively involved in the sport and that the requested measures are necessary to preserve access to competition, protect sporting eligibility, or prevent disruption to an ongoing career. Therefore, the lack of current engagement in professional competition undermined the claim that immediate intervention is necessary to prevent harm that could not later be remedied. On this note, the Panel notes that the absence of irreparable harm *per se* would be sufficient to reject the application for provisional measures.

(b) Likelihood of success on the merits was not demonstrated. The Appellant failed to present compelling legal or factual arguments that would support a *prima facie* case for overturning the decision under appeal.

(c) Balance of convenience did not appear to favor the Appellant. No convincing arguments were made to show that the Appellant's interests in securing provisional measures outweighed the Respondent's interests. Conversely, the Panel acknowledged the Respondent's legitimate interest in safeguarding the sport's integrity and reputation during the proceedings' pendency.

VII. MERITS

89. Based on the Parties' positions, the Panel must determine:

(A) Whether the alleged procedural violations in the ITIA proceeding are cured by the *de novo* nature of the present CAS appeal;

(B) Whether, based on the evidence on the record, the Panel is convinced to a preponderance of the evidence that the Appellant engaged in the match-fixing conduct for which she has been charged; and

(C) Whether the sanction imposed is proportionate to the offense committed.

A. The alleged procedural violations in the ITIA proceeding

90. Article R57 of the CAS Code provides that the "*[t]he Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance*".

91. According to long-standing CAS jurisprudence, pursuant to Article R57 of the CAS Code, a panel in an appeals proceeding hears the case *de novo* and must make an independent determination of the correctness of the parties' submissions on the facts and the merits, without limiting itself to assessing the correctness of the procedure and decision of the first instance (cf. CAS 2016/A/4871 at para. 118 *et seq*.; TAS 98/211 at para. 8; TAS 2004/A/549 at para. 9; CAS 2009/A/1880-1881 at para. 146; CAS 2011/A/2426 at para. 46; TAS 2016/A/4474 at para. 223).

92. It is this *de novo* character of an appeals proceeding that cures any procedural violations that may have been committed in the first instance (CAS 94/129 at para. 59; CAS 2000/A/281 at para. 9; CAS 2008/A/1594 at para. 44; TAS 2016/A/4474 at para. 221 *et seq*.; CAS 2016/A/4871 at para. 118 *et seq.*). On this topic, CAS jurisprudence has held:

> "*87. According to article R57 of the Code, the CAS has full power to review the facts and the law. The consequences deriving from this provision are described in the consistent CAS jurisprudence, according to which "if the hearing in a given case was insufficient in the first instance (...) the fact is that, as long as there is a possibility of full appeal to the Court of Arbitration for Sport, the deficiency may be cured" (CAS 94/129 award of 23 May 1995, par. 59). Later the CAS has reaffirmed this principle, holding that "the virtue of an appeal system which allows for a rehearing before an appeal body is that issues relating to the fairness of the hearing before the Tribunal of First instance 'fade to the periphery'" (CAS 98/211, award of 7 June 1999, par. 8). More recently, the CAS has further relied on the Swiss Federal Tribunal case law, which held that "any infringement of the right to be heard can be cured when the procedurally flawed decision is followed by a new decision, rendered by an appeal body which had the same power to review the facts and the law as the tribunal of first instance and in front of which the right to be heard had been properly exercised" (CAS 2006/A/1177, award of May 2009, par. 7.3). For another recent case, see for instance, CAS 2008/A/1594 para. 109, "However, as CAS has complete power to review the facts and the law and to rule the case de novo, the procedural deficiencies which affected the procedures before FILA disciplinary bodies may be cured by virtue of the present arbitration proceedings (see e.g. CAS 2006/A/1175 paras. 61 and 62, CAS 2006/A/1153, para. 53, CAS 2003/O/486, para. 50)". This CAS jurisprudence is actually in line with European Court of Human Rights decisions, which in par. 41 of the Wickramsinghe Case concluded that "even where an adjudicatory body determining disputes over civil rights and obligations does not comply with Article 6 (1) [ECHR] in some respect, no violation of the Convention will be found if the proceedings before that body are subject to subsequent control by a judicial body that has full jurisdiction and does provide the guarantees of Article 6 (1)*" (CAS 2009/A/1920 at para. 87, emphasis added).

93. Thus, the effect of the CAS appeal system, which pursuant to Article R57 of its Code, allow the Panel to conduct as second instance court a full review of the first instance decision, is that issues concerning the manner in which the lower court conducted its proceeding become marginal (TAS 2016/A/4474 at footnote 22).

94. The Panel takes note of the Appellant's contention that the ITIA violated her due process and procedural rights and contravened the presumption of innocence embedded in the ECHR and the jurisprudence of the U.S. Supreme Court and acted arbitrarily and with a lack of objectivity and impartiality. However, due to the curing effect of CAS appellate proceedings, the Panel finds it unnecessary to rule on whether the ITIA committed such violations against the Appellant.

95. In full accordance with the CAS Code, the Panel has permitted the Appellant to file written submissions, produce a significant number of documents (including 15 exhibits in support of her case), present a full defence including witness statements and a voluminous appeal brief of 79 pages, the right to challenge the relevance and weight of evidence submitted by the Respondent, and the opportunity to call and examine/cross-examine witnesses and orally plead their cases at the hearing of 12 March 2025. Therefore, even assuming the existence of procedural violations or irregularities in the ITIA proceeding (which as just stated the Panel does not assess), the present appeals arbitration proceeding has rectified them, as the Panel is hearing the case *de novo* and making an independent and impartial determination without affording any deference to the Appealed Decision. In this respect, the Panel notes that the Appellant has not challenged the independence and impartiality of the arbitrators.

96. With the above in mind, the Panel further observes that the Appellant's primary argument as to the alleged procedural violations of the ITIA is that she never received the communication informing her of the initiation of the investigation by the ITIA, i.e. the Notice of Major Offences dates 26 January 2024, and that for this reason she did not submit her defence in the first instance until 8 September 2024 after the Appealed Decision had already been issued. Although she acknowledges that the two email addresses registered with the ITF are hers [redacted] and [redacted], she claims that the communications sent by the ITIA ended up in her spam.

97. In this regard, the Panel firstly analyses that the argument that the communications were sent to her spam folder, remains unsubstantiated. While expert witness [redacted] submitted a technical report in support of said claim, he did not appear at the hearing to defend his findings and could not be cross-examined or questioned by the Panel. The Panel recalls that in accordance with CAS jurisprudence, each party bears the burden of proving the specific facts and allegations on which it relies (*ex multis*: CAS 2019/A/6388, at para. 161 and CAS 2017/A/5465, at para. 82). The Panel recognizes that the aforementioned CAS jurisprudence applied Swiss law which is inapplicable in the present case. Nevertheless, the Panel notes that Florida law applies the same general principle regarding the burden of proof – the party who alleges a fact bears the burden of proving it.

98. Secondly, the Panel found that there was no deviation from the applicable regulations concerning the notification of charges to the athlete under the ITIA. Rule F.8 clearly provides that individuals subject to the regulations are responsible for maintaining up-to-date contact information:

> "*Each Covered Person shall be determined to be immediately contactable at their current . . . personal email address. A Notice or communication sent to any . . . email address . . . provided by the Covered Person to a Governing Body or directly to the ITIA shall be deemed to have been sent to the Covered Person's current address or mobile phone number. In each case it is the responsibility of the Covered Person to ensure that the relevant Governing Body has been provided with the necessary up to date contact details. Any Notice or other communication delivered hereunder to a Covered Person shall be deemed to have been received by the Covered Person . . . in the case of a . . . personal email address, at the time the relevant communication was sent*" (emphasis added by the Panel).

99. In this case, the Appellant had duly registered two email addresses through which the ITIA could reach her: [redacted] and [redacted]. It was her responsibility to monitor communications sent to those addresses, including her spam folder, as per Rule F.8.

100. Thirdly, the Panel finds it irrelevant whether other sport governing bodies, such as FIFA and UEFA, use other methods of legal communication. The Respondent has implemented its own system of email notifications – generally recognised as a valid means of communication and, at one point or another, even used by the aforementioned sport governing bodies – which the Appellant accepted by agreeing to be bound by the TACP and, in turn, Section F.8. She further confirmed this method of communication by providing – each year when she registered for her IPIN – her email address to be contacted in accordance with Section F.8.

101. In any case, as stated above, the Panel finds that the *de novo* status of the CAS proceeding remedies the alleged procedural deficiency claimed by the Appellant regarding notification. In fact, it is undisputed that the Appellant has been properly notified of the present CAS proceedings as proven by the fact that she has pleaded her case both in writing and orally at the hearing and replied to the numerous CAS communications sent to her in the course of this arbitration proceeding (see Section VI – Summary of Proceedings before the CAS).

102. To conclude, the Panel holds that the Appellant's right to be heard has been fully respected and that no procedural violations occurred during the investigation conducted by the ITIA. In any event, even if such violations had occurred, they would have been remedied by the *de novo* review exercised by this Panel.

B. Standard of proof

103. According to Section G.3.a. of TACP, the ITIA must prove the commission of a "Corruption Offense" by a preponderance of the evidence. The relevant rule provides: "…*The ITIA (which may be represented by legal counsel at the Hearing) shall have the burden of establishing that a Corruption Offense has been committed. The standard of proof shall be whether the ITIA has established the commission of the alleged Corruption Offense by a preponderance of the evidence*."

104. This standard is met if the proposition that the Appellant engaged in 12 Corruption Offenses in violation of Section D of the TACP "*more likely than not*", with the threshold of probative sufficiency being reached when it is shown that it is more likely that an event has occurred than the opposite (i.e. that it has not occurred). Pursuant to consistent CAS jurisprudence, this threshold "*means, in percentage terms, that it is satisfied that there is a 51% chance of it having occurred. The Player thus only needs to show that one specific way of ingestion is marginally more likely than not to have occurred*" (*Ex multis*: CAS 2018/A/5583 and CAS 2011/A/2490). The Appellant does not challenge the standard of proof or its meaning.

C. Violation of arts. Sections D.1.b, D.1.d, D.1.f, and D.2.a.i of the 2017 and 2018 versions of the TACP

105. Pursuant to Section D of the TACP:

> "*Commission of any offense set forth in Sections D, E or F of this Program or any other violation of the provisions of this Program shall constitute a Corruption Offense for all purposes of this Program.*
>
> *1. Corruption Offenses.*
>
> *(…_*
>
> *b. No Covered Person shall, directly or indirectly, solicit or facilitate any other person to wager on the outcome or any other aspect of any Event or any other tennis competition. . . .*
>
> *(…)*
>
> *d. No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event.*
>
> *(…)*
>
> *f. No Covered Person shall, directly or indirectly, solicit or accept any money, benefit or Consideration with the intention of negatively influencing a Player's best efforts in any Event*".

106. Section D.2 of the TACP also imposes reporting obligations on players. This rule provides as follows:

"*2. Reporting Obligation.*

a. Players.

i. In the event any Player is approached by any person who offers or provides any type of money, benefit or Consideration to a Player to (i) influence the outcome or any other aspect of any Event, or (ii) provide Inside Information, it shall be the Player's obligation to report such incident to the TIU as soon as possible.

(...)

c. For the avoidance of doubt, a failure by any Covered Person to comply with (i) the reporting obligations set out in Section D.2; and/or (ii) the duty to cooperate under Section F.2 shall constitute a Corruption Offense for all purposes of the Program".

107. Section C.2 of the TACP requires that players become familiar with the provisions thereof:

"*It is the responsibility of each Player ... to acquaint himself or herself with all of the provisions of this Program*".

108. The Panel found, by a preponderance of the evidence, that the Appellant committed the following infringements:

- In Match 1, on [redacted] November 2017, the Appellant contrived aspects of, accepted money to use less than her best efforts during and facilitated wagering on her singles match against [redacted] in breach of Sections D.1.b, D.1.d, and D.1.f of the 2017 and 2018 Tennis Anti-Corruption Programs.

- In Match 2, on [redacted] December 2017, the Appellant contrived aspects of, accepted money to use less than her best efforts during and facilitated wagering on her doubles match partnering Sofia Luini against [redacted] in [redacted] in breach of Sections D.1.b, D.1.d, and D.1.f of the 2017 and 2018 Tennis Anti-Corruption Programs.

- In Match 3, on [redacted] May 2018, the Appellant contrived aspects of, accepted money to use less than her best efforts during, and facilitated wagering on her doubles match partnering Sofia Luini against [redacted] in [redacted] in breach of Articles Sections D.1.b, D.1.d, and D.1.f of the 2017 and 2018 Tennis Anti-Corruption Programs.

- The Appellant failed to report the corrupt approach from Mr. Rivera that led to her fixing Matches 1, 2 and 3 in breach of Section D.2.a.i of the 2017 and 2018 Tennis Anti-Corruption Programs.

109. In reaching its determination, the Panel relied on the following evidence:

- On [redacted] November 2017, Mr. Sargsyan texted Mr. Rivera via WhatsApp an offer to pay the Appellant the amount of $1,200 to lose her [redacted] break of [redacted] set of Match 1. This evidence was taken from Belgian police when they seized Mr. Sargsyan's phones and found a screenshot containing betting information for the Appellant's match against [redacted] (Document N°16 submitted by the Respondent). Moreover, the scorecard from the referees of that tournament showed that the Appellant lost her [redacted] service game in the [redacted] and [redacted] sets of that same match as instructed in the texts exchanged between Grigor Sargsyan and Sebastian Rivera. (Document N°17 submitted by the Respondent)

- On [redacted] December 2017, Mr. Sargsyan sent a WhatsApp message to Mr. Sebastian Rivera, offering to pay the Appellant and her doubles partner, Sofia Luini, $2,000 to lose the first set of Match 2 at a score of [redacted]. Screenshots of that conversation (Document N°16 submitted by the Respondent) showed that Mr. Rivera responded to Mr. Sargsyan that Ms. Luini was asking her partner if the offered fix could be completed. The match's scorecard (Document N°19 submitted by the Respondent) confirms that the Appellant and Ms. Luini then lost the [redacted] set at [redacted], with both players served multiple double faults during the [redacted] set. Further, on [redacted] December 2017, as evident from the record of WhatsApp messages presented by the Respondent, Mr. Rivera instructed Mr. Sargsyan to send the Appellant's compensation from contriving Match 2 to [redacted]. [redacted], and to send Ms. Luini's compensation to [redacted]. [redacted] is a known acquaintance of the Appellant. The Appellant has denied knowing [redacted] and that she was only a Facebook contact; however, the ITIA has presented as evidence a photograph in which both appear to have a more than friendly relationship and the Appellant has failed to provide any explanation for this.

- On [redacted] May 2018, Mr. Rivera informed Mr. Sargsyan that the Appellant's doubles partner, Ms. Luini, fixed Match 3. Again, proof extracted from the phone of Mr. Sargsyan, showed he responded to the Appellant and Ms. Luini with several offers, including paying $2,500 to lose the [redacted]t set of the match at a score of [redacted]. Grigor Sargsyan and Sebastian Rivera confirmed that this would be the agreed-upon fix, and Sebastian Rivera confirmed that he expected the offer to be conveyed to the Appellant (Document N°16 submitted by the Respondent). A copy of the scorecard of Match 3 confirms that, in accordance with the agreed-upon fix, the Appellant and Ms. Luini lost the [redacted] set of their match [redacted] (Document N°20 submitted by the Respondent). Then, as evident from the record of WhatsApp messages presented by the Respondent, on 23 May 2018, Mr. Rivera instructed Mr. Sargsyan to send Ms. Luini's part of the money to [redacted], and two days later, there are text messages between MR. Sargsyan and Mr. Rivera regarding Ms. Luini's compensation, and four days after the conclusion of Match 3, a known associate of Mr. Sargsyan named [redacted] sent [redacted] a MoneyGram transfer of $1,800, which was submitted to the record.

- As evident from the record of WhatsApp messages presented by the Respondent the Appellant was approached by Mr. Rivera with corrupt intentions. Nevertheless, the Appellant has not advanced any proof that she reported these approaches as was her obligation to do under Article D.2.a.i of the TACP.

110. The Panel considers that the Appellant's defense to the above was vague and generic. She failed to provide any detailed arguments or credible evidence to rebut the serious allegations of match-fixing. Instead, her strategy relied almost entirely on blanket denials, which were not convincing considering the aforementioned evidence presented by the Respondent. Moreover, the Appellant's defence was inconsistent, most notably, the aforementioned inconsistency of her relationship with [redacted].

111. Given the applicable standard of proof – preponderance of the evidence – the Panel finds that it is more likely than not that the Appellant engaged in the conduct alleged. The evidence presented against her was coherent, persuasive, and went largely uncontested in any meaningful way. Her failure to provide a plausible alternative explanation or any substantive rebuttal leaves the Panel with no reasonable doubt as to her involvement.

D. Applicable sanctions

112. It is standing, well-recognized CAS jurisprudence that whenever an association uses its discretion to take a decision, CAS shows reservation or restraint when "re-assessing" this decision (CAS 2012/A/2824, at para. 127; CAS 2012/A/2702, at para. 160; CAS 2012/A/2762, at para. 122; CAS 2009/A/1817 & 1844, at para. 174; CAS 2007/A/1217, at para. 12.4.). Furthermore, based on long-standing CAS jurisprudence, CAS shall only interfere in the exercise of this discretion of the previous instance where the sanction imposed is "evidently and grossly disproportionate to the offence" or where CAS comes to a different conclusion on the merits of the case than did the previous instance (CAS 2009/A/1817 & 1844, at para. 174, with references to further CAS case law; CAS 2012/A/2762, at para. 122; CAS 2013/A/3256 at paras. 572-572; CAS 2016/A/4643 at para. 100).

113. Pursuant to well-established CAS jurisprudence, match-fixing constitutes the most egregious form of cheating in tennis and other sports because it strikes at the very core of sporting integrity. The principle of fairness and unpredictability of results is fundamental to the credibility of the sport. Match-fixing not only undermines this principle but also erodes public confidence and damages the reputation of the sport. Accordingly, severe sanctions are not only justified but necessary to serve as deterrents. They reaffirm the sport's commitment to integrity and demonstrate zero tolerance for conduct that compromises the legitimacy of competition.

114. With this in mind, the Panel observed that the Appellant committed 12 serious offenses of the TACP for match-fixing in 2017 and 2018. These were not isolated incidents but rather part of a sustained course of misconduct that demonstrated a conscious disregard for the TAP and rules against match-fixing.

115. The Parties agree that the Panel in exercising its discretion when determining the appropriate sanction shall be guided by the Guidelines. The purpose of these Guidelines is:

> *"to provide a framework to support fairness and consistency in sanctioning across sport. The Guidelines are not binding […] but set out principles and various indicators and factors […] appropriate to take into account in [the] decision making. [The adjudicators] retain full discretion in relation to the sanctions to be imposed in accordance with the TACP and may apply or depart from the guidelines in accordance with the circumstances of the case ".*

116. As presented in the AHO Decision, the Appellant's liability for the 12 Corruption Offenses, was classified as a B2 offender under the ITIA Guidelines . and on this basis imposed sanctions of a period of ineligibility from participation in sanctioned tennis events of three years and a fine of USD 15,000.

117. The Panel observes that the ITIA Guidelines call for a "starting point" or minimum sanction of three (3) years plus a fine for such an offender. This is the exact sanction imposed by the AHO. The sanction not only falls squarely within the range set in the ITIA Guidelines but is far below the maximum sanction allowable, i.e. a lifetime bans and USD 250,000 fine. The Panel thus found that the sanction imposed on the Appellant is fair and proportionate to the offence committed.

118. The Panel finds that the imposed sanction (i.e., a three-year period of ineligibility and a USD 15,000 fine), it is not grossly and evidently disproportionate to the offences committed so as to warrant a reduction. This assessment is based on the severity of the offense for which the Appellant has been accused, as well as the maximum penalty stipulated in the applicable regulations as follows:

- 1. Section H.1.a of the 2017 TACP provides that *"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 for participation in any event organized or sanctioned by any Governing Body for a period of up to three years, and (iii) with respect to any violation of Section D.1 clauses (d)-(j) and Section D.2., ineligibility for participation in any event organized or sanctioned by any Governing Body for a maximum period of permanent ineligibility".*

- The Appellant has not disputed that the Panel, in exercising its discretion, when determining the appropriate sanction shall be guided by the ITIA Guidelines. The purpose of these guidelines are: *"to provide a framework to support fairness and consistency in sanctioning across sport. The guidelines are not binding […] but set out principles and various indicators and factors […] appropriate to take into account [the] decision making. [The adjudicators] retain full discretion in relation to the sanctions to be imposed in accordance with the TACP and may apply or depart from the guidelines in accordance with the circumstances of the case".*

- With respect to the period of ineligibility, the ITIA Guidelines provide, in principle, for a three-step-approach:

"*(i) first, the Panel shall determine the offense category and assess the culpability and the impact on the sport. The level of culpability is determined by weighing up all the factors of the case.*

(ii) second, having determined the category in step one, the Panel may use the corresponding starting point to reach the sanction within the category range.

(iii) third, once the Panel has determined the starting point within the category range, it may then consider any adjustment from the starting point for any aggravating or mitigating factors.

119. Having carefully considered all of these factors carefully, the Panel concludes that the Appellant's offenses fall within Category B (Medium culpability) Category 2 of the guidelines.

120. The Panel observes that the ITIA Guidelines prescribe a "starting point" or minimum sanction of three (3) years plus a fine for such an offender – precisely the sanction imposed by the AHO.

121. Moreover, Section H.1.a of the 2017 TACP permits the imposition of a financial penalty of up to USD 250,000. In this context, the Guidelines offer direction on how to assess and appropriate fine based on the specific circumstances of the case.

122. Accordingly, the Panel finds that the imposed sanction – a three-year period of ineligibility and a fine of USD 15,000 - is not disproportionate to the offenses committed as to justify a reduction. This conclusion is based on the seriousness of the violations attributed to the Appellant and the maximum penalties set forth in the applicable regulations.

VIII. COSTS

123. In accordance with Articles R65.1 and 2 of the CAS Code, since the present appeal is against a disciplinary decision of an international sports-body, the proceeding is free of charge for the Parties, except for the Court Office Fee, which the Athlete already paid and shall be retained by the CAS

124. As for contribution towards legal fees and expenses, Article R63.5 of the CAS Code provides "[e]*ach party shall pay for the costs of its own witnesses, experts and interpreters. In the arbitral award and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and the outcome of the proceedings, as well as the conduct and financial resources of the parties".*

125. In exercising his discretion with regard to the legal fees and expenses, the Sole

Arbitrator decides as follows. Considering that the Appellant's appeal has been rejected in full, the Sole Arbitrator finds it fair and appropriate to hold that the Appellant shall pay to the Respondent an amount of CHF 2,000 as a contribution towards the latter's legal fees and other expenses incurred in connection with these proceedings.

126. All other and further motions or prayers for relief are dismissed.

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ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The appeal filed by Ms. Melina Ferrero against the decision issued by the Anti-Corruption Hearing Officer of the ITIA on 23 September 2024 is rejected.

2. The decision issued on by the Anti-Corruption Hearing Officer of the ITIA on 23 September 2024 is confirmed.

3. This award is pronounced without costs, except for the Court Office Fee of CHF 1,000 (one thousand Swiss Francs) paid by Ms. Melina Ferrero, which is retained by CAS.

4. Ms. Melina Fererro is ordered to pay CHF 2,000 as a contribution towards the expenses incurred by the ITIA in connection with the present arbitration.

5. All other or further requests or motions submitted by the Parties are dismissed.

Seat of arbitration: Lausanne, Switzerland
Date: 2 July 2025

THE COURT OF ARBITRATION FOR SPORT

Juan Pablo Arriagada Aljaro
President of the Panel

Gustavo Albano Abreu
Arbitrator

André Brantjes
Arbitrator