

IN THE MATTER OF CHARGES BROUGHT UNDER THE TENNIS ANTI-CORRUPTION PROGRAM
BEFORE ANTI-CORRUPTION HEARING OFFICER CHARLES HOLLANDER QC

PROFESSIONAL TENNIS INTEGRITY OFFICERS

and

ABIODUN OYEGOKE

and

BUKOLA POPOOLA

DECISION OF THE AHO

A. Introduction

1. On 1 June 2020 the Professional Tennis Integrity Officers (PTIOs) sent a Notice of Charge pursuant to Section G.1.a of the Tennis Anti-Corruption Program (TACP) to Ms Abiodun Oyegoke and Ms Bukola Popoola (the Players) informing them that they were being charged with breaches of the 2019 TACP (the Notice).
2. It is alleged that the Players conspired to contrive an aspect of Ms Oyegoke's match against ██████████ on ████████ October 2019 in the singles qualifying draw of the ██████████ tournament in ████████ Nigeria (the Match). It is alleged that Ms Popoola asked ██████████ to lose the ████████ set of the Match, which is alleged to have been at the request of Ms Oyegoke.
3. Ms Oyegoke is charged with the following offences:
 - a. In breach of Section D.1.e: indirectly soliciting and/or conspiring with Ms Popoola to solicit ██████████ not to use her best efforts in the Match;
 - b. In breach of Section D.1.k: indirectly soliciting and/or conspiring with Ms Popoola to solicit ██████████ to contrive an aspect of the Match.
4. Ms Popoola is charged with the following offences:
 - a. In breach of Section D.1.e: soliciting and/or conspiring with Ms Oyegoke to solicit ██████████ not to use her best efforts in the Match;
 - b. In breach of Section D.1.k: soliciting and/or conspiring with Ms Oyegoke to solicit ██████████ to contrive an aspect of the Match;
 - c. In breach of Section D.1.c: soliciting and/or conspiring to solicit accreditation for the purpose of facilitating the commission of a Corruption Offense (as set out above) and/or which led to the commission of a Corruption Offense.

B. TACP Provisions

5. The following are the material provisions of the TACP:

C.1: "All Players, Related Persons, and Tournament Support Personnel shall be bound by and shall comply with all of the provisions of this Program and shall be deemed to accept all terms set out herein as well as the Tennis Integrity Unit Privacy Policy which can be found at www.tennisintegrityunit.com."

D.1.c: “No Covered Person shall, directly or indirectly, solicit, accept, or conspire to solicit or accept any money, benefit or Consideration for the provision of an accreditation to an Event (i) for the purpose of facilitating a commission of a Corruption Offense; or (ii) which leads, directly or indirectly, to the commission of a Corruption Offense.”

D.1.e: “No Covered Person shall, directly or indirectly, solicit or facilitate or conspire to solicit or facilitate any Player to not use his or her best efforts in any Event.”

D.1.k: “No Covered Person shall, directly or indirectly, solicit, accept, or conspire to solicit or accept any money, benefit or Consideration, for the provision of any Inside Information.”

G.3.a: “The PTIO... shall have the burden of establishing that a Corruption Offense has been committed. The standard of proof shall be whether the PTIO has established the commission of the alleged Corruption Offense by a preponderance of the evidence.”

H.1: “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:

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 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...

b. With respect to any Related Person or Tournament Support Person, (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 not less than one year, and (iii) with respect to any violation of clauses (c)-(l) of Section D.1, ineligibility from Participation in any Sanctioned Events for a maximum period of permanent ineligibility.

c. No Player who has been declared ineligible may, during the period of ineligibility, participate in any capacity in any Event (other than authorized anti-gambling or anticorruption education or rehabilitation programs) organized or sanctioned by any Governing Body. Without limiting the generality of the foregoing, such Player shall not be given accreditation for, or otherwise granted access to, any competition or event to which access is controlled by any Governing Body, nor shall the Player be credited with any points for any competition played during the period of ineligibility.”

C. Jurisdiction to hear the charges

6. Ms Oyegoke first registered for an ITF IPIN in 2002. On 29 September 2019 Ms Oyegoke signed the online Player Welfare Statement when registering for the ITF IPIN, by which she agreed to be bound by the TACP.
7. Ms Popoola obtained accreditation to the [REDACTED] tournament by signing in as the coach of another player, [REDACTED] [REDACTED] [REDACTED] was not in fact playing in the tournament and Ms Popoola was not her coach. However, by virtue of signing for accreditation as a coach Ms Popoola attended the [REDACTED] tournament in the capacity of coach.
8. Section B.6 defines "Covered Person" to include a "Related Person"; "Related Person" is defined in Section B.22 to include "any coach...". Section C.1 provides that as a coach and Covered Person, Ms Popoola is bound by the TACP.

D. The allegation of approach to [REDACTED]

9. On [REDACTED] October 2019 the TIU received an email from the tournament supervisor of the [REDACTED] tournament, stating that [REDACTED] had reported that she had been approached by Ms Popoola and asked to lose the [REDACTED] set of the Match which she was due to play against Ms Oyegoke that day.
10. [REDACTED] explained in her evidence that the approach was made by Ms Popoola early in the morning on [REDACTED] October 2019 and was made in a mix of Yoruba and English. She sets out the language used and what [REDACTED] understood it to mean. In particular, [REDACTED] understood Ms Popoola to be saying, "We want you to deliberately lose the [REDACTED] set" of the Match and that this something wanted by herself and Ms Oyegoke because "we want to play something online", referring to betting online. She was aware that Ms Popoola and Ms Oyegoke were friends. [REDACTED] [REDACTED] [REDACTED] confirmed that this is an accurate understanding of the Yoruba language used, including that the Yoruba words for "play online" are commonly understood to refer to betting online.
11. [REDACTED] explained that after receiving the corrupt approach and before commencing the Match (which [REDACTED] won [REDACTED] [REDACTED] went to the referees' office to report the approach. [REDACTED] spoke first to [REDACTED] (an [REDACTED] who then asked her to explain what had happened to [REDACTED] [REDACTED] the tournament supervisor. [REDACTED] and [REDACTED] explained that [REDACTED] reported that Ms Popoola had approached her that morning and asked her to lose the [REDACTED] set of her match against Ms Oyegoke because Ms Popoola and Ms Oyegoke wanted to do some betting.
12. [REDACTED] emailed the TIU shortly after speaking to [REDACTED] and later on [REDACTED] October 2019 prepared a more detailed report for the TIU. The reports confirm that [REDACTED] promptly reported the approach made by Ms Popoola. On [REDACTED] October 2019 [REDACTED] also spoke to [REDACTED] to explain what had taken place. [REDACTED] provided a written report for the TIU by email on 15 October 2019 and gave evidence before me.
13. There was evidence of a phone call between Ms Popoola and Ms Oyegoke on the morning of [REDACTED] October. There is further evidence of a call between them on 15 October shortly before Ms Popoola's interview on that day with TIU.

14. On █ October 2019 Ms Popoola was spoken to by █ █ and █. As they explained, Ms Popoola:
 - a. promptly admitted that she had asked █ to lose the █ set;
 - b. initially said that she had been asked to approach █ by █ (whom she said was █), before stating that it was Ms Oyegoke who had asked her to make the approach;
 - c. denied having in fact placed any bets on the Match.

15. On █ October 2019 Ms Oyegoke was interviewed by the TIU. Ms Oyegoke provided an inconsistent account of her relationship with Ms Popoola and of the approach:
 - a. Ms Oyegoke initially said that (i) she did not know Ms Popoola and was only aware that she is from Ibadan, and (ii) she had not seen Ms Popoola on █ October 2019 and did not know about a call with her that morning. However, later in the interview, Ms Oyegoke admitted that she had in fact spoken to Ms Popoola on the telephone that morning;
 - b. Ms Oyegoke at one point stated that Ms Popoola had told her on the telephone that morning that she was going to call █ and ask her to lose the █ set in the match against Ms Oyegoke. However, a few minutes later, Ms Oyegoke said that Ms Popoola did not say why she wanted to call █
 - c. Ms Oyegoke's only explanation for why Ms Popoola would say that Ms Oyegoke had asked her to approach █ was that, "Bukola wants to destroy me". No reason for this comment was provided.

16. On 15 October 2019 Ms Popoola was interviewed by the TIU. Ms Popoola:
 - a. admitted that she spoke to █ at the tournament site early on █ October 2019 and stated that she asked █ "to help out" Ms Oyegoke "as a favour";
 - b. initially denied asking █ to lose the █ set or to lose points, but later admitted she asked █ to lose a few games;
 - c. admitted that she had spoken to Ms Oyegoke early on █ October 2019. However, contrary to her admission to the tournament staff █ (i.e. that Ms Oyegoke had asked her to ask █ to lose a set), she told the TIU that she said to Ms Oyegoke that she would lose █ but that that was all they discussed regarding the Match;
 - d. confirmed that she and Ms Oyegoke spoke "maybe, three times" on █ October 2019, including having a conversation after Ms Oyegoke was questioned by the TIU about the approach; and
 - e. confirmed that she obtained accreditation by pretending to be █ coach.

17. Before me, Ms Popoola's evidence was that she did not ask █ to fix the match and that she did not tell the truth to the investigators because she was scared. She did not challenge the evidence of the investigators as to what she had said to them. She said that all she said to █ was to wish her good luck, and she hoped both she and Ms Oyegoke would do well because █. She said █ must have misunderstood.

18. Ms Oyegoke's evidence was that she had no conversation with Ms Popoola about fixing the match with [REDACTED]. She appeared to equivocate as to whether she had had any conversations at all with Ms Popoola on [REDACTED] or [REDACTED] October, at one stage denying then admitting at least the conversation on [REDACTED] October.

E. Discussion

19. It is not in dispute that Ms Popoola spoke to [REDACTED] on the morning of the Match. I accept [REDACTED] evidence as to what was said, namely that Ms Popoola said that on behalf of herself and Ms Oyegoke she asked her to lose the [REDACTED] set because they wanted to bet on the match.

20. [REDACTED] then reported the approach in these terms and Ms Popoola was interviewed on [REDACTED] October. At this stage Ms Popoola's version of events was pretty well the same as that of [REDACTED]. She admitted that she asked [REDACTED] to lose the [REDACTED] set (consistent with [REDACTED] report) after being asked to do so by Ms Oyegoke. As [REDACTED] reported:

"[REDACTED] [REDACTED] ([REDACTED] has just informed me that she was approached this morning by one Bukola Popoola to lose the [REDACTED] set (Bukola alleged she was sent by [REDACTED] opponent Abiodun Oyegoke (NGR). .."

21. Also on [REDACTED] October Ms Oyegoke was interviewed by the TIU. Although what she said about Ms Popoola was inconsistent, with a series of inconsistent denials at various stages, she admitted speaking to Ms Popoola that morning and said that Ms Popoola had told her that she wanted to speak to [REDACTED] to ask her to lose the [REDACTED] set. At interview she said she told Ms Popoola not to.

22. Before Ms Popoola was interviewed by the TIU on 15 October, the phone call between Ms Popoola and Ms Oyegoke took place.

23. Shortly thereafter on 15 October 2019 Ms Popoola told the TIU that she did not ask [REDACTED] to lose a set but only mentioned losing a few games so the score would look better for Ms Oyegoke. Now she told the TIU that Ms Oyegoke had nothing to do with it and this was her own idea.

24. Ms Popoola obtained accreditation to the [REDACTED] tournament by signing in as the coach of another player, [REDACTED] Akeniyi. [REDACTED] was not in fact playing in the tournament and Ms Popoola was not present at the tournament as her coach. When asked about the accreditation, Ms Popoola informed [REDACTED] that she pretended to be [REDACTED] coach in order to gain access to all parts of the club where the tournament was taking place. Ms Popoola also explained that [REDACTED] had agreed to allow Ms Popoola to pretend that she was her coach to help Ms Popoola out. In the circumstances Ms Popoola solicited the provision of accreditation for the purpose of facilitating the offences described above and/or which led to the commission of the offences described above, in breach of Section D.1.c.

F. The position of the Players

25. It has been difficult to persuade the Players to engage with the disciplinary process. Despite extensive correspondence and oft-repeated suggestions from me that they would do well to

take advice on their position, they have ignored all deadlines set by me and entirely failed to put in witness statements or submissions, and have confined themselves to occasional short emails denying the charges. Thus Ms Popoola:

"Good day sir. The only evidence I have with me is about the accreditation card which was a very big mistake I made. To follow a player and stand as a coach and the player wasn't part of the tournament. According to Oyegoke Abiodun's comment recorded from the PTIO she said I want to destroy her career which is not so. According to ██████████ comment recorded she said Abiodun sent me to her to leave a set for her with is not so. That very morning I saw ██████████ passing by I called to greet her because it has been over a year we saw each other. We never have issue or any agreement together, what I asked her that morning was that I heard you and Abiodun are playing that day and she said yes. I told her to help her out, and she told me she can't do such that all see is on her and She left and come back again and ask if Oyegoke Abiodun is into anything, I said no. My own thinking was that at home they won't be making jest of Oyegoke Abiodun if she was given love. Not knowing that it is an offence for me to call a player and talk. The reason why I did that was that we are all from the same state, I can never go and talk to another player from different state. " (email 25 November 2020)

"Good day Sir. Concerning this issue on ground, I never ask ██████████ to leave game for Abiodun and I don't know anything about betting. ██████████ her self knows she is no more in her senses because of what happened to her with her sponsor that duped her and asked her not to play the last CBN. Since then she has not been her self, having issues with ██████████ state sport council for not showing up, keeping things to her self, walking alone. Till I saw her in ██████████ and I wish her well in her game, she went ahead to report that I ask her to leave game for Abiodun. " (email 28 September)

"Good day sir. Please concerning the notice of charge I did not ask ██████████ to lose for Oyegoke. When I heard that ██████████ is playing oyegoke the next day, that morning I saw her passing by and I wish her well in her game. ██████████ won the match that day, there is no way she won't beat Oyegoke because ██████████ and that is not the 1st time of them playing together. I never for once in my life play bet, I don't know what came over her and went to report me that I ask her to lose for Oyegoke. Oyegoke never discuss anything to me about the game, she heard that she is meeting ██████████ and she reply that she will try and make sure she play hard so that at home they won't think she is afraid of her or just play any how and leave the court. Please sir I want ██████████ to provide the evidence. " (email 14 August)

26. And Ms Oyegoke (email 16 August):

"My name is Ms OYEGOKE Abiodun a professional player in Oyo state, Nigeria. Regarding the alleged misconduct during the last ██████████ tournament in ██████████ Nigeria, i will like to make myself clear of these facts.

- 1. On no account have I asked or send Ms Popoola to ██████████ ██████████ for match fixing/negotiation being fully aware of the consequences of such as a professional tennis player.*
- 2. I don't ever do betting in my life as it is even against rules and regulations of Tennis.*
- 3. I played my best during the game though it ended ██████████ I knew my shortcomings, my flaws during the game and have been training to meet up in the nearest future tournaments.*
- 4. All the allegations against me is not true. I am fully aware of the penalty involved, so why would I do something that I know it will affect my career in future?*

5. On this account I am confirming to you that I knew nothing about this allegation and I will never do anything against the rules and regulations guiding the game.”

27. In the end, I set a date for an oral hearing. Mr Popoola attended the hearing. She did not have with her the bundle of documents provided to her, so when witnesses gave evidence in accordance with their witness statements, I summarised their evidence for her so she could ask any questions she wished by way of cross-examination. Although she had ignored my directions as to provision of a witness statement, or submissions, I permitted her to give her own evidence and she was cross-examined by counsel for the PTIOs.
28. Ms Oyegoke did not appear for the first part of the oral hearing, but eventually turned up. She said she had not read the bundle of documents and statements which had been provided to her, and she had not provided a witness statement or submissions. Again, I permitted her despite this to give evidence and again she was cross-examined by counsel for the PTIOs. Both defendants appeared to be attending from public places similar to internet cafes which made the logistics of the hearing challenging.
29. Ms Kendrah Potts and Mr William Harman represented the PTIOs. I am grateful for their assistance.
30. Thus I heard evidence from [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] and Mr Simon Cowell as well as from both of the Players.

G. The Charges

31. Having considered the evidence put forward by the PTIOs, and considered the responses from the Players I am satisfied to the requisite standard of proof (a preponderance of the evidence) that each of the charges are proved. I base those findings on:
 - a. The evidence of [REDACTED] who reported the approach promptly that Ms Popoola asked her on behalf of herself and Ms Oyegoke to lose the [REDACTED] set so they could do some betting and Ms Popoola initial admission that she had done this at the request of Ms Oyegoke. I accept [REDACTED] evidence.
 - b. The initial version of events provided by Ms Popoola to the officials, which was consistent with [REDACTED] version.
 - c. The responses of Ms Oyegoke when asked about this in interview with TIU, which contained many obvious untruths at various stages, but admitted a conversation with Ms Popoola on [REDACTED] October at which the idea of asking [REDACTED] to lose the [REDACTED] set was discussed.
 - d. The phone conversation between Ms Popoola and Ms Oyegoke on 15 October.
 - e. Ms Popoola’s complete change of story at her interview with the TIU shortly after her call with Ms Oyegoke on 15 October, during which she denied a discussion about the match with Ms Oyegoke. It can fairly be inferred that Ms Popoola changed her story to shift blame from Ms Oyegoke after they had discussed it.

f. The evidence each Player gave to me was neither consistent nor believable. It was not consistent with anything either had said previously nor coherent. I do not consider the evidence of either was honest.

32. I also find the accreditation charge (in which there does not seem really to be a dispute) proved.

H. Sanctions

33. Section H.1 provides that the range of sanctions that may be imposed for breaches of Sections D.1.c, D.1.e and D.1.k is a fine of up to \$250,000 and a period of ineligibility up to a maximum period of permanent ineligibility.

34. The CAS Panel in *Kollerer v ATP (CAS 2011/A/2490)* noted (at [123]) that

“the sport of tennis is extremely vulnerable to corruption as a match-fixer only needs to corrupt one player (rather than a full team). It is therefore imperative that, once a Player gets caught, the Governing Bodies send out a clear signal to the entire tennis community that such actions are not tolerated. The Panel agrees that any sanction shorter than a lifetime ban would not have the deterrent effect that is required to make players aware that it is simply not worth the risk.”

35. Breaches of the TACP that involve persuading, or seeking to persuade, a player to fix the outcome or an aspect of a match (which includes breaches of Sections D.1.e and D.1.k) are considered to be the most serious offences under the TACP. As the CAS panel noted in *Savic* (at paragraph 8.33),

“Match fixing is the most serious corruption offence in tennis and a threat to the integrity of professional sport.”

36. Any effort by a Covered Person to persuade other participants in the sport to engage in such activities is particularly serious given that it not only increases the threat to the integrity of tennis but also puts unfair pressure on third parties. Consequently, lifetime bans have been imposed in the majority of cases under the TACP in which the Covered Person sought to corrupt a third party.

37. As the AHO in *Carpen* noted, lifetime bans have also been upheld in corrupt approach cases by CAS in *Kollerer* and *Savic*, and, more recently, *Jakupovic v PTIOs (CAS 2016/A/4388)*. In *Kollerer* and *Jakupovic*, the Panels stated that any sanction less than a lifetime ban would not be a sufficient deterrent (*Kollerer* at [123], and *Jakupovic* at [99]). In *Jakupovic*, the Panel further stated,

“It is therefore essential in the Panel’s view for sporting regulators to demonstrate zero-tolerance against all kinds of corruption and to impose sanctions sufficient to serve as an effective deterrent to people who might otherwise be tempted through greed or fear to consider involvement in such activities” (at [96]).

38. I do not have any reason to distinguish the position of Ms Popoola from that of Ms Oyegoke. The former made the approach but I find that this was after they had discussed the approach together. I find that they agreed on the corrupt approach and are both responsible.
39. In my view attempted match fixing is an extremely serious offence and in any normal case, only a life ban will be appropriate. In the present case I am not aware of any mitigation and the Players have not sought either to accept the charges or offer any mitigation.
40. What is important is that neither Player sought to deal with what had happened honestly, but sought to cover up what had occurred by a series of inconsistent and dishonest denials. If either player was allowed back on the circuit, I would be concerned that the conduct would be repeated. I thus impose life bans on each Player.
41. The accreditation charge against Ms Popoola is much less serious and, in the light of my conclusion on the match fixing charge, I do not propose to impose any additional penalty.

H. Decision

42. I therefore find as follows:
 - a. Ms Popoola and Ms Oyekoke have committed each of the charges.
 - b. By way of sanction Ms Popoola and Ms Oyekoke for breaches of charges D.1.e and D.1.k will be subject to a lifetime ban in relation to any event organised or sanctioned by any Governing Body.
 - c. I do not impose any separate penalty on Ms Popoola for breach of D.1.c.

Under Section 1 this Decision may be appealed to CAS by the parties in this proceeding within a period of twenty business days from the date of receipt of the Decision by the appealing party.

London, England

CHARLES HOLLANDER QC
Anti-Corruption Hearing Officer
10.3.21