

**IN THE MATTER OF THE TENNIS ANTI-CORRUPTION PROGRAM (“TACP”)**  
**BEFORE ANTI-CORRUPTION HEARING OFFICER (“AHO”) JANE MULCAHY QC**  
**BETWEEN:**

**INTERNATIONAL TENNIS INTEGRITY AGENCY (“ITIA”)**

**-and-**

**(1) MAJD AFFI**  
**(2) MOHAMED GHASSEN SNENE**  
**(3) ABDERAHIM GHARSALLAH**

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**DECISION ON LIABILITY AND SANCTION**

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**Introduction**

1. I am appointed AHO in these proceedings which were commenced by Notices of Major Offense dated 15 October 2021 (“**the Notices**”) to each of the Covered Persons (collectively “**the Umpires**”, individually Mr Affi, Mr Snene and Mr Gharsallah).
2. The Umpires were said to have breached Sections D.1.b<sup>1</sup> and D.1.d<sup>2</sup> of various TACPs, most notably that of 2020. Mr Affi was also charged with breaching sections D.2.c<sup>3</sup> and F.2.b<sup>4</sup> of the 2017 TACP.
3. In relation to each of the Umpires (all of them chair umpires in Tunisia):

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<sup>1</sup> “No Covered Person shall, directly or indirectly, facilitate any other person to wager on the outcome or any other aspect of any Event or any other tennis competition...”

<sup>2</sup> “No Covered Person shall, directly or indirectly, contrive the outcome, or any other aspect, of any Event.”

<sup>3</sup> “For the avoidance of doubt, (i) a failure of the Reporting Obligation by any Covered Person; and/or (ii) a failure of the duty to cooperate under Section F.2 shall constitute a Corruption Offense for all purposes of the Program.”

<sup>4</sup> “All Covered Persons must cooperate fully with investigations conducted by the TIU including giving evidence at hearings, if requested. No Covered Person shall tamper with or destroy any evidence or other information related to any Corruption Offense.”

- 3.1. Mr Affi was charged with 16 alleged breaches of the 2016, 2017 and 2020 TACPs<sup>5</sup>.
- 3.2. Mr Snene was charged with seven alleged breaches of the 2020 TACP<sup>6</sup>.
- 3.3. Mr Gharsallah was charged with five alleged breaches of the 2017 and 2020 TACPs<sup>7</sup>.
4. Each of the Umpires denied being liable for any of the charges brought against them.
5. Following an application by the ITIA dated 16 October 2021, and a conference call on 19 November 2021, I ordered by way of an email dated 30 November 2021 that the proceedings against the Umpires be heard together for the fair and efficient management of the proceedings overall.
6. I made a formal order for directions dated 1 February 2022.
7. A hearing of the charges was held by video on Tuesday, 17 and Wednesday, 18 May 2022 (“**the Hearing**”). The ITIA was represented by Ross Brown of Onside Law. Mr Snene and Mr Gharsallah represented themselves. The ITIA provided translation from English to Arabic.
8. The ITIA called four witnesses: Helen Calton, ITIA investigator; [REDACTED] [REDACTED] of the [REDACTED] and [REDACTED] [REDACTED] and [REDACTED] [REDACTED] [REDACTED].
9. Mr Affi did not attend the hearing. The ITIA satisfied me that Mr Affi was well aware of the proceedings, had engaged at the outset and knew that the Hearing was taking place. It made its case against Mr Affi in his absence. I make my findings against Mr Affi below, based on the evidence before me.

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<sup>5</sup> Arising out of the same facts, 15 alleged breaches of D.1.b of the 2016 and 2020 TACPs, by soliciting or facilitating a third party to wager on the outcome of an Event, and 15 of D.1.d of the 2016 and 2020 TACPs, by contriving the outcome or an aspect of an Event, plus one alleged breach of D.2.c/F.2.b by failing to cooperate with an investigation (the latter dealt with at Appendix A of this decision, as provided to Mr Affi only).

<sup>6</sup> Arising out of the same facts, seven alleged breaches of D.1.b of the 2016 and 2020 TACPs, by soliciting or facilitating a third party to wager on the outcome of an Event, and seven of D.1.d of the 2016 and 2020 TACPs, by contriving the outcome or an aspect of an Event.

<sup>7</sup> Arising out of the same facts, five alleged breaches of D.1.b of the 2016 and 2020 TACPs, by soliciting or facilitating a third party to wager on the outcome of an Event, and five of D.1.d of the 2016 and 2020 TACPs, by contriving the outcome or an aspect of an Event.

### Legal issues

10. The Umpires took no point on jurisdiction. In any event, the TACP expressly applies to Tournament Support Personnel, including an “official”.
11. Under section G.3.d of the TACP 2021 (which governs these proceedings, as opposed to the various offences), the facts relating to a corruption offence may be established by any reliable means, as determined in the sole discretion of the AHO.
12. Section G.3.a of the TACP 2021 provides that the standard of proof for establishing the commission of an offence is “*a preponderance of the evidence*”. This is the equivalent of the English law balance of probabilities.

### The ITIA’s case

13. The ITIA was keen to draw together potential similarities in what it said was the methodology used by the Umpires to facilitate betting and/or to contrive a particular outcome on the gambling markets.
14. Essentially, the ITIA alleged that the Umpires and each of them had manipulated the output of their Handheld Electronic Scoring Devices (“**the Devices**”) across a sustained period of time in order to corrupt the sport of tennis for the financial gain of various individuals. The manipulation centred around the data input into the Devices which, said the ITIA, did not always reflect the actual points won by the players on the court.
15. For example, if an Umpire needed a particular game to go to █████ (to satisfy the interests of bettors), but that score did not arise from normal play, the Umpire would artificially input information to show a score of █████ even while calling the correct – and different – score. The aim was for the information input into the Device – which was automatically transmitted straight to the betting markets – to enable the gamblers to win even though the chosen score in a particular game was not achieved.

### The evidence relied on by the ITIA

16. To evidence the alleged manipulation the ITIA relied on the following:

- 16.1. Audio data automatically recorded on the Devices (available since around the end of 2018, according to Ms Calton). This allowed the ITIA to hear the points as they were called by the Umpire (as opposed to the data input into the Devices, below).
- 16.2. The point-by-point data showing each point that was entered by each Umpire into the Devices during the relevant match.
- 16.3. Information from the betting operators such at [REDACTED] or [REDACTED] plus organisations such as the International Betting Integrity Association (“IBIA”) and Sportradar AG, in respect of concerns about suspicious bets.
- 16.4. Evidence from lead investigator Ms Calton.
- 16.5. Evidence from [REDACTED] and [REDACTED] about the Umpires inputting the incorrect name into their Devices, and the working condition of the Devices in general.
- 16.6. Evidence from [REDACTED] a [REDACTED] team at [REDACTED].

#### The methodology

17. Ms Calton outlined the basic methodology alleged to be adopted by the Umpires as follows:
  - 17.1. The Umpires agreed a specific match to target with either each other or unknown third parties in the betting world.
  - 17.2. The relevant bets to be made were agreed before being placed by third parties shortly before the match/relevant point (through “in play” betting). There might be multiple agreed scores/bets per match.
  - 17.3. Sometimes an Umpire, aware that he was under suspicion and that his games had been removed from the betting markets as a result, entered the wrong name into the Device so that the betting companies would not be alerted as to his identity.
  - 17.4. Agreed bets would be placed within a short timescale.
  - 17.5. Crucially, the Umpires would audibly call the correct score while inputting a different – and pre-agreed – score into the Device.
  - 17.6. Those benefiting from the incorrect score would be successful while other innocent bettors would lose out.
  - 17.7. The implication was that the Umpires must somehow be paid for their actions – although no actual evidence of payment was discovered.

18. Ms Calton also relied on the Umpires being well known to each other (they accepted they were friends); all being Tunisian, and all having officiated at the same tournaments. On one occasion there was an accumulator bet which encompassed matches involving both Mr Affi and Mr Gharasallah.

19. Ms Calton chose in her evidence to illustrate the use of the alleged methodology by reference to one charge for each of the Umpires: charge 13 for Mr Affi, charge 5 for Mr Snene and charge 3 for Mr Gharsallah (see further below).

### **The defences of the Umpires**

20. As stated above, Mr Affi did not defend the charges at the hearing. Nor did he submit any substantive defence in writing.

### **Mr Gharsallah**

21. Mr Gharsallah submitted an email dated 9 May 2022. Among other things, this stated:

- 21.1. The Devices were old and at least two had cracked screens.
- 21.2. Sometimes circumstances dictated that a Device was prepared by someone else, and he could not check the umpire's name.
- 21.3. Points were input at unusual times because of the speed at which players played: only the maximum time period was specified, not the minimum.
- 21.4. Ms Calton's suggested methodology was just a theory: she had no material proof of any relationship between him and online gamblers.
- 21.5. There were no suspicious transactions in his bank account.
- 21.6. He had umpired 1,500 matches and mistakes could happen accidentally. He referenced videos which showed umpires making the wrong call on court.
- 21.7. He had not been able to contact other umpires because he was suspended<sup>8</sup>.
- 21.8. His reputation had been tarnished. He had never placed a bet and never helped anyone to bet. He had not made any "*intentional mistake*".

22. Mr Gharsallah also emphasised these points in his oral evidence.

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<sup>8</sup> I understand he was suspended by the ITF on 16 October 2020.

23. Following the Hearing, Mr Gharsallah asked for further information including the video recording of the Hearing. This was supplied and more time given for him to consider the video. Mr Gharsallah, by email dated 30 June 2022, stated he was not able to watch 10 hours of video because he was “back to work”. He also drew my attention to matters he said were inaccurate in the transcript of the Hearing.

#### Mr Snene

24. Mr Snene, like Mr Gharsallah, submitted an email dated 9 May 2022. He adopted some of the points made by Mr Gharsallah, using Mr Gharsallah’s wording, as Mr Snene said Mr Gharsallah’s English was better than his. (Mr Snene said he and Mr Gharsallah had spoken only once for about 10 minutes over their defences to the charges brought by the ITIA.)

25. In his email, among other things, Mr Snene said that:

25.1. He did not understand the betting system before February 2021.

25.2. He had never facilitated or helped anyone to bet.

25.3. He agreed with Mr Gharsallah that the Devices were old and there were at least two cracked screens.

25.4. Sometimes Devices were prepared by other umpires in circumstances in which he could not check the umpire’s name. He had never intended to put in the wrong name. In seven out of eight cases where he had entered the wrong name there were no bets

25.5. Ms Calton’s methodology “*belongs to her and it’s absolutely wrong*”. She had no proof of any relationship with online bettors.

25.6. Mistakes could happen accidentally.

26. He also briefly commented on each of the seven charges against him (see further below).

27. In his oral evidence he adopted many of the points raised by Mr Gharsallah.

28. After the Hearing, Mr Snene sent a further email dated 28 June 2022. He set out five points which he said were not clear in the simultaneous translation. He said he should be absolved of the charges and that “*mistakes that occurred were lack of focus and fatigue*”.

## Liability: the charges against the Umpires

29. Below I consider the specific charges against each of the Umpires, beginning with Mr Affi.

The charges common to all the Umpires are of facilitating a third party to wager (section D.1.b) and “*contriving the outcome of an aspect of an Event*”, the Event being the betting market (section D.1.d)<sup>9</sup>.

30. In each case, because of the focus by the ITIA, I begin with the same example charge as chosen by Ms Calton, before moving on to the other charges against the same individual.

Mr Affi<sup>10</sup>

### Charge 13

31. This charge related to a match at the [REDACTED] tournament in [REDACTED] Tunisia on [REDACTED] October 2020 between [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. In relation to this charge:

31.1. [REDACTED] explained that Mr Affi, who officiated, selected the name of another umpire on the Device. At that point Mr Affi’s matches had been removed from the online betting markets due to suspicions that he had been manipulating scores. This match was one of nine between [REDACTED] September 2020 and [REDACTED] October 2020 when he selected the wrong name. This was not an error that Mr Affi had been known to make before.

31.2. The Tennis Integrity Unit (“**the TIU**”), the precursor to the ITIA, was alerted to suspicions about the match by the IBIA in relation to Game [REDACTED] in both Set [REDACTED] and Set [REDACTED]. In particular, there was suspicious betting around Set [REDACTED] Game [REDACTED] to reach [REDACTED] from new accounts created only two days earlier.

31.3. Ms Calton recorded there was a discrepancy between the audio recording and the point-by-point data. In Set [REDACTED] Game [REDACTED] the score was [REDACTED] after [REDACTED] points

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<sup>9</sup> In previous cases concerning umpires there has been no suggestion that the betting market cannot constitute “*an aspect of an Event*” and no such argument was made to me.

<sup>10</sup> I was asked to determine the 16<sup>th</sup> charge against Mr Affi, concerning his alleged failing to cooperate, on the papers. This charge was not therefore aired at the hearing in the presence of Mr Gharsallah and Mr Snene. For this reason, I append my decision on the 16<sup>th</sup> charge at Appendix A, to be sent to Mr Affi and the ITIA only, albeit I refer to the outcome in passing in this decision.

with Mr [REDACTED] serving. On the [REDACTED] point Mr Affi entered the score of [REDACTED] into the Device, awarding the point to Mr [REDACTED]. But the audio recording revealed Mr Affi awarding the point, and the game, to Mr [REDACTED]. No further points can be heard on the audio recording. Nevertheless, the point-by-point data recorded Mr [REDACTED] winning the [REDACTED] point rendering any bet on [REDACTED] successful. Mr Affi then recorded Mr [REDACTED] winning the [REDACTED] and [REDACTED] points on the point-by-point data.

31.4. Accordingly, the additional three points recorded on the point-by-point data do not seem to have happened in reality. Similarly, the timings in relation to those three points, between the ball being in play and the outcome of the point, were strikingly unrealistic: only one second in each case. Similarly, there were only 33 seconds until the next game, when the maximum time players can take is 90 seconds.

31.5. There was a similar suspicious pattern in Set [REDACTED] Game [REDACTED]. This time the audio recording indicated Mr [REDACTED] won in [REDACTED] [REDACTED] points. Yet the point-to-point record show him winning in eight points, the game having gone to [REDACTED]

32. Mr Affi did not provide any written defence or take part in the hearing.

33. On the balance of probability, I find that the ITIA has proved its case concerning Charge 13. The use of the wrong name, the betting alerts, the discrepancies between the audio and point-to-point data, and the unrealistic timings are striking. Nor is there any explanation from Mr Affi.

#### Charge 1

34. The evidence in relation to Charge 1 is much less compelling. The match was four years before the events in Charge 13, on [REDACTED] November 2016, between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] at the [REDACTED] tournament in [REDACTED] Tunisia. Specific concerns were raised by [REDACTED] about a series of eight bets for specific games to consist of exactly six points. The bettor was based in Tunisia.



35. The same person bet on two games which were the subject of Charge 2, below, also to go to six points. He was successful on all 10 counts. The odds of winning on the ten games across the two matches were said by ██████████ to be 81,962/1.
36. There were some suspicions concerning the point-to-point data: time periods were both significantly longer and shorter than would normally be expected, and there was one four-minute period late in Set █ where points were not recorded.
37. However, Mr Affi used the correct name and there was no audio recording to compare against the point-to-point data.
38. There was no explanation from Mr Affi.
39. It is right that I have accepted above, in relation to Charge 13, that Mr Affi committed a corruption offence. But the events of Charge 1 are much earlier in time. Further, the charge depends only on unusual betting patterns and some suspicions about timing in relation to the recording of points. I do not think this is enough to tip the balance to show that Mr Affi has committed the offence alleged. This charge is not proven.

#### Charge 2

40. Charge 2 relates to the same tournament as Charge 1 but to a match between ██████████ and ██████████ on █ November 2016. ██████████ again raised concerns about two bets from the same Tunisia-based individual as in Charge 1, again betting on games to go to six points. This time there were no concerns raised about point-to-point data.
41. There was no explanation from Mr Affi.
42. The evidence for this charge is weaker even than Charge 1. Hence, I do not think there is sufficient to show that Mr Affi has committed the offences alleged. This charge is not proven.

#### Charge 3

43. On 3 March 2020 Sportradar raised concerns about a match on █ February 2020 at the ██████████ tournament in ██████████ Tunisia between ██████████ and ██████████

as well as raising concerns about the matches forming the subject of Charges 4 and 5 below. It considered there was an identical pattern of bets to those noted in eight matches umpired by Mr Snene to which it had alerted the ITIA on 20 February 2020. The bets were placed on particular players to win the first or second points in games.

44. In addition, both [REDACTED] and [REDACTED] reported suspicious betting in relation to the second point in (different) games by UK registered accounts. The former reported relatively large bets on the [REDACTED] points of Games [REDACTED] and [REDACTED] in the second set, and the latter £100 on the [REDACTED] points of the same games in the [REDACTED] set.
45. Crucially, on this occasion there were discrepancies identified between the audio and point-to-point data for the games reported by [REDACTED]. In Game [REDACTED] of Set [REDACTED] Mr Affi recorded the [REDACTED] point on the Device as won by [REDACTED] while calling the point for [REDACTED]. On the second point, he called the point for [REDACTED] while recording it on the Device as being won by Mr [REDACTED]. The same discrepancy appeared in Set [REDACTED] Game [REDACTED].
46. Mr Affi used the correct name for the match. There was no explanation from Mr Affi.
47. Bearing in mind my finding about Charge 13, concerning events later in 2020, and the discrepancies concerning the [REDACTED] matches, I find the case proven in relation to those matches. In the absence of discrepancies concerning the [REDACTED] matches, I am not willing to make a finding against Mr Affi: the suspicious betting alone is insufficient to find that he facilitated a third party to wager or contrive an aspect of an Event.

#### Charge 4

48. This charge relates to a match at the [REDACTED] tournament in [REDACTED] Tunisia on [REDACTED] March 2020 between [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED].
49. The ITIA bracketed this match with Charge 3 above and Charge 5 below. It said that [REDACTED] suspicions concerning bets about the second points in Set [REDACTED] Games [REDACTED] [REDACTED] and [REDACTED] and the fact that the bets were relatively large, were sufficient for findings against Mr Affi.

50. However, there were no discrepancies between the audio and the point-to-point data. The ITIA therefore surmised that the pre-agreed score did in fact occur on court, and so Mr Affi did not have to do anything even though he had intended to do so. It submitted the link with Charge 3 was sufficient and the inference that Mr Affi intended to manipulate the scores was enough.

51. There was no explanation from Mr Affi.

52. I do not agree with the ITIA that an alleged link with Charge 3 is enough. There are no discrepancies identified in Charge 4. Nor is intention sufficient (and I did not understand at the Hearing the ITIA to say that it was). Mr Affi would have to have facilitated and/or contrived. There is no evidence he did either. This charge is not proven.

Charge 5

53. This charge relates to a second game on █ March 2020, at the █ tournament in, █ Tunisia, between █ █ and █ █ █ █ █ █

54. Betting alerts were raised by █ and Sportradar (the latter's concerns being the same as with Charge 3, above). █ concerns were about a bet on Set 1, Game 5, point two, to be won by Ms █ Ms █ and on Set █ Game █ point █ to be won by █ █ █ █ █ █ The bets were large and placed only very shortly before the relevant point.

55. In relation to Set █ Game █ there was a discrepancy between the point-by-point data and the audio. On the second point, Mr Affi entered █ into the Device, awarding the point to Ms █ Ms █ whereas on the audio he called █ and awarded the point to Ms █ Ms █

56. There was no discrepancy found concerning Set 1, Game 8.

57. There was no explanation from Mr Affi.

58. Bearing in mind the evidence, and in particular the discrepancy concerning Set █ █ 5, - awarding of the point to █ █ █ █ █ █ on the Device when the audio showed

the contrary was the case - I find Charge 5 is proven in relation to that point only, i.e. I make no such finding in relation to Set ■ Game ■

Charge 6

59. This relates to a match at the ■ tournament in ■ Tunisia on ■ March 2020 between ■ ■ ■ and ■ ■ ■
60. On 12 March 2020 concerns were raised by ■ about five suspicious bets on the match made by a Slovenian registered account. The alert also related to five other bets, the other half of a 10-bet accumulator which was successful, on a match played at the same time between ■ ■ ■ and ■ ■ ■ The women's game was umpired by Mr Gharsallah.
61. ■ complained of bets in the men's game in relation to Set ■ Game ■ concerning the winner of the ■ ■ ■ and ■ points and on the score reaching ■ (The bets in the women's game were almost identical.)
62. There was no point-by-point data for this match. However, the scorecard showed a discrepancy when compared with the audio recording on the second point of Set ■ Game ■ (The ITIA said the scorecard was derived from the information which was input by Mr Affi into the Device.) The scorecard showed ■ on the second point, with the point awarded to Mr ■ But the audio indicated that Mr Affi called ■ awarding the point to Mr ■ ■ ■
63. Insofar as there were no discrepancies for the other points, the ITIA inferred that the on-court outcome matched the pre-agreed arrangement with Mr Affi.
64. There was no explanation from Mr Affi.
65. In light of the evidence, and in particular the discrepancy concerning the second point in Set ■ Game ■ - which resulted in a winning bet contrary to the reality of the outcome as called by Mr Affi - I find Charge 6 is proven in relation to that point only.

Charge 7

66. This is the first charge for which Mr Affi selected the wrong umpire's name. The match took place on [REDACTED] September 2020 at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED]
67. The Notice stated that, by [REDACTED] September 2020, matches which Mr Affi was umpiring were no longer offered on the betting markets, having been removed from around 5 March 2020. [REDACTED] noted that Mr Affi had identified himself by the wrong name in the [REDACTED] match and reported this to the tennis authorities on 15 October 2020.
68. Concerns were raised about the match by Sportradar and IBIA (on behalf of [REDACTED] [REDACTED] noted that Indian and Slovenian registered accounts had both placed the same three bets on Set [REDACTED] Game [REDACTED] within one minute of each other, among other things on the game going to [REDACTED]
69. A comparison of the point-by-point data and the audio recording of Set [REDACTED] Game [REDACTED] showed discrepancies. The score was [REDACTED] after three points. At point four Mr Affi entered [REDACTED] into the Device and awarded the point to [REDACTED] whereas on the audio he was heard awarding the game to [REDACTED]
70. The point-by-point data then recorded [REDACTED] winning [REDACTED] further points to take the game to [REDACTED] before recording [REDACTED] winning two further points to win the game. Further, points [REDACTED] to [REDACTED] were recorded over only 75 seconds. The time between the end of the game and the next game was only 37 seconds.
71. There was no explanation from Mr Affi.
72. The evidence on this charge - the choice of the wrong name, the betting alerts, the discrepancies and the timing - is compelling. Charge 7 is proven.

Charge 8

73. This relates to a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on [REDACTED] October 2020.

74. Mr Affi used the wrong umpire's name: the ITIA alleged this was because otherwise the game would not be accepted on the betting markets (see also charge 7 above). The change of name was noted by ██████████ and reported to the TIU on 22 October 2020.
75. ██████████ reported suspicious bets, focussing on three bets from two separate accounts being placed on the score of Set █ Game █ reaching ██████████. The bets were successful.
76. There were discrepancies between the score card data and the audio recording. The score was 40-0 after three points. At point ██████████ Mr Affi entered ██████████ into the Device, awarding the point to ██████████. However, on the audio he was heard awarding the point and the game to ██████████.
77. The score card then recorded that Mr Affi awarded points ██████████ and ████ to ██████████ so that the score reached ██████████. He then awarded points ██████████ and ██████████ to ██████████.
78. In addition, the choice of Set █ Game █ featured in this charge and each of charges 9 to 15 below.
79. There was no explanation from Mr Affi.
80. As with Charge 7, the evidence on Charge 8 was compelling. Charge 8 is proven.

#### Charge 9

81. This concerns a match at the ██████████ tournament in ██████████ Tunisia between ██████████ and ██████████ which took place on ████ October 2020.
82. Mr Affi used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by ██████████ in a report to the TIU on 15 October 2020.
83. On 9 October 2020, the IBIA raised concerns in relation to suspicions raised by betting operator ██████████. It observed numerous bets placed from one account registered in Serbia on the match and on another match taking place the same day. A total of 39 bets were placed on ██████████ v ██████████ with 12 of them being placed on Set █ Game █ to reach the

score of [REDACTED] or for there to be [REDACTED] points in the game (effectively a different way of betting on the score reaching [REDACTED])

84. [REDACTED] raised similar concerns about eight bets in total, two on Set [REDACTED] Game [REDACTED] one of which was for the game to reach [REDACTED] Sportradar reported on two games to go to [REDACTED] Set [REDACTED] Game [REDACTED] and Set [REDACTED] Game [REDACTED]

85. There were discrepancies between the point-by-point data and the audio recording for Set [REDACTED] Game [REDACTED]. The audio recorded the game being won in five points, but the point-by-point data said it was won in [REDACTED] points. Further, points six to eight were shown as having taken place over a time period of less than 45 seconds.

86. In relation to this Charge, and Charges 10 to 15, Set [REDACTED] Game [REDACTED] featured on every occasion.

87. There was no explanation from Mr Affi.

88. As above, the evidence on Charge 9 was compelling. Charge 9 is proven.

#### Charge 10

89. This concerns a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] which took place on [REDACTED] October 2020.

90. Mr Affi used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by [REDACTED] in a report to the TIU on [REDACTED] October 2020.

91. Sportradar reported suspicious betting on this match by two accounts, specifically for games to go to [REDACTED]

92. There were discrepancies between the point-by-point data and the audio recording for Set [REDACTED] Game [REDACTED]. The audio recorded the game being won in five points, but the point-by-point data said it was won in [REDACTED] points.

93. In relation to this Charge, and Charges 9 and 11 to 15, Set 1, Game 5 featured on every occasion.

94. There was no explanation from Mr Affi.

95. As above, the evidence on Charge 10 was compelling. Charge 10 is proven.

Charge 11

96. This concerns a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] and [REDACTED] [REDACTED] which took place on [REDACTED] October 2020.

97. Mr Affi used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by [REDACTED] in his report to the TIU on [REDACTED] October 2020.

98. On [REDACTED] October 2020 Sportradar reported suspicious betting by reference to a betting company based in [REDACTED]. Multiple bets were placed on Set [REDACTED] Game [REDACTED] and Set [REDACTED] Game [REDACTED] to go to [REDACTED]. The bets were placed by one individual who gambled more than 6,000 euros - around 75% of the total amount bet on the match.

99. There were discrepancies between the point-by-point data and the audio recordings for Game [REDACTED] in both Set [REDACTED] and Set [REDACTED]. The audio recorded the games being won in five points and four points respectively (the latter with [REDACTED] winning to love). However, the point-by-point data showed both games as having been won in [REDACTED] points, that is both games were purported to have gone to [REDACTED].

100. The gaps between points were also noticeably shorter than usual.

101. In relation to this Charge, and Charges 9, 10 and 12 to 15, Set 1, Game 5 featured on every occasion. Set [REDACTED] Game [REDACTED] also featured in Charges 12 to 15.

102. There was no explanation from Mr Affi.

103. As above, the evidence on Charge 11 was compelling. Charge 11 is proven.



Charge 12

104. This concerns a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] which took place on [REDACTED] October 2020.
105. Mr Affi used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by [REDACTED] in his report to the TIU on 15 October 2020.
106. Sportradar reported suspicious bets had been placed by one account for games to go to [REDACTED]. The same bettor also placed the same bets on the match in charge 14 below, and one of the matches forming the subject of a charge against Mr Gharsallah. The initial alert came from [REDACTED] a betting operator from Kazakstan.
107. There were discrepancies between the point-by-point data and the audio recordings for Game [REDACTED] in both Set [REDACTED] and Set [REDACTED]. The audio recorded the games being won in six points and four points respectively (the latter with [REDACTED] [REDACTED] winning to [REDACTED]). However, the point-by-point data showed both games as having been won in [REDACTED] points, i.e., both games were purported to have gone to [REDACTED].
108. The gaps between points and games were also noticeably shorter than usual.
109. In relation to this Charge, and Charges 9 to 11 and 13 to 15, Set 1, Game 5 featured on every occasion. Set [REDACTED] Game [REDACTED] also featured in Charges 13 to 15.
110. There was no explanation from Mr Affi.
111. As above, the evidence on Charge 12 was compelling. Charge 12 is proven.

Charge 14<sup>11</sup>

112. This concerns a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] which took place on [REDACTED] October 2020.

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<sup>11</sup> Charge 13 is dealt with above.

113. Mr Affi used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by ██████████ in his report to the TIU on 15 October 2020.
114. As noted above (Charge 12) Sportradar reported suspicious bets had been placed by one account for games to go to ██████████
115. There were discrepancies between the point-by-point data and the audio recordings for Game 5 in both Set █ and Set █. The audio recorded the games being won in four points and five points respectively (the former with █ ██████████ winning to love). However, the point-by-point data showed both games as having been won in ██████████ points, i.e., both games were purported to have gone to ██████████
116. The gaps between points and games were also noticeably shorter than usual.
117. In relation to this Charge, and Charges 9 to 13 and 15, Set 1, Game 5 featured on every occasion. Set █ Game █ also featured in Charges 13 and 15.
118. There was no explanation from Mr Affi.
119. As above, the evidence on Charge 14 was compelling. Charge 14 is proven.

#### Charge 15

120. This concerns a match at the ██████████ tournament in ██████████ Tunisia between ██████████ and Constantin Bittoun Kouzmine which took place on █ October 2020.
121. Mr Affi used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by ██████████ in his report to the TIU on █ October 2020.
122. Sportradar reported suspicious bets following an alert from the underlying Slovenian betting operator. The same bettor was identified in two of the charges concerning Mr Gharsallah.

123. There were discrepancies between the point-by-point data and the audio recordings for Game 5 in both Set 1 and Set 2. The audio recorded the games being won in five points and four points respectively (the former with ██████████ winning to love). However, the point-by-point data showed both games as having been won in █████ points, i.e., both games were purported to have gone to █████.
124. The gaps between points and games were also noticeably shorter than usual.
125. In relation to this Charge, and Charges 9 to 14, Set █ Game █ featured on every occasion. Set █ Game █ also featured in Charges 13 and 14.
126. There was no explanation from Mr Affi.
127. As above, the evidence on Charge 15 was compelling. Charge 15 is proven.

Conclusion on Mr Affi's charges

128. I summarise my findings concerning Charges 1 to 15 against Mr Affi as follows:
- 128.1. The ITIA has proved its factual case in its entirety in nine charges, being Charge 7 to Charge 15.
- 128.2. The ITIA has proved its case, on a more limited factual basis than that articulated, in three charges, being Charges 3, 5 and 6.
- 128.3. The ITIA has failed to prove its case in three charges, being Charges 1, 2 and 4.

Mr Gharsallah

129. I have set out above, at paragraph 21, Mr Gharsallah's defence of his position in his 9 May 2022 email.
130. In the Hearing, he strenuously and repeatedly insisted that Ms Calton's account of the methodology used by the Umpires was no more than a theory and was wrong. He stated that any errors in using the Device were genuine mistakes, whether in relation to point-by-point data or by reference to his inputting the wrong umpire's name.

131. He provided clips of matches where umpires called the wrong score and players failed to notice.
132. He said he had no contact or relationship with bettors and had made no money from the alleged corruption.
133. He alleged, post the Hearing, that the translator had made errors. He asked for the full video of the Hearing to be provided to him: this was done by the ITIA. He sent further comments about errors in the transcript.
134. I noted everything said by Mr Gharsallah and the strength with which he said it. He is clearly an intelligent individual. But he failed to engage with the essential problem which is that the errors made simply cannot be explained away as unfortunate or as accidents, particularly bearing in mind his experience: Mr Gharsallah said he had umpired 1,500 matches. Frankly, if he accidentally miscalled as is alleged, I am surprised he was able to stay in the role.<sup>12</sup>
135. I note, also, that the mode of operation deployed by Mr Gharsallah was the same as that of his friend Mr Affi, findings about whom I have made above. That is not to say I am inferring guilt simply from their friendship. But it is very troubling how Mr Gharsallah's actions appear to closely follow those of Mr Affi, who I have found to have committed offences, as set out above.
136. Below I consider each of the five charges against Mr Gharsallah, beginning with charge 3, the sample charge chosen by Ms Calton.

### Charge 3

137. The ITIA stated Charge 3, the example charge, was very similar to Charge 13 against Mr Affi, above.

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<sup>12</sup> The ITIA submitted at the Hearing: *"There is a lot of evidence available that only makes sense with one conclusion, and that's that the umpires sought to manipulate the entry of scores into the scoring device to facilitate the placing of successful bets on a pre-agreed outcome, or, let me put it another way, if the umpires are innocent then they are monumentally unfortunate to be in this situation. It would require a series of unlikely odds, bad luck, mistakes, that lead to these proceedings, and in the eyes of the ITIA that's simply not sustainable on the evidence. No one is that unlucky, not on the scale you would have to be here, so their defence is improbable...albeit they have, of course, fully committed to that defence in these proceedings."*

138. This charge concerns a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] which took place on [REDACTED] October 2020 ([REDACTED] [REDACTED] before the match in Mr Affi's charge 13).
139. Mr Gharsallah used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by [REDACTED] in his report to the TIU on 15 October 2020.
140. Sportradar reported suspicious bets following an alert from the underlying Maltese regulated betting operator, [REDACTED] in relation to games reaching the score of [REDACTED]. The same bettor also placed bets on the matches forming the subject of Charges 12 and 14 against Mr Affi.
141. There were discrepancies between the point-by-point data and the audio recordings for Game [REDACTED] in both Set [REDACTED] and Set [REDACTED] with the audio having the games being completed after six points but the point-by-point data recording [REDACTED] points. A forensic analysis of the data raised timing issues.
142. Mr Gharsallah, during questioning by Mr Brown for the ITIA, was evasive. He said he could not remember the match; he could not tell what was happening from the recording, but then agreed he called it after six points when prompted by me; refused to agree the content of the sound recording, because it was "not a video", but subsequently agreed that no complaints by the players about the wrong score being called could be heard, and asserted the two additional points recorded on the Device were a mistake, whether by him or the Device he did not know. He did however admit knowing that the Device was linked to the betting markets. And stated that he would want to get the score right. When asked how he could make exactly the same mistake twice in one match, he responded:
- "I can make the same mistake many times. If you have the audio there may be other mistakes. Checks how many mistakes I made."*
143. He could give no sensible explanation as to why, if a mistake had been made, he did not simply use the "undo" button on the Device to correct it.

144. Mr Gharsallah gave no plausible explanation for the events forming the subject of Charge 3 against him, whereas the case presented by the ITIA was compelling. On the balance of probabilities, I find that Mr Gharsallah facilitated betting and contrived the outcome of an aspect of an event. Charge 3 is proved.

Charge 1

145. Returning to the rest of the charges (and taking them in order), Charge 1 alleged Mr Gharsallah manipulated the scores entered into the Device at a match at the [REDACTED] [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on [REDACTED] March 2017.

146. Specific concerns were raised in relation to the match by betting operator [REDACTED] [REDACTED]. It reported 15 suspicious bets placed by four accounts by an individual based in Tunisia and one by a Moroccan registered account. All 16 bets, on the relevant game consisting of six points, were successful.

147. In relation to other evidence, Mr Gharsallah correctly selected his own name as umpire. Given the early date, there was no audio recording. The point-by-point data showed suspiciously short time periods between some points and games.

148. I can certainly understand the ITIA's suspicions around this match, bearing in mind the evidence in relation to other charges. However, on this occasion it seems to me they are suspicions only. There is insufficient evidence to indicate Mr Gharsallah's active involvement in subverting the scores called on court, notwithstanding the concerns about timings. Also, this match is an outlier in terms of date, being in 2017.

149. For these reasons, I do not consider Charge 1 is proved.

Charge 2

150. Charge 2 alleged Mr Gharsallah manipulated the scores entered into the Device at a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on [REDACTED] March 2020.

151. Specific concerns were raised on 12 March 2020 in relation to the match by [REDACTED] (via the IBIA). It reported five suspicious bets from a Slovenian account that were

part of a 10-bet accumulator encompassing five bets placed on a match between [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] played at the same time at the same tournament. The umpire for the men's match was Mr Affi.

152. Bets were placed on Set [REDACTED] Game [REDACTED] for various scores and on Set [REDACTED] Game [REDACTED] one bet was placed on the score to reach [REDACTED]. Bets on the other match were very similar. All 10 bets were successful.
153. In relation to other evidence, Mr Gharsallah correctly selected his own name as umpire. However, there were discrepancies between the audio and the score card. For example, the audio shows the first point going to [REDACTED] while the score card awarded the point to [REDACTED]. Point 3 was also wrong, with the audio indicating the point went to [REDACTED] but the score card awarding the point to [REDACTED]. The audio also records [REDACTED] winning the fourth point and the game although the score card recorded a further four points with [REDACTED] winning in eight.
154. Unlike Charge 1, I think the evidence on this charge tips the balance in favour of the ITIA. For these reasons, I consider Charge 2 is proven.

#### Charge 4

155. Charge 4 alleged Mr Gharsallah manipulated the scores entered into the Device at a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on [REDACTED] October 2020.
156. Mr Gharsallah used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by [REDACTED] in his report to the TIU on [REDACTED] October 2020.
157. Sportradar reported suspicious betting (sourced by a Slovenian betting operator) in relation to games reaching the score of [REDACTED]. The same bettor was identified as in Charge 15 concerning Mr Affi.
158. There were discrepancies identified between the audio recording and the point-by-point data for Set [REDACTED] Game [REDACTED]. The audio recorded the game being won in six points,

but the point-by-point data indicated it was won in [REDACTED] points. There were also concerns about the timing of entries.

159. The evidence concerning this charge is compelling. Charge 4 is proven.

#### Charge 5

160. Charge 5 alleged Mr Gharsallah manipulated the scores entered into the Device at a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on [REDACTED] October 2020.

161. Mr Gharsallah used the wrong name for the same reason, according to the ITIA, as articulated above. The change of name was noted by [REDACTED] in his report to the TIU on [REDACTED] October 2020.

162. Sportradar again reported suspicious betting (sourced by a Slovenian betting operator) in relation to games reaching the score of [REDACTED]. The same bettor was identified as in Charge 4 above and Charge [REDACTED] concerning Mr Affi.

163. There were discrepancies identified between the audio recording and the point-by-point data for Set [REDACTED] Game [REDACTED]. The audio recorded the game being won in six points, but the point-by-point data indicated it was won in [REDACTED] points. There were also concerns about the timing of entries.

164. The evidence concerning this charge is compelling. Charge 5 is proven.

#### Conclusion on Mr Gharsallah's charges

165. I summarise my findings concerning Charges 1 to 5 against Mr Gharsallah as follows:

165.1. The ITIA has proved its factual case in four charges, being Charges 2 to 5.

165.2. The ITIA has failed to prove its case concerning one charge, being Charge 1.

#### Mr Snene

166. I have set out above, at paragraphs 25 to 28, Mr Snene's defence of his position in his 9 May 2022 email.



167. In the Hearing, he said he did not know about betting or gambling. There was no betting. The accusations against him were wrong.

168. In cross-examination by Mr Brown, Mr Snene advanced various explanations for relevant events. As summarised by Mr Brown in closing, they were as follows:

*"It could be that he forgot to enter the right score, he was confused as to the right score, he was tired, unrested, he was stressed, in one case it was players causing him difficulty...perhaps not being focused. I think he mentioned the sun was shining, he was not comfortable in his chair, and the main ones [were] problems with the device, either the undo button was [not] working [or] the screen was cracked. He mentioned COVID, although I think we perhaps disproved that one, and then there is the standard just, 'We can't remember what happened'."*

169. Mr Brown also noted that a striking feature was Mr Snene's failure to even attempt to correct the "mistakes" which had been made.

170. I consider that Mr Snene's evidence overall seemed to be evasive. I could discern no real attempt to engage with what was alleged or any sensible explanation for what had occurred.

171. I note, also, - as with Mr Gharsallah - that the mode of operation deployed by Mr Snene was the same as that of his friend Mr Affi. Again, I am not inferring guilt simply from their friendship. But the similarities are striking.

172. Below I consider each of the seven charges against Mr Snene, beginning with charge 5, the sample charge chosen by Ms Calton.

#### Charge 5

173. Charge 5 alleged Mr Snene manipulated the scores entered into the Device at a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on [REDACTED] February 2020.

174. At that date Mr Snene's matches were still available on the online betting markets, with their removal taking place three days later. The ITIA alleged that Mr Snene therefore used his own name for this match as he had no reason not to do so.

175. Concerns in relation to the match were raised by Sportradar and by the IBIA on 20 February 2020. It reported that suspicious bets with two betting operators, █████ and █████ were placed primarily on █████ █████ as the winner of the second points of specific games (Set █ Games █ and █ and Set █ Game █ Each bet was placed no more than three minutes before the start of the relevant point. (The same IBA report highlighted concerns about the match forming the subject of Charge 6, below.)
176. The ITIA asserted that the overlap between betting operators experiencing the exact same betting patterns from more than one account at the same time was highly improbable and suggested manipulation was taking place.
177. There were discrepancies identified between the audio recording and the point-by-point data for each of the specific games about which concern was raised. There were also concerns about the timing of entries.
178. Mr Snene, in his 9 May 2022 email, said he remembered this match very well. He asked the referee if he could not umpire the match because he had problems with the two players. The referee refused. Mr Snene said he was stressed and distracted and may have made mistakes.
179. I note Mr Snene's written comments, but also refer to my concerns about his evidence, above. My view is that the discrepancies between the audio and the point-by-point data are sufficient to tip the balance against Mr Snene. Charge 5 is proven.

#### Charge 1

180. Charge 1 alleged Mr Snene manipulated the scores entered into the Device at a match at the █████ tournament in █████ Tunisia between █████ █████ and █████ █████ on █ January 2020.
181. At that date Mr Snene's matches were still available on the online betting markets. He used his own name (and in Charges 2 to 6 below).
182. █████ reported a suspicious bet placed by a Bulgarian registered account relating to the winner of the first point in Set █ Game █ █████ reported, via the IBIA, five suspicious bets placed by a Tunisian account including one for Set █ Game █

183. There were discrepancies between the audio recording and the point-by-point data for Set ■ Game ■. They both recorded the score as reaching ■■■ but with the winners of each point in the opposite order, rendering the Device as showing the right information for the bet to be successful.
184. Mr Snene, in his 9 May 2022 email, said he may have confused the names of the two players on the Device and made a mistake “*unconsciously*”.
185. In light of my concerns about Mr Snene’s evidence, and the discrepancy concerning Set ■ Game ■ I consider on the balance of probability that Charge 1 is proven to the extent of the allegation concerning Set ■ Game ■.

### Charge 2

186. Charge 2 alleged Mr Snene manipulated the scores entered into the Device at a match at the ■■■ tournament in ■■■ Tunisia between ■■■ and ■■■ on ■ January 2020.
187. At that date Mr Snene’s matches were still available on the online betting markets. He used his own name (and in Charges 1 and 3 to 6).
188. ■■■ reported seven suspicious bets placed by two Bulgarian registered accounts with one of the accounts being the same as in Charge 1 above. ■■■ also reported two suspicious bets placed by the same Tunisian account as in Charge 1<sup>13</sup>.
189. The audio and point-by-point data were available but did not reveal any relevant discrepancies. Mr Snene relied on the absence of such discrepancies in his 9 May 2022 email.
190. In the absence of discrepancies, and notwithstanding my concerns about Mr Snene’s evidence, I am not content to find that the ITIA has discharged the burden of proof

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<sup>13</sup> The ITIA placed store on the fact that these bets were placed by an individual from Mr Snene’s home area. But I do not consider that to be relevant in the absence of any evidence that the two men knew each other.

in showing that Mr Snene is in breach of the TACP. Charge 2 is not therefore proven on the balance of probability.

### Charge 3

191. Charge 3 alleged Mr Snene manipulated the scores entered into the Device at a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on [REDACTED] January 2020.

192. At that date Mr Snene's matches were still available on the online betting markets. He used his own name (and in Charges 1, 2 and 4 to 6).

193. [REDACTED] reported four suspicious bets placed by a Bulgarian registered accounts (different to the one above). The bets were placed on the winners of the [REDACTED] points of Set [REDACTED] Game [REDACTED] and Set [REDACTED] Game [REDACTED]

194. [REDACTED] also reported eight suspicious bets by the same Tunisian account referenced above. The bets were on the first point of eight separate games but two of them were against Set [REDACTED] Game [REDACTED] and Set [REDACTED] Game [REDACTED]

195. The audio and point-by-point data were available but did not reveal any relevant discrepancies. Mr Snene relied on the absence of such discrepancies in his 9 May 2022 email.

196. In the absence of discrepancies, I am again not content to find that the ITIA has discharged the burden of proof in showing that Mr Snene is in breach of the TACP. Charge 3 is not therefore proven on the balance of probability.

### Charge 4

197. Charge 4 alleged Mr Snene manipulated the scores entered into the Device at a match at the [REDACTED] tournament in [REDACTED] Tunisia between [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on [REDACTED] January 2020.

198. At that date Mr Snene's matches were still available on the online betting markets. He used his own name (and in Charges 1 to 3 and 5 to 6).

199. ██████ reported a suspicious bet by a different Tunisian bettor to that above, this time on the winner of Set 1, Game 8.
200. ██████ also reported further suspicious bets by the same Tunisian account referenced above, albeit on the winner of the first point of Set █ Game █ and Set █ Game █
201. The audio and point-by-point data were available but did not reveal any relevant discrepancies. Mr Snene relied on the absence of such discrepancies in his 9 May 2022 email.
202. In the absence of discrepancies, I am again not content to find that the ITIA has discharged the burden of proof in showing that Mr Snene is in breach of the TACP. Charge 4 is not therefore proven on the balance of probability.

#### Charge 6

203. Charge 6 alleged Mr Snene manipulated the scores entered into the Device at a match at the ██████ tournament in ██████ Tunisia between ██████ ██████ and ██████ ██████ on █ February 2020.
204. At that date Mr Snene's matches were still available on the online betting markets, with their removal taking place three days later. The ITIA alleged that Mr Snene therefore used his own name for this match as he had no reason not to do so.
205. ██████ reported suspicious betting in relation to Set █ Games █ and █ There were six separate bettors with Tunisian or German accounts, one of which was the same German bettor as in Charge 5. All of the bets were in respect of the winner of the second point of certain games, and they were all successful. Two Tunisian bettors lay bets of £166.03.
206. ██████ reported the same suspicious betting on the same games as in Charge 5 above. All bets were in respect of the winner of the second point of games, and they were all successful. The bettor was the same Tunisian account as in Charge 5.

207. There was a discrepancy between the audio recording and the point-by-point data in Set ■ Game ■ of the match. The audio recorded the ■ point being won by one of the players whereas the point-by-point data recorded the other player as winning.
208. Mr Snene, in his 9 May 2022 email, said an error was made by the referee after changing position of the players in Game ■ “*maybe I forgot to press undo and the game completed without me noticing*”. This seems to be inherently unlikely.
209. I note Mr Snene’s written comments, but also refer to my concerns about his evidence, above. My view is that the discrepancies between the audio and the point-by-point data are sufficient to tip the balance against Mr Snene in relation to Set ■ Game ■ Charge 6 is proven.

#### Charge 7

210. Charge 7 alleged Mr Snene manipulated the scores entered into the Device at a match at the ■ tournament in ■ Tunisia between ■ and ■ on ■ October 2020.
211. On this occasion Mr Snene entered the wrong umpire’s name into the Device. The discrepancy was noted by the ■ who reported his concern to the TIU on ■ October 2022. (This was one of eight occasions in September to October 2020 when Mr Snene selected the wrong umpire’s name, albeit the other seven are not the subject of charges in these proceedings.)
212. Sportradar reported suspicious betting observed by a client in relation to Set ■ Game ■ and Set ■ Games ■ and ■ all concerning which player would win the first ■ points of the relevant games.
213. There is a discrepancy between the audio recording and point-by-point data in relation to Set ■ Game ■ of this match. The audio recorded the ■ point being won by one of the players whereas the point-by-point data has the other player winning the ■ point. The point-by-point data matched the bet, which was successful.

214. Mr Snene, in his 9 May 2022 email, noted that there were other discrepancies found but not where suspicious betting was reported. That meant he was not concentrating and did not make the relevant discrepancy on purpose. I do not accept that because other discrepancies were found the key discrepancy was an accident. It may equally be there were no relevant betting alerts received by the ITIA. I also note Mr Snene using another umpire's name on this occasion.
215. My view is that the relevant discrepancy between the audio and the point-by-point data, plus the use of another umpire's name, are sufficient to tip the balance against Mr Snene in relation to Set ■ Game ■ Charge 7 is proven.

#### Conclusion on Mr Snene's charges

216. I summarise my findings concerning Charges 1 to 7 against Mr Snene as follows:
- 216.1. The ITIA has proved its factual case in four charges, being Charge 1 and Charges 5 to 7.
- 216.2. The ITIA has failed to prove its case in three charges, being Charges 2 to 4.

#### Sanction

217. The sanctions which may be imposed are set out in section H.1.b<sup>14</sup> of the TACP.
218. The ITIA introduced sanctioning guidelines in March 2021. These provide a four-step process, involving a consideration of the following:
- 218.1. Determining the category of offence.
- 218.2. Assessing the starting point for a sanction and the applicable range.
- 218.3. Consideration of any other factors that might merit a reduction in sanction.
- 218.4. Consideration of any reduction for an early admission.

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<sup>14</sup> " ...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:

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 Event for a period of up to three years, and (iii) with respect to any violation of Section D.1, clauses (c)-(p), Section D.2 and Section F ineligibility from Participation in any Sanctioned Events for a maximum period of permanent ineligibility."

219. The ITIA stated that the category of offence is split into two parts: first, the level of culpability by reference to all factors, and ranked against A to C; secondly, the level of impact against various criteria in categories 1 to 3.

#### The ITIA's position

220. The ITIA argued by written submissions dated 25 March 2022 that each of the Umpires sat primarily within category A because of a high degree of planning and premeditation; acting in concert with others (as a matter of inference), and the fact of multiple offences over a protracted period.

221. As to impact, the ITIA stated that each of the Umpires sat somewhere between category 1 and category 2 because the offence were major ones; they had a very significant impact on the reputation and/or integrity of the sport (umpires are expected to be a model of integrity), and the ITIA was confident the Umpires had been paid (although there was no evidence to show that was the case or the size of any sums from which they were alleged to have benefitted).

222. The ITIA took the view that a lifetime ban was akin to around a 30-year period of ineligibility. Given the number of offences and relative culpability of the respective umpires, the ITIA submitted that the starting points for a ban should be 20 years for Mr Affi, whilst Mr Gharsallah and Mr Snene were in the region of 12 to 15 years.

223. There were no reasons to justify a reduction in sanction.

224. The ITIA also argued that the Umpires should pay a fine. Based on a) the number of alleged breaches; (b) the protracted period of time; (c) the willingness to engage in a pre-meditated scheme; (d) the Umpires' awareness of suspicions around them, leading them to use the names of other umpires, and (e) the position of trust of a chair umpire, Mr Affi should pay \$50,000 and Mr Snene and Mr Gharsallah \$30,000.

#### Zeferino

225. Shortly before the Hearing, a decision on sanction was handed down in the case of Daniel Zeferino (dated 4 May 2022). Ian Mill QC, the AHO in that case, noted that Mr Zeferino was the chair umpire in relation to six matches in which he manipulated the scores by means of a Device, leading to six charges against him which he



admitted. He had received the sum of €1,200 for his involvement. The ITIA had asked for Mr Zeferino to be banned for six years and six months backdated to the start of his provisional suspension in November 2020 (notwithstanding earlier decisions had banned two umpires for life).

226. Mr Mill QC noted the importance of the role of chair umpire and emphasised the position of trust which a chair umpire holds. On that basis he disagreed with the ITIA's casting of Mr Zeferino's conduct as "medium culpability". He emphasised Mr Zeferino's position of responsibility. Further he stated:

*"Mr Zeferino had, according to responses to questions during his interview with the TIU in October 2020, been chair umpiring for over three and a half years when the Corruption Offenses were committed by him. In addition, he was in 2020 a Captain in the Portuguese Air Force, having had a military career for 16 years...It [was] particularly regrettable that someone with the positions of trust, responsibility and respect enjoyed by Mr Zeferino in 2020 should have conducted himself as he did in committing the Corruption Offenses with which he has been charged."*

227. Hence, and notwithstanding the sanction requested by the ITIA, Mr Zeferino was given a lifetime ban. He was not required to pay a fine, bearing in mind the ban and the modest financial gain from which he had benefitted.

228. At the Hearing, the ITIA referred to its written submissions and the Zeferino case. Bearing in mind the emphasis in Zeferino on an umpire's unique position of trust, it argued that its previous suggested periods of ineligibility for the Umpires should be increased. It suggested Mr Snene and Mr Gharsallah were in very similar positions to Mr Zeferino in terms of the number of charges. Also, unlike Mr Zeferino they had made no admissions. As for Mr Affi he had a higher number of charges over a number of years. The ITIA suggested "a lifetime ban may now be appropriate for each of them".

229. The ITIA submitted that a fine also remained appropriate, notwithstanding Mr Zeferino did not receive a fine.

#### The Umpires concerning sanction

230. Mr Gharsallah said the Umpires had been provisionally suspended by the ITF since 16 October 2020 "without any reason or without any evidence".

231. He insisted there were no parallels between his case and Mr Zeferino's case. He would not risk his career for a "*miserable amount of maybe 4,000 euros*", his assessment of how much the gamblers might have made by bets the subject of charges against him. He said that previously, when seeking to deal with the charge on a summary basis, the ITIA had offered four and a half years and "*2,000 as a penalty*".
232. An email from Mr Gharsallah indicated that he had received the ITIA's sanctioning guidelines in Arabic by 19 May 2022. He also received the Zeferino case and said it could not be compared with his.
233. Mr Snene made it clear that he had also been offered a settlement by the ITIA at an earlier stage.<sup>15</sup>
234. Mr Affi did not, of course, make any arguments as to sanction because he has failed to take any substantive part in these proceedings.

#### Decision on sanction

235. I have been somewhat troubled by the Zeferino case on the basis, as I articulated at the Hearing, that if it were the case that all umpires found to have manipulated Devices should be banned for life that would wholly undermine any purpose of the Guidelines and also potentially cause concerns about the proportionality of sanction, it effectively being the imposition of a blanket ban without any recourse to the particular facts.
236. On that basis, I do not think Mr Mill QC can simply have meant that all umpires should be banned for life, no matter their circumstances. Instead, I note his careful reference to the particular seriousness of the breach of trust by Mr Zeferino, as a Captain in the Portuguese Air Force with a long military career. Also, Mr Zeferino admitted obtaining a monetary benefit from actions.
237. I note, also, the need to distinguish between Mr Affi and the other two umpires, Mr Gharsallah and Mr Snene:

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<sup>15</sup> I discussed with the ITIA the fact that, even though it considered these matters to be without prejudice, it seemed to me very difficult to prevent individuals from referring to them at a later hearing should they insist on doing so. The ITIA did not ask me to exclude the information.

237.1. Mr Affi has been found to have committed 12 breaches of the TACP concerning facilitation of betting/contriving the outcome of an event, as well as failing to cooperate/destroying evidence (my finding concerning Charge 16). The proven charges spanned 2017 to 2020. He has failed to cooperate in any way with this process. He has given no explanation at all of his actions.

237.2. Mr Gharsallah, on the other hand, was found to have committed four breaches, all in 2020, as was Mr Snene. That makes the seriousness of their conduct and the impact of it considerably more confined than Mr Affi's.

238. Given my thinking about the Zeferino case, and the fact I consider it to be a decision on its facts rather than of general application, I start from the initial position advanced by the ITIA in its written submissions concerning sanction, as set out at paragraph 222 above.

Mr Affi

239. The ITIA designated the Umpires' conduct as category A because of a high degree of planning; acting in concert with others, and multiple offences over a protracted period.

240. In the absence of any co-operation from Mr Affi, and in light of his misconduct in both 2017 and 2020, I am willing to infer that his misconduct was planned and executed with others. I also note the multiple offences.

241. As to impact, I accept that the offences were major ones and have had a significant impact on the integrity of tennis. In Mr Affi's case I also infer that he was paid, because of the extent of the offences.

242. That being the case I adopt the ITIA's suggestion of a 20-year ban for Mr Affi. However, in the absence of any evidence as to how much Mr Affi has benefitted from his misconduct, and not knowing his financial circumstances, I decline to impose a fine.

Mr Snene and Mr Gharsallah

243. Mr Snene and Mr Gharsallah's misconduct is limited to four charges being proven in relation to conduct in 2020 only.
244. In relation to category A, there must have been planning and premeditation. However, there were fewer offences than committed by Mr Affi.
245. As for categorising impact, the offences were major ones and impinged on the integrity of tennis. But I am not at all sure that either Mr Snene or Mr Gharsallah benefitted in any monetary way. There is certainly no evidence to show that they did.
246. The ITIA ask for 12 to 15 years as a ban. But I note they initially asked only for six years and six months in the Zeferino case (albeit Mr Zeferino was ultimately banned for life).
247. The number of offences proven for both men is around a third of those committed by Mr Affi. But I accept the offences are serious. Doing the best I can to compare cases, I impose a period of ineligibility on Mr Snene and Mr Gharsallah of seven years each. As with Mr Affi, and in the absence of information about financial circumstances and any monetary gain, I decline to order the payment of a fine.

**Summary of the decision**

248. Mr Affi's period of ineligibility is 20 years beginning with the date of his provisional suspension.
249. Mr Snene's and Mr Gharsallah's periods of ineligibility are each seven years beginning with the date of their provisional suspensions, which Mr Gharsallah told me was, in his case, 16 October 2020.

250. The decision may be appealed to the Court of Arbitration for Sport in accordance with Section I of the TACP, that is within 20 business days of receipt of the decision by the appealing party.

**Signed (by computer) by Jane Mulcahy QC, AHO**

**London, England**

**Monday, 4 July 2022**

## APPENDIX A

### CHARGE 16 AGAINST MR AFFI

1. There was a 16<sup>th</sup> charge against Mr Affi which was unrelated to conduct similar to that of Mr Gharsallah and Mr Snene. I was asked by the ITIA to deal with this charge on the papers, and I agreed to do so. This Appendix therefore deals with the charge on the documents before me. The intention is that the details of this Appendix will be supplied to Mr Affi but not to the other two Umpires since they were not provided with the relevant paperwork. (I do, however, mention the existence of this charge, Charge 16, and the outcome in the main decision.)

#### Charge 16

2. Mr Affi was charged with a breach of section D.2.c of the 2017 TACP, together with section F.2.b, that is, a breach of the duty to cooperate fully with investigations and not to tamper with or destroy evidence (see footnotes 3 and 4 above).
3. The ITIA alleged that, following the forensic download of Mr Affi's phone, it had located messages between Mr Affi and professional female tennis players. Within these messages, he confirmed to one player that he had been contacted by TIU investigators (on 12 May 2017) and would be deleting data from his mobile phone.
4. Specifically, he told the player that he had deleted her on Facebook and deleted his number because "*...I have problem with [ITF] and I have interview with tomorrow so I have to delete all from my phone*". He added "*they know that but I some player [sic] betting on my match*".

#### The evidence

5. Ms Calton, in a supplemental witness statement on behalf of the ITIA, set out the matters at paragraphs 3 and 4 of this Appendix above, and also stated Mr Affi had deleted the player's name and an associated phone number.

6. Ms Calton explained that a relationship between Mr Affi and the player was prohibited by Regulation 8 of the ITF Code of Conduct for Officials. Ms Calton stated:

*“My belief is that Mr Affi was concerned about the TIU viewing some of the content on his mobile phone. Whether the content he was concerned about related to the scheme referred to in my main statement or evidence of his relationships with [REDACTED] tennis players is unclear. I am certainly in no doubt, however, that Mr Affi actively engaged in the deletion of content from his mobile phone shortly after being contacted by the TIU for an interview about match-fixing.”*

7. As with Charges 1 to 15, Mr Affi gave no evidence concerning Charge 16 (since he failed to provide a written account or appear at the Hearing).

### **The ITIA’s submissions**

8. The ITIA summed up the evidence against Mr Affi and stated:

*“The ITIA submits that Mr Affi’s behaviour in this regard strongly suggests that he felt he had something to hide from the TIU investigators and did everything he could to ensure that any relevant evidence could not be accessed by the TIU, including by destroying it. Such behaviour is a clear failure to cooperate, in breach of the sections D.2.c/F.2.b of the 2017 TACP.”*

### **Decision**

9. Mr Affi has offered no defence to Charge 16. The ITIA’s evidence and submissions seem to me to be compelling. Charge 16 is proven.