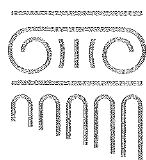


TAS / CAS
TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

CAS 2023/A/9449 Sherazad Reix v. International Tennis Integrity Agency (ITIA)

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President:	Mr André Brantjes, Attorney-at-Law, Amsterdam, The Netherlands
Arbitrators:	Mr Hervé Le Lay, Attorney-at-Law, Paris, France,
	Mr Romano F. Subiotto KC, Avocat, Brussels, Belgium, and Solicitor-Advocate, London, United Kingdom

in the arbitration between

Sherazad Reix, France

Represented by Mr Guillaume Herzog and Mr Aurélien Zuber, Attorneys-at-Law, Paris, France

- Appellant -

and

International Tennis Integrity Agency (ITIA), London, United Kingdom

Represented by Ms Louise Reilly, Barrister, Dublin, Ireland, Ms Julia Lowis, Barrister and In-house Counsel, London, United Kingdom, and Mr Alistair McHenry, Solicitor, Leeds, United Kingdom

- Respondent -

I. PARTIES

1. Ms Sherazad Reix (born Benamar) (the "Appellant" or the "Athlete") is a former professional tennis player of French nationality. The Athlete retired from her career as a professional tennis player in 2019.

2. The International Tennis Integrity Agency (the "ITIA") is an independent body established by the international governing bodies of tennis to promote, encourage and safeguard the integrity of professional tennis worldwide. In 2021, the ITIA replaced the Tennis Integrity Unit (the "TIU") as the body responsible for the integrity of professional tennis worldwide. The ITIA has its registered seat in London, United Kingdom.

II. FACTUAL BACKGROUND

3. Below is a summary of the main relevant facts, as established on the basis of the Parties' written and oral submissions, the evidence examined in the course of the present appeal arbitration proceedings and at the hearing. This background serves the sole purpose of providing a synopsis of the matter in dispute. Additional facts may be set out, where relevant, in connection with the legal discussion.

A. The Belgian Investigation

4. From 2014-2018, Belgian law enforcement authorities carried out an investigation into a suspected organised criminal network to fix tennis matches worldwide (the "Belgian Investigation").

5. The Belgian Investigation is described in *CAS 2020/A/7129* and *CAS 2020/A/7130* as follows:

> "*In 2018, having identified key players in an Armenian/Belgian criminal organisation, a Belgian court issued search warrants which enabled Belgian law enforcement to arrest several members of the gang. The possessions of these individuals were also seized, including their mobile phones.*
>
> *In late February 2020, the Belgian criminal authorities formally gave the TIU access to the product of their investigation (the "Belgian Investigation").*
>
> *One of the individuals targeted by the Belgian authorities was Mr Gregory Sargsyan. The Belgian Investigation established that Mr Sargsyan was responsible for being the point of contact between professional tennis players or a middleman, on one side, and on the other side, a network of gang members who were responsible for placing bets using a wide variety of online betting operators and instore terminals. In each case, he had an international network and was a major player in the criminal organisation.*
>
> *Some of Mr Sargsyan's phones were confiscated and were subjected to a forensic review. The contents of the phones included numerous social media messaging exchanges with the players, middlemen and gang members. Those*

messages often identified the matches being fixed and would include one or more of the following: a) which player was fixing; b) how they were fixing; c) the relevant odds; and d) the payment for fixing. There were also numerous screenshot images taken of aspects of messaging exchanges as well as specific betting details and confirmations of payments being made using the services of money transfer providers.

Mr Sargsyan's network was significant. The Belgian Investigation identified over a thousand betting "mules" who would await instruction before using betting accounts in a wide range of jurisdictions including Armenia and Belgium, as well as Andorra, Italy and Spain. The bets were placed in small amounts or in accumulator bets so as not to arouse the suspicion of betting operators.

Mr Sargsyan, other members of the criminal organisation and several Belgian professional tennis players are currently being criminally prosecuted in Belgium."

B. Match 1

6. January 2018, the Athlete played a first-round singles match against in the ITF USD ("Match 1").

7. In game the Player served double faults at both but she went on to win that game. In set 2, the Player served one double fault in game n set 3, she did not serve any double fault. The Player lost but won the match with a score line of

8. The Player played two other matches during the ournament, during which she did not serve any double fault.

9. On January 2018, i.e., the day after Match 1, Mr transferred an amount of EUR 1,000 to the Player's former husband and coach, Mr Clément Reix ("Mr Reix"), via Western Union. It has been proven in separate proceedings brought by the ITIA that was an account name used to make corrupt payments. It is considered sufficient for the purposes of this appeal by the ITIA to refer to two payments made from the account to individuals who have since received lifetime bans for their involvement in match fixing: Mr Sebastien Rivera and Mr Youssef Hossam.

C. Match 2

10. On January 2018, i.e., 9 days after Match 1, the Player layed a singles match against tournament in United Kingdom ("Match 2").

11. The Athlete served 6 double faults in In se the Athlete did not serve any double faults. The Athlete lost anc lost the match with a score line of

12. On January 2018, the ITIA received a match alert in which the gambling operators reported their concerns regarding suspicious betting on the next game winner of game According to the ITIA, the betting alert is notable in that many of the bets placed were for the Player to lose of

D. Match 3

13. The Belgian Investigation uncovered message exchanges from 15 May 2018 to 4 June 2018, between Mr Sargsyan and former professional tennis player Mr Included in the messages is an exchange which took place on 16 May 2018, in which Mr Sargsyan and Mr discuss an approach made to the Player regarding a woman match at the ITF USD between the Player/Ms May 2018 ("Match 3").

14. According to the ITIA, further messages exchanged between Mr Sargsyan and Mr on May 2018 suggest the proposed fix did not go ahead as offered. The Athlete won Match 3.

E. Match 4

15. On 24 May 2018, Mr Sargsyan and Mr exchanged further messages from which it appears that Mr Sargsyan had been in contact with Mr Reix.

16. On May 2018, the Player played a women match at the French Open at Roland Garros. The Player was accompanied by Mr Reix, Mr and Mr who appeared on the official accreditation for the tournament as her guests.

F. The Proceedings before the ITIA Anti-Corruption Hearing Officer

17. On 11 February 2019, the Athlete was interviewed by Ms Karen Risby, an ITIA Investigator, in relation to Match 2 and denied any involvement in match fixing and answered all question put to her regarding the match under investigation. She denied any suggestion that she had deliberately lost an aspect of Match 2 for money and reminded that her husband had previously cooperated with a TIU enquiry and as a result of this cooperation, had been threatened and warned not to play any tournaments in Russia. While no transcript is available, Ms Risby made the following notes of the interview:

> "[The Athlete] *cooperated fully and answered all question put to her regarding the match under investigation.* [The Athlete] *recalled the match well because she was ill and suffered a heavy defeat from a player she would normally beat. Her illness was obvious and she had complained of feeling unwell prior to the start of the match.* [The Athlete] *also recalled numerous Courtsiders who were causing problems. She denied any suggestion that she had deliberately lost an aspect of the match for money and reminded* [Ms Risby] *that her husband had previously cooperated with a TIU enquiry (she could not recall the name of the Investigators) and as a result of this cooperation, had been threatened and*

warned not to play any tournaments in Russia. Her illness and the Courtsider issue was already known to investigators."

18. In May 2019, the Athlete retired from professional tennis.

19. On 6 April 2022, Ms Sarah Hamlet, an ITIA Investigator, wrote to the Athlete regarding "*historic concerns reported to the ITIA regarding your professional tennis career including one of your tennis matches in 2018*" and asked her to make contact with the ITIA, which the Athlete did not do.

20. On 20 June 2022, Ms Hamlet again wrote to the Athlete requesting her to contact the ITIA, which the Athlete again did not do.

21. On 27 October 2022, the ITIA sent the Athlete and Mr Reix a joint Notice of Major Offense (the "Notice") under the 2022 Tennis Anti-Corruption Program (the "TACP"), consolidating the charges against the Athlete and Mr Reix. In the Notice, the ITIA indicated, *inter alia*, that the proceeding would be governed by the 2018 TACP because the alleged corruption offenses occurred in that year, but that the 2022 TACP contained the procedural rules applicable to this proceeding. In the Notice, the ITIA charged the Athlete with the following six alleged corruption offences. The Athlete was also advised of the potential sanctions and the procedure before the Anti-Corruption Hearing Officer (the "AHO").

"***Charge***	***Corruption Offense under the 2018 TACP***	***Summary of facts giving rise to the alleged Corruption Offences***
1	*D.1.b – No Covered Person shall, directly or indirectly, solicit or facilitate any other person to wager on the outcome of any other aspect of any Event or any other tennis competition.*	*The ITIA alleges that you have facilitated wagers on the outcome of aspects of certain of your matches by purposefully corrupting the score.* *You served two double faults in [redacted] of your match against [redacted] on [redacted] January 2018.* *The ITIA alleges that you did not use your best efforts in this match and that you served the double faults intentionally.* *In the circumstances, the ITIA alleges that you contrived the outcome and / or aspects of the match in order to facilitate betting by another person in breach of section D.1.b of the TACP.*
2	*D.1.b – No Covered Person shall, directly or indirectly, solicit or facilitate any other person to wager on the outcome of any*	*The ITIA alleges that you have facilitated wagers on the outcome of aspects of certain of your matches by purposefully corrupting the score.* *In your match against [redacted] on [redacted] January 2018, you served two double faults in (i)*

	other aspect of any Event or any other tennis competition.	*[redacted] and (ii) [redacted] The betting match alert received by ITIA confirms various bets being placed, including several in Bulgaria, on your match against [redacted] with bets being placed on [redacted] for you to lose the game, which you did.* *The ITIA alleges that you did not use your best efforts in this match and that you served the double faults intentionally.* *In the circumstances, the ITIA alleges that you contrived the outcome and / or aspects of the match in order to facilitate betting in breach of section D.1.b of the TACP.*
3	*D.1.d – No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event*	*The ITIA alleges that you contrived the outcome and / or aspects of your match against [redacted] on [redacted] January 2018 by deliberately serving double faults in [redacted] in breach of section D.1.d of the TACP.*
4	*D.1.d – No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event*	*The ITIA alleges that you contrived the outcome and / or aspects of your match against [redacted] on [redacted] January 2018 by deliberately serving double faults in [redacted] in breach of section D.1.d of the TACP.*
5	*D.1.f – No Covered Person shall, directly or indirectly, receive any money, benefit or Consideration on the basis of not giving their best efforts in any Event and/or negatively influencing another Player's best efforts in any Event.*	*Additionally the ITIA alleges that, on [redacted] January 2016, you, or* [Mr Reix] *on your behalf, accepted payment of $1000 on the basis of not giving your best efforts in your match against [redacted] on [redacted] January 2018; including but not limited to when you were going to double fault at certain points in the match, in breach of section D.1.f of the TACP.*
6	*D.2.a –* *i. In the event any Player is approached*	*Messages exchanged between* [Grigor Sargsian – "GS" *and [redacted] and GS and [redacted] between 16 – 24*

	by any person who offers or provides any type of money, benefit or Consideration to a Player to (i) influence the outcome or any other aspect of any Event, or (ii) provide Inside Information, it shall be the Player's obligation to report such incident to the TIU [ITIA] as soon as possible.	*May 2018, downloaded from GS's mobile device show:* *(i) GS exhorting ■ to fix one of your matches;* *(ii) ■ assuring GS he will try to persuade you to fix your match;* *(iii) ■/■ and GS discussing placing bets on your matches;* *(iv) ■ reporting back to GS that you were not interested on this occasion and wanted to play properly. Some of the translated messages read as follows:* ■ *"Cancelled for REIX"* ■ *"She plays thoroughly"* … *GS – "But try it all the same"* ■ *"No she doesn't want"* *"She plays to win"* *"She doesn't want"* *"she wants to play thoroughly"* *GS – "Oki"* *GS – "Next time"* *GS – "Reix"* *GS – "She wants more?"* ■ *– "No, she doesn't want"* *In the circumstances, and in addition to the circumstances surrounding charges 1-5 (as set out above), the ITIA alleges that you failed to report a corrupt approach(es) on multiple occasions by ■ and other members of the Operation Belgium network, in which you were offered money to influence the outcome or an aspect of a match you were due to play in breach of section D.2.a.i of the TACP.*"

22. On 15 November 2022, the Athlete wrote to the ITIA in French acknowledging receipt of the Notice as well as the fact that the Notice stated she was accused of a Major Offense under the TACP, and asking who she could speak to about the matters contained in the Notice and whether those discussions would be confidential.

23. On 17 November 2022, the ITIA wrote to the Athlete on behalf of the AHO and directed the Athlete to i) submit a written request for a hearing by 1 December 2022; and ii) seek

independent legal advice.

24. On 14 December 2022, the AHO noted that the Athlete had not requested for a hearing by the relevant deadline.

25. On 17 and 18 December 2022, the Athlete wrote to the ITIA stating, *inter alia*, that she was "*willing to be honest and cooperate although I have to be able to explain myself and I'd like to exchange with someone in charge of the case so I can give my version of the facts*".

26. On 19 December 2022, the ITIA responded to the Athlete, advising her that if she had any observations on the directions, to address them to the AHO.

27. Despite the ITIA writing to the Athlete on 4 January 2023 to allow her to make submissions in response to the ITIA's submissions on sanction by 11 January 2023, she did not send any further correspondence to the ITIA or the AHO.

28. On 30 January 2023, AHO issued her decision (the "Appealed Decision") containing the following operative part:

> "*56. The Player, a Covered Person as defined in Section B.6 and B.18 of the 2018 TACP, is liable for Corruption Offenses pursuant to the following TACP 2018 sections:*
>
> - *D.1.b – facilitating betting – two charges;*
> - *D.1.e – match fixing – two charges;*
> - *D.1.f – receiving money on the basis of not using best efforts – one charge; and*
> - *D.2.a.i – not reporting – one charge.*
>
> *57. Pursuant to the TACP and the Guidelines, the sanctions imposed upon the Player as a result of these Corruption Offenses are:*
>
> *i. A ban of four (4) years from Participation, as defined in section B.17 of the TACP, in any Sanctioned Event as prescribed in section H.1.a.(iii) TACP, effective on the date of this Decision; and*
> *ii. A US$30,000 fine as prescribed in section H.1.a.(i) TACP.*
>
> *58. Pursuant to section G.4 TACP, this award on sanction is to be publicly reported.*
>
> *59. Pursuant to section G.4.d TACP this award on sanction is a full, final, and complete disposition of this matter and is binding on all parties.*
>
> *60. This Decision can be appealed to Court of Arbitration for Sport in Lausanne, Switzerland within twenty business days from the date of receipt of the Decision by the appealing party.*"

29. On 31 January 2023, the reasoned Appealed Decision was notified to the Athlete. The

reasoning of the Appealed Decision provides, *inter alia*, as follows:

- "*In issuing this decision, the AHO reiterates that match fixing is a serious threat to tennis. Once admitted to and or established, match fixing can only amount to a deliberate, intentional offense directly threatening the purity of competition by eliminating the uncertainty of its outcome, which is the very heart of each tennis match.*

- *The imposition of lenient sanction would defeat the purpose of the TACP. However, any sanction imposed must both be proportional to the offense and within the usual sanctions imposed in similar circumstances in order to ensure as a matter of fairness and justice that a certain degree of consistency is applied in the imposition of sanctions resulting from TACP Offences. There are six charges against* [the Athlete] *under the 2018 TACP. They can be summarised as follows*

  (a) D.1.(b) – facilitating betting – two charges;
  (b) D.1.(d) – match fixing – two charges;
  (c) D.1.(f) – receiving money on the basis of not using best efforts – one charge; and
  (d) D.2.a. – not reporting – one charge.

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

  Section H.1 TACP 2022 provides that:

  H.1 Except as provided in Sections F.5. and F.6., the penalty for any Corruption Offense shall be determined by the AHO in accordance with the procedures set forth in Section G, and may include:

  H.1.a With respect to any Player,

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

- [The Athlete] *has not provided an answer to the Notice and is deemed to have accepted liability for each of the above charges under Section G.1.e.ii, as ruled by the AHO on 12 December 2022.*

- *The case against* [the Athlete] *is grounded in uncontested evidence of*

multiple fixes, reliance on those fixed matches to general financial gain, and then how [the Athlete] *or her then-husband and coach, on her behalf, received their share of the profits.*

- *As stated above, for the reasons outlined, the ITIA has recommended a fine of US$30,000 and a ban of seven years six months. The AHO is not bound by the sanction recommended by the ITIA and may impose appropriate, just, and proportional sanctions pursuant to the TACP and the Guidelines bearing in mind all the particular circumstances of each individual case.*

- *The Guidelines are not strictly binding on AHOs who retain full discretion in relation to the sanction imposed. However, their application promotes fairness and consistency in sanctioning across tennis. Therefore, the AHO has followed the process outlined in the Guidelines to reach her decision.*

- *The Guidelines set out a five step-process to determine the appropriate sanction as follows:*

  (a) Determining the offense category;
  (b) Starting point and category range;
  (c) Consideration for reduction for early admissions;
  (d) Consideration of other factors which may merit a reduction including substantial assistance; and
  (e) Setting the amount of the fine (if any).

- *There issues are addressed in turn below.*

A. DETERMINING THE OFFENSE CATEGORY

- *This step requires the AHO to determine the level of culpability and the level of impact on the sport.*

- *As regards the level of culpability, the AHO accepts the ITIA's submission that* [the Athlete's] *level of culpability falls within category B which is medium culpability. The principal reasons for this conclusion are that* [the Athlete] *has admitted to multiple Major Offenses which she committed in concert with others requiring premeditation and planning. These factors together are the hallmarks of medium/category B culpability. Since* [the Athlete] *has not put forward any evidence that she was involved through coercion, intimidation or exploitation and because she committed more than one offense, the AHO considers that a lower category C classification would be inappropriate.*

- *As regards impact, the ITIA has conceded that the impact of* [the Athlete's] *conduct 'sits between categories 1 and 2'. The AHO considers that, in fact, the impact of* [the Athlete's] *conduct is more properly characterised as category 2. To support a category 1 classification, in its submissions, the ITIA cited the commission of Major Offenses by* [the Athlete], *the material impact*

on the integrity of tennis and the 'relatively high value of the illicit gain'. Although every case of match fixing threatens the integrity of tennis, the AHO is not persuaded that the impact of [the Athlete's] *Corruption Offences was both significant and material as indicated for category 1. Many of the elements cited would be present in any instance of match fixing including the involvement of third parties. In the circumstances, a fair assessment of the impact of* [the Athlete's] *offenses on the reputation and integrity of tennis is that it was simply material as indicated for category 2. The AHO is also mindful that the six charges relate to only two matches and both categories 1 and 2 allow for the commission of multiple Major Offenses and in a marginal case that involves commission of multiple Major Offenses, a Covered Person could be included in either category. Finally, I do not accept the submission that an illicit gain should be evaluated relative to the prize money of the tournament. This approach, if followed, would create inconsistencies in sanctions for players gaining the same amount of money from the same conduct based purely on the category of tournament being played which would be highly undesirable and unfair. The AHO also does not accept that an illicit gain of US$1,000 is high either in absolute terms or by comparison with other cases of match fixing in tennis. Moreover, the ITIA has not submitted evidence as to how this gain was split between* [Mr Reix] *and* [the Athlete] *if indeed it was split between them. For these reasons, the AHO considers that the gain is more appropriately characterised as being on the lower end of the range that could be classified as being 'material'.*

- *For all these reasons, the AHO considers that* [the Athlete's] *offense category is B2.*

B. Starting Point and Category Range

- *Under the Guidelines, the starting point for a category B2 offense is a three-year suspension and the category range is a six-month to five-year suspension.*

- *The AHO accepts the ITIA's submission that there are a number of aggravating factors in this case. Including and in particular,* [the Athlete's] *earlier denial of her involvement in match fixing and her lack of engagement in the investigation both of which have caused the ITIA to incur significant time and expense.* [The Athlete] *has also completed TIPP training on multiple occasions.*

- *The AHO also accepts the ITIA's submissions that* [the Athlete] *has failed to raise any of the mitigating factors in the Guidelines and there is no evidence on record to suggest that they are relevant in this case.*

- *In light of the aggravating circumstances and in the absence of any mitigating circumstances, the AHO considers that an uplift of one year from the starting point for a category B2 offense is appropriate. The AHO therefore decides that an appropriate ban in line with the Guidelines is a four-year suspension.*

C. CONSIDERATION OF REDUCTION FOR EARLY ADMISSIONS

- *The AHO accepts the ITIA's submission that this step is not relevant on the facts of this case as* [the Athlete] *has not made any early admissions.*

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

- *The AHO accepts the ITIA's submission that there are no other factors which merit a reduction in* [the Athlete's] *sanction. She has not given any substantial assistance to the ITIA, has not made any admissions, and has repeatedly ignored the ITIA's correspondence.*

E. THE FINE

- *The Guidelines include a fines table showing a number of scales based on the number of Major Offenses that are proven or admitted. In the present case,* [the Athlete] *has admitted six charges which yields a fine scale of between US$25,001 to US$50,000.*

- *The Guidelines further provide that the amount of any fine should reflect the categorisation of the offense. Considering the number of offenses, the categorisation of the offense as B.2 and the aggravating factors, the AHO decides that the appropriate fine in this case is US$30,000.*"

G. Voicemail 8 February 2023

30. On 8 February 2023, the Athlete contacted Mr Alistair McHenry, Counsel for the ITIA, and left a voicemail on his mobile phone with the following content, as submitted into evidence by the ITIA:

> "*Hello... my name is Sherazad Reix. I just received the email, about my, [inaudible]. There is a big problem because I sent the message and I asked who am I supposed to talk to and who have [inaudible] with to like to, to get rid of like this thing that they, they accuse of me so I wanted them to send me a message. I always receive the same message and now I have a sanction that I cannot play or like do anything with the tennis sport for four years and I have a fine for thirty thousand dollars and proof that I did all the things that they accuse me. So I only ask who I am supposed to reach to be able to talk with someone. Nobody talk to me. So I would like people to call me on my phone please. So my number is* [redacted] *Thank you so much for your help because this is... this is not the way it was supposed to be. Like I told them, they accuse me for 6 match, there only thing one thing I did in my life and I'm not proud of, but there is no way they can finish me for 6 match when I did only one thing on one match. And also, this kind of money I don't have, like you can check my bank account, I have no money, so and today I'm not playing tennis since almost 4 years now, already, so I don't understand this and now I'm trying to live my life and make money by actually coaching young people. So please can you reach me on my*

phone because this is crazy. Thank you so much for your help. This is the first email I received with a phone number."

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

31. On 20 February 2023, the Athlete, which was represented by Mr Hervé Temime and Mr Guillaume Herzog, filed a Statement of Appeal in French before the Court of Arbitration for Sport ("CAS") in accordance with Article R47 *et seq.* of the Code of Sports-related Arbitration (2023 edition) (the "Code") against the ITIA with respect to the Appealed Decision. The Athlete requested French as the language of the procedure and the appointment of a sole arbitrator.

32. On 2 March 2023, the ITIA objected to French being the language of the procedure and referred to Section K7 of the 2022 TACP, which provides that appeals shall be issued in English. The ITIA further indicated that it did not agree with appointing a sole arbitrator and requested the case to be submitted to a three-member panel in accordance with Article R50 Code.

33. On 9 March 2023, the Athlete reiterated her request concerning French as the language of the procedure and inquired about the possibility of conducting the proceedings bilingual (French and English).

34. On 10 March 2023 the CAS Court Office on behalf of the Deputy President of the Appeals Arbitration Division informed the Parties that the case was submitted to a Panel of three arbitrators pursuant to Article R50.1 Code.

35. On 16 March 2023, the ITIA informed the CAS Court Office, *inter alia*, as follows:

"*The ITIA notes that there was no first instance hearing in this matter (as the Appellant did not participate) and accordingly, the usual process of disclosure did not occur. There is, however, a related case involving* [Mr Reix] *which is currently before an* [AHO] *for which the ITIA has made disclosure of all relevant documents.*

In order to assist the Player draft her Appeal Brief, the ITIA considers that she may wish to have sight of and/or rely on those documents that would have been disclosed to her had she participated at first instance. On that basis, please find enclosed the disclosure list in the related case, with new documents at numbers 15, 16, 19 and 20, which relate exclusively to the Player."

36. On 16 March 2023, the ITIA objected to the Athlete's proposal to conduct the procedure in French and English.

37. On 17 March 2023, the Athlete nominated Mr Hervé le Lay, Attorney-at-Law in Paris, France, as arbitrator.

38. On 20 March 2023, the Deputy President of the Appeals Arbitration Division issued an Order on Language, with the following operative part:

> "*1. Pursuant to Article R29 of the Code of Sports-related Arbitration, the language of the arbitral procedure TAS 2023/A/9449 Sharazad Reix v. International Tennis Integrity Agency (ITIA) is English.*
>
> *2. The costs of this Order shall be determined in the final award or in any final disposition of this arbitration.*"

39. On 20 March 2023, the ITIA nominated Mr Romano F. Subiotto KC, Avocat Brussels, Belgium, and Solicitor-Advocate in London, United Kingdom, as arbitrator.

40. On 23 March 2023, the Athlete requested the ITIA to provide all documents listed on its disclosure list of 16 March 2023.

41. On 24 March 2023, the ITIA provided the documents requested to be produced by the Athlete to the CAS Court Office.

42. On 27 March 2023, the Athlete submitted an English translation of her Statement of Appeal to the CAS Court Office.

43. On 5 April 2023, the Athlete filed her Appeal Brief in accordance with Article R51 Code.

44. On 26 April 2023, the CAS Court Office informed the Parties, on behalf of the Deputy President of the CAS Appeals Arbitration Division and further to Article R54 Code, that the arbitral tribunal for the present matter had been constituted as follows:

    President: Mr André Brantjes, Attorney-at-Law, Amsterdam, the Netherlands
    Arbitrators: Mr Hervé Le Lay, Attorney-at-Law, Paris, France
    Mr Romano F. Subiotto KC, Avocat in Brussels, Belgium, and Solicitor-Advocate in London, United Kingdom

45. On 22 May 2023, the ITIA filed its Answer in accordance with Article R55 Code.

46. On 23 and 27 May 2023 respectively, following an inquiry from the CAS Court Office, the ITIA requested a hearing to be held and the Athlete agreed to have a hearing.

47. On 7 June 2023, pursuant to Article R56 Code, the CAS Court Office informed the Parties that the Panel had decided to hold a hearing in Lausanne, Switzerland, and invited the Parties to indicate whether they requested a case management conference to be held.

48. On 12 June 2023, the Athlete answered indicated that she had no objection to a case management conference being held by video conference. The Athlete said that the only issues she wanted to address during such conference or in writing were: i) whether the Parties would be authorized to file new exhibits ahead or during the hearing; ii) the hearing schedule and the organisation of the hearing; and iii) the presence of a simultaneous translator at the hearing.

49. Also on 12 June 2023, the ITIA responded that it considered that procedural issues could be dealt with without the need for a case management conference, but, in the event that the Panel deemed it necessary, it agreed with the Athlete that this should be done by video

conference. With respect to the filing of new evidence, the ITIA referred the Athlete to the content of Article R56 Code. Additionally, the ITIA indicated that it welcomed the Athlete's suggestion of simultaneous interpretation.

50. On 15 June 2023, the CAS Court Office informed the Parties that the Panel had decided not to schedule a case management conference and that the Panel, upon receipt of a specific request, would decide on the admissibility of potential new exhibits being filed on the basis of Article R56 Code.

51. On 26 and 27 July 2023 respectively, the ITIA and the Athlete returned duly signed copies of the Order of Procedure to the CAS Court Office.

52. On 1 August 2023, the ITIA filed a copy of the AHO's confidential decision issued in the case of Mr Reix issued on 25 July 2023 (the "Mr Reix Decision") and requested it to be admitted on file, pursuant to Article R56 Code. The ITIA submitted, *inter alia*, the following with respect to the Mr Reix Decision:

> "*1. All charges of Major Offences being faced by* [the Athlete] *and* [Mr Reix] *pertained to the same alleged conspiracy, common scheme or plan;*
>
> *2. AHO Khalifa's findings in relation to* [Mr Reix] *provide context and relevant information for the charges against* [the Athlete], *including at para 105, 'The AHO also accepts the ITIA's submission that the betting alert received in relation to Match 2 is strong evidence that* [the Athlete] *was involved in match fixing at around that time. In a voicemail message left of Mr. McHenry's mobile phone* [the Athlete] *basically admits her involvement stating that 'there only thing one thing I did in my life and I'm not proud of, but there is no way they can finish me for 6 match when I did only one thing in one match'.*"

53. On 15 August 2023, in response to a direct question from the ITIA, the Athlete confirmed she did not consider it necessary to cross-examine Mr Downes, witness called by the ITIA. As to Ms Hamlet and Mr McHenry, two other witnesses called by the ITA, the Athlete indicated that "*because they will attend the trial, we will determine the opportunity of a cross examination according to the content of their interventions after their submission to the panel*".

54. On 18 August 2023, the CAS Court Office circulated a draft hearing schedule to the Parties.

55. On 28 August 2023, the Athlete confirmed that she did not intend to cross-examine neither Mr Downes nor Mr McHenry and that no oral evidence was required on their part and considered that it would be for the Panel to determine the relevance, materiality and weight of their statements. The Athlete also provided a proposed hearing schedule and objected to the ITIA's request that the Athlete be cross-examined, submitting as follows:

> "*Indeed, the* [Athlete] *considers that absent a witness statement prepared together with her Statement of Appeal, a cross-examination at the hearing would not be appropriate and would be actually detrimental to her rights. The* [Athlete]

further notes that this position is in line with the Panel's proposed course of action, as reflected in the hearing schedule dated 18 August 2023. That being said, [the Athlete] *welcomes the Panel's proposal that she delivers a final statement at the end of the hearing.*"

56. On 31 August 2023, the ITIA accepted the hearing schedule proposed by the Athlete on 28 August 2023, save for a minor suggested modification with respect to a break.

57. On 1 September 2023, on behalf of the Panel, the CAS Court Office informed the Parties as follows:

"*1. The* [Mr Reix Decision] *is allowed to the file;*

2. The Appellant will not be cross-examined and the Appellant's statement will not be considered as evidence;

3. The hearing schedule enclosed to the Respondent's email of 31 August 2023 is confirmed."

58. On 15 September 2023, a hearing was held in Lausanne, Switzerland. At the outset of the hearing, both Parties confirmed that they had no objection to the constitution or composition of the Panel.

59. In addition to the members of the Panel and Ms Sophie Roux, CAS Counsel, the following persons attended the hearing:

a) For the Athlete:

1. Ms Sherazad Reix, the Athlete;
2. Mr Guillaume Herzog, Counsel;
3. Mr Aurélien Zuber, Counsel;
4. Mr Mounir Al-Khudri

b) For the Respondent:

1. Ms Louise Reilly, Counsel;
2. Ms Julia Lowis, Counsel;
3. Mr Alistair McHenry, Counsel (by videoconference);
4. Ms Jodie Cox, ITIA Case Manager (by videoconference).

60. The Panel heard evidence from Ms Sarah Hamlet, Investigator with the ITIA and witness called by the ITIA. Ms Hamlet was invited by the President of the Panel to tell the truth subject to the sanctions of perjury under Swiss law. Both Parties had full opportunity to examine and cross-examine the witness.

61. The Athlete did not testify, but she provided a statement at the end of the hearing.

62. Both Parties had full opportunity to present their cases, submit their arguments and answer the questions posed by the members of the Panel.

63. Before the hearing was concluded, both Parties expressly stated that they did not have any objection with the procedure adopted by the Panel and that their right to be heard had been respected.

64. On 21 September 2023, the CAS Court Office informed the Parties that the evidentiary proceedings were closed on 15 September 2023.

IV. SUBMISSIONS OF THE PARTIES

65. The Panel confirms that it carefully heard and took into account in its decision all of the submissions, evidence, and arguments presented by the Parties, even if they have not been specifically summarised or referred to in the present arbitral award.

A. The Appellant

66. The Appellant's Appeal Brief contains the following requests for relief:

- "***CONFIRM*** *the jurisdiction of the Court of Arbitration for Sport;*
- ***DECIDE*** *that the appeal filed by the Appellant is admissible;*
- ***DECIDE*** *that the appeal filed by the Appellant is well founded;*
- ***UPHOLD*** *in full or in part the appeal filed by the Appellant;*

Primarily,

- ***DECIDE*** *to replace the Contested Decision and* ***DECIDE*** *that the Appellant is not liable for any offense;*
- ***DECIDE*** *that the Appellant shall be subject to no sanction;*

In the alternative,

- ***DECIDE*** *to replace the Contested Decision and* ***DECIDE*** *that the Appellant is liable for Charge 6 only;*
- ***DECIDE*** *that the sanctions imposed on the Appellant shall be substantially reduced;*

In the further alternative,

- ***DECIDE*** *to replace the Contested Decision and* ***DECIDE*** *that the Appellant is liable for Charges 2 and 6 only;*
- ***DECIDE*** *that the sanctions imposed on the Appellant shall be substantially reduced;*

<u>In any case,</u>

- ***DECIDE*** *to replace the Contested Decision and* ***DECIDE*** *that the Appellant is not liable for each of the Charges held against her;*

- ***OVERTURN*** *the sanctions imposed on the Appellant in full or in part;*

- ***DECIDE*** *that the fine, if any, be fully or partially suspended and/or payable in instalments, in a maximum amount of US$1000/year;*

- ***ORDER*** *the Respondent to pay the full costs and fees of this arbitration and the legal costs and expenses and any related costs incurred by the Appellant; and*

- ***ORDER*** *any measures in favour of the Appellant that it deems appropriate.*"

67. The Athlete's submissions, in essence, may be summarized as follows:

On the Athlete's non-participation

- The Athlete failed to measure the consequences of her silence and did not manage to solicit the assistance of a counsel while she was asked to provide a written request for a hearing regarding technical issues or to file an answer and an objection to the charges she was accused of in a language she was not fluent in. She poorly valued the repercussions of such inaction as she considered the period encompassing the charges old and belonging to the past since she was already retired and almost divorced. The Athlete was made aware of the severe sentence she had to face in the newspapers and through the messages received on her social networks. She understood that she needed to explain herself and to provide arguments and documents to let the Panel appreciate *de novo* the complete situation of the matter.

On the six charges

- The applicable standard of proof is the "*preponderance of the evidence*" and the ITIA had the burden of proving to the AHO that its claims were more likely to be true than not, and this for each of the six charges raised against the Athlete, while the Athlete considers them not proven.

a. Charge 1 – Match 1

- First of all, it is alleged that only two double faults in [redacted] in Match 1 could establish, by themselves, that the Athlete breached Section D.1.b of the 2018 TACP.

- The sole two double faults served in one game cannot prove any purpose of corrupting the score by intentionally not using her best efforts. As a matter of fact, the Athlete eventually won this exact [redacted] and no external element can fuel the theory alleging that these double faults were intentional. These double faults in [redacted] are also exactly comparable to the double fault of the

Athlete in [redacted] while the ITIA does not consider this double fault as a breach of any kind. Additionally, considering her ranking in 2018 (#267), these two double faults cannot be seen as absurd. In the 2nd round of the 2018 [redacted] tournament, the Athlete lost to an opponent who served two double faults in her first serving game. Naturally, the Athlete's opponent could have poorly served without any suspicion of her doing it intentionally.

- Without any external element, it is argued that the alleged intentional origin of these poor services cannot reach the preponderance of the evidence standard.

b. Charge 3 – Match 1

- The Panel will acknowledge how Charges 1 and 3 are fully connected: if there is no evidence revealing that the Athlete has intentionally served two double faults in a specific game, there cannot be more evidence that the Athlete contrived in any way to miss these same serves. Charge 3 arises as a consequence of Charge 1 that the Athlete already challenged.

- On the basis of a preponderance of the evidence, the Athlete refers to the only document sustaining the accusation for Charge 3, i.e., the scorecard of Game [redacted] and maintains that during her career she has unfortunately from time to time served two double faults in a single game on some occasions without any intention of doing so.

- For these reasons, the Athlete requests the Panel to drop Charge 3 given the lack of evidence.

c. Charge 5 – Match 1

- The ITIA links Charge 5 to Match 1, which is also the source of Charges 1 and 3.

- The Athlete needs to clarify the nature of the payment received on 23 January 2018 by Mr Reix from Mr [redacted] as argued by the ITIA. First of all, the Athlete wants to let the Panel know that she discovered such payment reading the Notice. Second, the Athlete never heard of Mr [redacted] and is not able to explain such payment received by her ex-husband. Neither the Belgian Investigation, nor the ITIA investigations made any connection between the Athlete and Mr [redacted] The Athlete has never benefited directly or indirectly from such payment.

- The Athlete cannot be deemed to be a payment in consideration for something she had already done or for something she was supposed to have done after. The AHO considered in the Appealed Decision that "[t]*he ITIA has not submitted any evidence as to how this gain was split between* [Mr Reix] *and the Athlete if it was split between them*". The Athlete also estimates that, between the [redacted] tournament she played until [redacted] January 2018 and the [redacted] tournament that started on [redacted] January 2018, she did not have time to get back to Mr Reix.

- The Athlete claims that this payment, discovered in the Belgian Investigation, is the basis of the suspicion of the Athlete's matches. After the payment was established,

and without any matches played or coached by Mr Reix, the ITIA looked for matches played by his wife that could become the reason for such payment. The Athlete therefore needs to defend herself since [redacted] took place the day before the payment that caused Charge 5. Charge 5 is inexplicably related to Match 1, while the Athlete played matches before and after this payment occurred without any concern from the ITIA.

d. Charge 2 – Match 2

- This charge is directly related to the [redacted] Match Alert received on [redacted] January 2018, which warned against suspicious bets placed against the Athlete in [redacted] [redacted] The Athlete discovered the existence and the details of such bets placed by people she has never met from the Notice.

- Yet, the Athlete remembers that she was suffering from sickness that severely reduced her ability to compete before the match. The Athlete slept in a residence with other female participants who all saw her suffering from this flu-like sickness the night before Match 2. Also, the configuration of the [redacted] tournament, which is an open-air alley where the spectators can see what is going on around the courts, might have led to a general knowledge of the Athlete not being able to play this match. In addition, the physio room is an open area where players can her the complaints of another person. The ITIA is aware that people capable of betting can even access the tournament's infrastructures.

- The Athlete considers today that this, combined with her lack of discretion feeling sick and suffering during the hours before Match 2, might have led to a public anticipation of her not being able to play at her regular level. This is a regret the Athlete wants to formulate to the ITIA and the Panel. The Athlete should have forfeited this first round of the [redacted] tournament as she could not use her best efforts in Match 2. The Athlete understands that her careless behaviour has possibly been exploited by players or spectators who could have forwarded this information to people betting on the losses of her serving games, which could be considered as her indirect facilitation to wager on the outcome of a match.

- The Athlete used her best-efforts during Match 2, as illustrated by that fact that, although she lost the first set with [redacted] and the second with [redacted] the second set lasted longer, which shows that she did not give up without a fight. The Athlete also served an ace between her two double faults in [redacted]

- Section D.1.b of the TACP allows to sanction indirect behaviour, such behaviour must have been conscious and intentional. The role of the Panel appears to be to establish whether an unintentional careless behaviour of a player, that could have generated unsolicited bets, should be considered an indirect facilitation of betting and therefore justify a sanction.

e. ***Charge 4 – Match 2***

- As explained with respect to Charge 2, the Athlete should not have played Match 2 as she was suffering from a flu-like sickness. Yet, she tried her best and has not intended to serve any double faults during [redacted] or any other games in that match.

- In the Notice, the ITIA correlated the betting alert regarding a general loss of the Athlete of Match 2 with some bets placed on her loss of this game and these two double faults, as illustrated by the fact that the Athlete was down [redacted] and that losing the next point would have ended the game quickly and surely, but she was the fifth point, getting back to [redacted] However, she did lose the next point.

- There is no betting alert regarding [redacted] which is part of the alleged infringement of the TACP, constituting Charge 4. It appears illogical to request any player to lose [redacted] as a set can end after six, seven or eight games.

- Without any external element except for the contestation of the Athlete having committed such double faults, it is argued that the standard of the preponderance of the evidence cannot be satisfied and that Charge 4 is therefore to be dismissed.

f. ***Charge 6***

- The Athlete discovered the messages in the Notice. She never met Mr Sargsyan nor Mr [redacted] whose messages were collected in the Belgian Investigation. The Athlete knows that Mr [redacted] was a friend of Mr Reix at the time and as a former professional tennis player who could provide her with advice and help.

- The messages that are the basis of Charge 6 are part of a separate file and consist of discussions between Mr [redacted] and Mr Sargsyan. One of these conversations took place on 16 May 2018 when the Athlete was playing the tournament of [redacted] in the [redacted] competition. The Athlete wanted to win as many games as possible in order to be granted a wild-card a few days before the start of [redacted] on [redacted] May 2018. The Athlete left the professional tennis circuit less than a year after these messages.

- To summarise the Athlete's position on Charge 6, she remembers doing her best efforts in order to obtain a last chance to participate in the 2018 [redacted] edition of [redacted] being provided an eventual wild-card, when her friend, Mr [redacted] might have asked whether she could refrain from playing at full capacity, in violation of the TACP, which she categorically refused.

- The Athlete might have been confused by her proximity to the indirect solicitor and, without knowing what people were asking him to do so, failed to report this approach to the ITIA, considering that her husband's participation in a reporting procedure in 2014 unveiling Mr [redacted] but led to Mr Reix and the Athlete being threatened.

- The Panel can find, if ever it considers that an indirect conversation in which the Athlete was not involved does not reach the preponderance of the evidence standard, that this charge could be also dismissed without the Athlete remembering how clear were the terms used by Mr [redacted]

g. Sanctions

- Primarily, as no corruption offense as defined in the TACP occurred in the present case, the Athlete should not be subject to any sanctions.

- Alternatively, in the extraordinary case in which the Panel should find the Athlete liable for one or more corruption offenses, the TACP provides for the different types of sanctions available.

- As a preliminary remark, the Athlete notes that, in the Appealed Decision, the AHO based her findings on the sanctions as set out in the 2022 TACP, which, in accordance with Section K.5 of the 2022 TACP, does not appear to be applicable. Indeed, as recognised by the ITIA in the Notice, the applicable version of the TACP on sanctions is the one in force in 2018. In any event, the 2018 TACP and the 2022 TACP appear to provide for similar sanctions.

- In the present case, the ITIA requested "*a fine of US$30.000 and a ban of seven years six months*".

- The TACP Sanctioning Guidelines are not a binding legal document, but set out the principle and various indicators and factors that may be taken into account when deciding on sanctions. The Panel retains "*full discretion in relation to the sanctions to be imposed in accordance with the TACP and may depart from the guidelines in accordance with the circumstances of the case*".

- As the Panel will note, the sanctions in the Appealed Decision are evidently disproportionate to the alleged offenses present here.

- The TACP Sanctioning Guidelines set out a five-step process to determine the appropriate sanction. Using the TACP Sanctioning Guidelines as a basis, the relevant criteria to be taken into account for determining the sanctions will now be addressed.

a. Determination of the offense category

- The determination of the offense category is conditioned by the number and type of charges ultimately retained by the Panel. If the Panel finds the Athlete liable for Charge 6 only, or for Charges 2 and 6, the sanction should be limited to a Culpability Level C and Impact Category 3.

- As regards the level of culpability, the principal reasons for the AHO's finding that the culpability falls within Category B are that the Athlete "*admitted to multiple Major Offenses which she committed in concert with others requiring premeditation and planning*", the admission arising from the non-participation to

the proceedings. However, the Athlete now contests that she committed these Major Offenses. The only behaviour the Athlete is now admitting is the fact that she may have not reported an approach from an individual to engage in a corruption activity – an offer she firmly rejected – and that fact that she played in a physically unfit state for a professional tennis match, which state was recklessly exposed to third parties.

- The ITIA's position with regard to the Level of Culpability is strongly contested.
  - Regarding the degree of planning and premeditation, there is no evidence of any communication between the Athlete and her ex-husband, nor with any "*third-party bettors*" supporting the allegations which related to Matches 1 and 2. In addition, the fact that the Athlete's ex-husband received a payment a day after Match 1 is no demonstration of an illegal activity from the Athlete herself. The Athlete had no knowledge of such transfer and as seen above, there is no demonstrative evidence whatsoever regarding a potential alleged corruption activity affecting Match 1. Regarding Match 2, the Athlete admits a careless behaviour that could have led to bettors placing bets against her, but she contests any planning or premeditation in this regard.
  - Regarding the factors relating to acting in concert with others, the Athlete contests having acted in concert with her ex-husband when he received money on [redacted] January 2018, a day after Match 1. Again, Match 1 was not affected by any illegal activity. As to Mr [redacted] and the non-reporting offense, it would be unreasonable to find that the non-reporting of a corrupt approach would be deemed to have been made in concert with the perpetrator of the corrupt approach himself. In no instance did the Athlete act in concert with Mr [redacted]
  - Regarding the "*several offenses*" factor, it has been demonstrated that the six Charges alleged against the Athlete are not fully established.
- As regards the Impact Category, the analysis of the AHO differed from the one of the ITIA and she opted for an Impact Category 2 rather than an Impact Category 1.
  - Regarding the "*Major Offenses*" criterion, the AHO considered that Impact Category 2 applied, due in part to the fact that they relate to only two matches in fact. Considering that none or little of the six Charges are actually grounded, the Impact Category in the present case would fall short of Impact Category 1 in any case.
  - Regarding the impact on the reputation and/or integrity of tennis, the AHO disagreed with the approach of the ITIA as the elements cited by the latter as the elements cited would be present in any instance of match fixing, including the involvement of third parties, leading to the conclusion that the position of the ITIA did not constitute a "*fair assessment*". The Athlete agrees with this, particularly also considering that the Athlete did not commit the six Charges alleged against her and admitted to two potentially sanctionable behaviours.

- Regarding the "*gain*" factor, the AHO rejected the ITIA's argument that the amount of USD 1,000 could be considered as a relatively high value of illicit gain under Impact Category 1. More importantly, the AHO recognised herself that "*the ITIA has not submitted any evidence as to how this gain was split between* [Mr Reix] *and* [the Athlete] *if indeed it was split between them*". The Athlete firmly denies having received any money in relation to the Charges and she had no knowledge of the payment of USD 1,000 received by her ex-husband.

b. Starting point and category range, including mitigating and aggravating factors

➢ Using the TACP Sanctioning Guidelines, the Panel is invited to consider the application of a starting point and category range corresponding to a Culpability Level C and Impact Category 3 (i.e., starting point of a 3-month suspension and a category range from admonishment to a 6-month suspension), if it were to find that the Athlete is liable to some extent for Charge 6 or Charges 2 and 6 together.

- Regarding "*mitigating circumstances*", the list of factors in the TACP Sanctioning Guidelines is non-exhaustive. As a preliminary remark, the AHO considered that the Athlete "*failed to raise any of the mitigating factors in the Guidelines*", which is explained by her lack of participation. Factors to be taken into account by the Panel are i) the Athlete's genuine remorse, particularly with respect to the two sets of facts set out above (potential failure to report the corrupted approach and her participation in Match 1, while knowingly being sick and her reckless behaviour, which led to other participants being aware of her health condition) ii) the Athlete has shown good character throughout her career and after, evidenced by statements of good moral character provided by former trainees; iii) while being 28 in 2018 does not necessarily qualify as a young age, she was still a young adult, which is also demonstrated by her non-participation in the first instance proceedings; iv) the Athlete undertook steps to address the offending behaviour by deciding to progressively put an end to her career; v) in her 14-year long career, the Athlete has never been sanctioned or charged for any breach or violation of the TACP; vi) the facts invoked are alleged to have taken place between January and May 2018, five years ago, while the Athlete's career was 14 years .

- Regarding "*aggravating factors*", the Athlete's denial during the interview attended with the ITIA on 11 February 2019 regarding Match 2 was justified by the fact that she genuinely believed that the fact that she played sick and her reckless behaviour in this regard did not constitute a Corruption Offense. The Panel will note that the Athlete attended the interview and answered questions from the ITIA. Regarding the lack of participation in the investigation afterwards despite two requests from the ITIA, the Athlete did not answer because the request occurred three years after she ended her career and because she had already participated in an interview in relation to the same event. Regarding the completion of TIPP trainings, it is

incomprehensible how the compliance with her duty may be understood as an aggravating factor, as it would mean that any professional tennis player would be subject to this aggravating factor.

c. Reduction for early admission

- As she did not participate in the procedure before the AHO, the Athlete understands that she is naturally precluded from benefiting from any early admission process. Yet, as previously expressed, the Athlete wants to admit her carelessness at not hiding her incapacity to play using her best efforts during Match 2 and her lack of reporting that Mr [redacted] asked her to lose. This late admission should be taken into consideration by the Panel.

d. Consideration of other factors

- The Athlete offers to assist the ITIA to cooperate in whatever way seems appropriate in order to warn professional players or youngsters.

e. Setting the amount of the fine, if any

- In accordance with the Fine Scale in the ITIA Sanctioning Guidelines, if the Panel finds the Athlete liable for Charge 6 alone, or Charges 2 and 6, a fine is to be imposed between an amount of USD 0 and USD 25,000. This range should be applicable, even in the unlikely event that the Panel were to find that the Athlete is liable for 6 Major Offenses, *quod non*.

- The Panel is also invited to take into account the mitigating factors set out above and the Athlete's current financial situation. The Athlete's financial situation could not have been taken into account by the AHO. According to the Career Prize Money Leaders issued on [redacted] the Athlete earned a total sum of [redacted] throughout her career, excluding tax and expenses. In particular all the costs that have been incurred in participating in the different tournaments should be taken into account.

- In her last tax notice, [redacted] Since this last tax declaration, the Athlete divorced from Mr Reix in September 2022. A few weeks before receiving the Notice, the Athlete signed a part-time working contract for being a tennis instructor, for a monthly amount of [redacted] before tax, which contract was subsequently terminated after the publication of the Appealed Decision. At the time of filing the Appeal Brief, the Athlete was therefore unemployed, and she cannot apply for any position involving any kind of training due to ban imposed on her. The fine of USD 30,000 imposed by the AHO amounts to twice the annual average income when she was working. The TACP Sanctioning Guidelines in particular allow for a player's financial situation to be taken into account if "*her average annual income is less than the amount of the otherwise-applicable fine*".

f. On the appropriateness of sanctioning the Athlete with a suspended sanction

- Should the Panel consider that the Athlete should be found guilty for any charge, she should be sentenced with a suspended sanction of fine or ban. This was also applied with respect to other players in the past.

g. On the appropriateness of sentencing the Athlete to a payment in instalments

- Should the Panel consider that the Athlete should be found guilty for any charge, she respectfully requests that she be sentenced to a fine that could be paid in instalments. This was also applied with respect to another player in the past.

h. On recent sanctions to be taken into consideration by the Panel

- Reference is made to five Moroccan tennis players who were banned for 9, 10 or 11 years for multiple breaches of the TACP, but who were fined only USD 5,000, plus one player who was banned for life and was imposed a fine of USD 10,000. This is relevant because these fines are much lower than the fine imposed on the Player.

- Furthermore, recently a tennis player was found guilty for 135 match fixing offenses. This athlete was banned for life and fined USD 34,000, which is comparable to the fine imposed on the Athlete by the AHO.

- The Athlete deems that the sanctions imposed on her were very high and she understands that her lack of participation has aggravated them a lot, but this is to be cured on a *de novo* basis.

B. The Respondent

68. The ITIA's Answer contains the following request for relief:

"*a. Dismiss the Appeal;*
b. Uphold the Decision on Sanction in its entirety;
c. Order the Appellant to pay the ITIA a contribution towards its legal fees and other expenses incurred in defending the Appeal pursuant to CAS Code Article R65.3; and
d. Dismiss any request from the Appellant for an order that the ITIA pay her a contribution towards her legal fees and other expenses occurred in these proceedings."

69. The ITIA's submissions, in essence, may be summarized as follows:

- Section G.3.a of the 2018 TACP provides that the ITIA has the burden of establishing that a corruption offence has been committed. The standard of proof is whether the

ITIA has established the commission of the alleged offence by a preponderance of the evidence.

a. ***Charge 1 – Match 1***

- Section D.1.b is relevant to Charges 1 (Match 1) and 2 (Match 2).
- In relation to Charge 1, the Athlete facilitated wagers on the outcome of aspects or certain of her matches by purposefully corrupting the score. The Athlete served two double faults in [redacted]
- The Athlete did not use her best efforts in Match 1 and served double faults intentionally. The Athlete also contrived the outcome of and/or aspects of Match 1 to facilitate betting by another person in breach of Section D.1.b of the 2018 TACP. The ITIA's allegations in this regard are substantiated by the scorecard for Match 1, and evidence of a payment of EUR 1,000 from proven corruptor Mr [redacted] to the Athlete's then husband, Mr Reix, the day after Match 1. As noted by the ITIA Investigator, evidence of payments made after a fixed match to a player's family member or connected person is not always available, but is considered extremely strong evidence where the ITIA has been able to obtain it, such as in this case.

b. ***Charge 2 – Match 2***

- In relation to Match 2, the ITIA submits that the Athlete facilitated wagers on the outcome of aspects of certain of her matches by purposefully corrupting the score. In Match 2, the Athlete served two double faults in [redacted]
- That same day, the ITIA received a betting match alert in which the gambling operators [redacted] reported their concerns regarding suspicious betting on the next game winner of [redacted] The match alert confirmed various bets being placed, including several in Bulgaria, with bets being placed on [redacted] for the Athlete to lose the game, which she did.
- The Athlete did not use her best efforts in Match 2 and she served double faults intentionally. Losing [redacted] is a popular choice used by corrupt players.

c. ***Charge 3 – Match 1***

- Section D.1.d is relevant to Charges 3 (Match 1) and 4 (Match 2)
- The Athlete contrived the outcome and/or aspects of Match 1 by deliberately serving double faults in [redacted] The ITIA's allegations in this regard are substantiated by the scorecard for Match 1, and evidence of a payment of EUR 1,000 from proven corruptor Mr [redacted] to the Athlete's then husband, Mr Reix, the day after Match 1.

d. ***Charge 4 – Match 2***

- The Athlete contrived the outcome and/or aspects of Match 2 by deliberately serving double faults in [redacted] The ITIA's allegations in this regard are

substantiated by the scorecard for Match 2, which demonstrates that the Athlete carried out her side of the fix, and the betting match alert which accurately predicted that the Athlete would lose [redacted]

e. *Charge 5 – Match 1*

- Section D.1.f is relevant to Charge 5 (Match 1).

- On [redacted] January 2018, the Athlete or Mr Reix on her behalf, accepted a payment of EUR 1,000 on the basis of the Player not giving her best efforts in Match 1, including but not limited to when the Player made double faults at certain points in the match. The ITIA's allegations in this regard are substantiated by the scorecard for Match 1, and evidence of a payment of EUR 1,000 from proven corruptor Mr [redacted] to the Athlete's then husband, Mr Reix, the day after Match 1. The ITIA notes that, in his written defence to the AHO, Mr Reix does not deny that he received the payment, but states that he has no recollection of the same.

f. *Charge 6*

- Section D.2.a.i is relevant to Charge 6.

- Reference is made to the messages exchanged between Mr Sargsyan and former professional tennis player Mr [redacted] These messages were downloaded from Mr Sargsyan's mobile telephones and demonstrate: i) Mr Sargsyan exhorting Mr [redacted] to fix one of the Athlete's matches; ii) Mr [redacted] assuring Mr Sargsyan he would try to persuade the Athlete to fix her match; iii) Mr [redacted] and Mr Sargsyan discussing placing bets on the Athlete's matches; and iv) Mr [redacted] reporting back to Mr Sargsyan that the Athlete was not interested on this occasion and wanted to play properly.

- The Athlete failed to report a corrupt approach on multiple occasions by Mr [redacted] and other members of the "*Operation Belgium network*", in which she was offered money to influence the outcome and/or aspects of a match she was due to play.

- In her Appeal Brief, the Athlete appears to admit that Mr [redacted] made an approach to solicit her not to use her best efforts in Match 3.

- Additionally, in the voicemail she left for the ITIA's legal counsel on 8 February 2023, the Athlete appears to admit she committed a corrupt act in one match.

g. *Sanctions*

- The AHO imposed a four-year suspension and a fine of USD 30,000 on the Athlete, while the potential sanction was life-time ineligibility and a USD 250,000 fine. In the proceedings before the AHO, the ITIA sought a period of ineligibility of seven years and six months, together with a fine of USD 30,000. Notwithstanding the ITIA's request that a higher sanction be imposed, it did not seek the disturb the finding of the AHO. However, the ITIA submits there are no grounds, whether legal or factual, on which the sanction could be reduced.

- The TACP Sanctioning Guidelines provide for a four-step process to determine the appropriate sanctions in a particular case.

- The AHO accepted the ITIA's submission that the Athlete's level of culpability lies within category B, which is medium culpability. Category B contemplates some planning or premeditation, acting in concert with others, and several offenses. As is clear from the facts and evidence in this case, the Athlete's corrupt acts were clearly planned and premeditated, she acted in concert with others, and she committed six corruption offenses.

- As regards impact, the ITIA submitted at first instance that the impact of the Athlete's conduct sat between Category 1 and Category 2. The AHO considered that the gain was more appropriately characterised as being on the lower end of the range that could be classified as being 'material' and concluded that the Athlete's offense should be classified as category B2.

- As to the aggravating and mitigating factors, the AHO accepted the ITIA's submission that there are a number of aggravating factors in this case, including and in particular, the Athlete's earlier denial of her involvement in match fixing and her lack of engagement in the investigation, both of which caused the ITIA to incur significant time and expense. The Athlete has also completed TIPP training on multiple occasions. The AHO also accepted the ITIA's submission that the Athlete failed to raise any mitigating factors.

- As to the mitigating factors put forward by the Athlete in the Appeal Brief, the ITIA notes that i) the Athlete does not express genuine remorse but limits it to two narrow facts; ii) the statements of good character are from young players and speak to the Athlete's proficiency as a coach; iii) 28 years old is mature by professional tennis standards; iv) the Athlete states she retired "*in order not to be exposed to any potential offenses*", yet she took no steps to report said offenses; v) the Athlete has no previous sanctions; and vi) the corrupt offenses took place over a period of months. In the ITIA's submission, none of the factors relied on by the Athlete in mitigation may be considered to reduce the seriousness of her corruption offenses.

- As to the fine to be imposed, the TACP Sanctioning Guidelines provide broad discretion to AHOs in relation to the applicable fine. The ITIA notes that the fine scale for 5-10 Major Offences is USD 25,001 to USD 50,000. The TACP Sanctioning Guidelines further provide that the amount of any fine should reflect the categorisation of the offense. Considering the number of offenses, the categorisation of the offense as B2 and the aggravating factors, the AHO decided that the appropriate fine in the case was USD 30,000. The ITIA submits that this is an appropriate fine in all the circumstances.

V. JURISDICTION

70. Article R47 of the Code states that:

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

71. In the absence of a specific arbitration agreement, in order for the CAS to have jurisdiction to hear an appeal, the statutes or regulations of the sports-related body from whose decision the appeal is being made must expressly recognise the CAS as an arbitral body of appeal.

72. The jurisdiction of CAS, which is not disputed between the Parties, derives from Article I(1) of the 2022 TACP, which provides as follows:

> "*The Covered Person or the ITIA may appeal to the CAS: (i) a Decision, provided the Decision (in combination with earlier orders from the AHO) includes all elements described in Section G.4.b; or (ii) a determination that the AHO lacks jurisdiction to rule on an alleged Major Offense or its sanctions. For the avoidance of doubt, appeals against more than one of the elements of a Decision set out in Section G.4.b must be made to the CAS together. Where separate decisions are rendered by an AHO for one or more elements of a Decision set out in Section G.4.b, the time to appeal shall commence running on the date of receipt by the appealing party of the last such decision. The appeal shall be conducted in accordance with CAS's Code of Sports-Related Arbitration and the special provisions applicable to the Appeal Arbitration Proceedings. For the avoidance of doubt, a decision with respect to (i) a Provisional Suspension or (ii) Substantial Assistance cannot be appealed to CAS.*"

73. The jurisdiction is further confirmed by the Parties signing the Order of Procedure.

74. In light of the above, the Panel finds that the CAS has jurisdiction to hear this matter.

VI. ADMISSIBILITY

75. According to Article R49 Code, "*In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against*".

76. Section I(3) of the 2022 TACP provides that "*The deadline for filing an appeal with CAS shall be twenty business days from the date of receipt of the decision by the appealing party*", which is confirmed in para. 60 of the Appealed Decision, which provides that "*This decision may be appealed to the Court of Arbitration in Sport in Lausanne, Switzerland, within twenty business day from the receipt of the Decision by the Appealing party*".

77. The Appealed Decision was issued on 30 January 2023 and notified to the Athlete on 31 January 2023. Since the Athlete filed her Statement of Appeal on 20 February 2023, the appeal was filed timely.

78. The admissibility is further not disputed by the Respondent.

79. Therefore, the Panel finds that the appeal is admissible.

VII. APPLICABLE LAW

80. Article R58 of the CAS Code provides the following:

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

81. The Athlete submits in her Appeal Brief that in accordance with Section K.3 of the TACP, the TACP is applicable and, complementarily, the laws of the State of Florida, USA.

82. The ITIA states that the proceedings are governed by the 2018 TACP as the alleged corruption offenses occurred in that year. The 2022 TACP contains the applicable procedural rules. The ITIA further maintains that, pursuant to Section K.3 of the TACP, the TACP is governed by the laws of the State of Florida, USA.

83. Section K.5 of the 2022 TACP provides as follows:

> "*This Program is applicable prospectively to Corruption Offenses occurring on or after the date that this Program becomes effective. Corruption Offenses occurring before the effective date of this Program are governed by any applicable earlier version of this Program or any former rules of the Governing Bodies which were applicable on the date that such Corruption Offense occurred.*"

84. Section K.6 of the 2022 TACP provides as follows:

> "*Notwithstanding the section above, the procedural aspects of the proceedings will be governed by the Program applicable at the time the Notice is sent to the Covered Person.*"

85. The Panel observes that the alleged events in question occurred in 2018 and that the Athlete was found in the Appealed Decision to have violated the 2018 TACP, but that the Notice was issued after the 2022 TACP entered into force on 1 January 2022. Accordingly, in accordance with Sections K.5 and K.6 of the 2022 TACP and the principle of *tempus regit actum*, substantive issues are subject to the 2018 TACP, whereas procedural issues are subject to the 2022 TACP.

86. As to the law subsidiarily applicable, Section K.3 of the 2018 TACP and Section K.2 of the 2022 TACP provide as follows:

> "*This Program shall be governed in all respects (including, but not limited to, matters concerning the arbitrability of disputes) by the laws of the State of Florida, without reference to conflict of laws principles.*"

87. As such, the Panel is satisfied that it should accept the primary application of the TACP and, subsidiarily, the laws of the State of Florida, USA.

VIII. MERITS

88. The Athlete challenged the Appealed Decision on the basis that the charges have not been sufficiently proven and – subsidiarily – that the sanctions imposed are disproportionate. Before discussing the substance of the case, the Panel will first assess the applicable standard and burden of proof.

89. At the outset, although not disputed by the Athlete, the Panel considers it relevant to outline that the Matches 1, 2, 3 and 4 are all "Events" and that the Athlete is a "Covered Person" as defined in Section B of the 2018 TACP.

A. The Standard and Burden of Proof

90. Sections G(3)(a) and (b) of the 2018 TACP provides as follows:

> "*The ITIA (which may be represented by legal counsel at the Hearing) shall have the burden of establishing that a Corruption Offense has been committed. The standard of proof shall be whether the ITIA has established the commission of the alleged Corruption Offense by a preponderance of the evidence.*
>
> *Where this Program placed the burden of proof upon the Covered Person alleged to have committed a Corruption Offense to rebut a presumption or establish facts or circumstances, the standard of proof shall be by a preponderance of the evidence.*"

91. It is also not in dispute between the Parties that the applicable standard of proof is "*preponderance of the evidence*" and that it is primarily for the ITIA to establish that the Athlete committed the violations for which she is charged.

92. The standard of "*preponderance of the evidence*" is met if the proposition that the Athlete engaged in attempted match fixing is more likely to be true than not.

B. The Alleged Infringements of the 2018 TACP

93. The Panel must determine whether, on a preponderance of the evidence, the ITIA can establish that the Athlete is guilty of the six violations of the 2018 TACP for which she is charged and, if so, what sanction should be imposed on the Athlete.

94. The Panel finds that the Athlete has been charged with serious offenses and therefore considers it necessary for it to have a high degree of confidence in the quality of the evidence.

95. The Panel points out it can rely in this case on an extensive case file, containing translated messages, the Parties' submissions and witness statements of Ms Hamlet, Mr Reix, Mr Downes, and Mr HcHenry. The Panel emphasizes that Ms Hamlet's witness statement was helpful. She gave a clear explanation of the ITIA investigation, a background of the charges, an interpretation of the facts, insight into the Belgian Investigation, the systems used by match fixers and the proceeds thereof.

a. Charges 1, 3 and 5 – Match 1

96. Charges 1, 3 and 5 solely relate to Match 1. Since these charges are connected, the Panel addresses them together.

97. Charge 1 concerns an alleged violation by the Athlete of Section D.1.b of the 2018 TACP, which provides as follows:

> "*No Covered Person shall, directly or indirectly, solicit or facilitate any other person to wager on the outcome or any other aspect of any Event or any other tennis competition.* [...]"

98. Charge 3 concerns an alleged violation by the Athlete of Section D.1.d of the 2018 TACP, which provides as follows:

> "*No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event.*"

99. Charge 5 concerns an alleged violation by the Athlete of Section D.1.f of the 2018 TACP, which provides as follows:

> "*No Covered Person shall, directly or indirectly, solicit or accept any money, benefit or Consideration with the intention of negatively influencing a Player's best efforts in any Event.*"

100. The Panel notes that the ITIA relies on two pieces of evidence to corroborate the afore-mentioned charges: i) the undisputed fact that the Athlete served two double faults in game [redacted] and ii) the payment of EUR 1,000 to the Athlete's then husband via Western Union the day after Match 1.

101. To start with, the Panel finds that merely serving two double faults in one game of a tennis match is nothing extraordinary. This happens to the greatest tennis players. The Panel also finds that, at a high professional level, serving double faults is not necessarily demonstrative of poor skill or of an inability of avoiding double faults. Rather, serving double faults may be a consequence of high risk being taken with the first and/or second serve. One could opt for mitigating the risk of serving a double fault by serving a simple slow second serve. However, at a high professional level, a simple slow second serve does

not necessarily increase the chances of winning the point, as such serve allows the opponent the opportunity to hit a strong return, whereas a risky strong second serve may put the server in a more favourable position to win the point. The goal of an athlete serving a second serve is not necessarily avoiding a double fault, but to win the point. The caveat of serving a risky strong second serve is obviously the fact that it has an increased chance of going out or hitting the net, resulting in losing the point with a double fault.

102. This is not to say that serving two double faults in one game is irrelevant in all circumstances, in particular because the Panel accepts that serving a double fault is a guarantee to lose a point because the opponent has no influence on the outcome of the point, and to lose a game, a set or a match if applied repeatedly. The Panel however finds that serving two double faults in one game is in and of itself not extraordinary enough to raise justified suspicions of directly or indirectly contriving an aspect of a tennis match. This is particularly true in the matter at hand, because despite serving two double points in [redacted] the Athlete went on to win [redacted]

103. As to the amount of EUR 1,000 received by Mr Reix, the Athlete's then husband, on the day after Match 1, the Panel notes that Mr Reix maintains that he did not receive such sum. The AHO ruled as follows in the Mr Reix Decision:

> "*The Parties accept that each time a person sends money via Western Union, they receive a 10-digit MTCN on the receipt. It is unclear whether the MTCN was or could have been checked by the Belgian authorities in between 2018-2020 to confirm whether the Payment was collected by* [Mr Reix].
>
> *The existence of the Payment confirmation, which was sent to* [Mr Reix] *through* [Mr [redacted] *a known money mule of* [Mr Sargsyan], *is strong evidence of* [Mr Reix'] *involvement in match fixing. The explanation offered by* [Mr Reix] *for its existence, i.e., that it was to induce* [the Athlete] *to commit a corruption offence rather than remunerate her for one is inconsistent with* [Mr Sargsyan's] *known methodology which is to pay players and intermediaries after the fix and not before. The AHO prefers the evidence of Ms. Hamlet on these points and concludes that* [Mr Reix] *received the Payment in exchange for a fix in relation to* [the Athlete's] *match as an intermediary. The AHO also accepts the ITIA's submission that the betting alert received in relation to Match 2 is strong evidence that* [the Athlete] *was involved in match fixing at around that time. In a voicemail message left on Mr. McHenry's mobile phone* [the Athlete] *basically admits her involvement stating that 'there only thing* [sic] *one thing I did in my life and I'm not proud of, but there is no way they can finish me for 6 match when I did only one thing in one match.' Although the ITIA has struggled to identify the specific fix for Match 1 on the facts of the case, the Payment confirmation speaks volumes.*"

104. On this basis, the Panel accepts that although money was transferred from an account ("[redacted] to Mr Reix by Western Union, it is unclear whether Mr Reix ever collected the sum of EUR 1,000.

105. The Panel also agrees with the AHO in the Mr Reix Decision that it is certainly suspicious

that such amount was transferred from an account ([redacted]) determined to have been used previously to transfer money to people that were subsequently convicted for match fixing-related infringements.

106. However, unlike the AHO in the Mr Reix Decision, the Panel is not convinced that the transfer of EUR 1,000 was related to Match 1.

107. In the view of the Panel, although evidence of a payment being received by a family member of an athlete from a person involved in match fixing is a potential corroborating element in the context of various pieces of evidence, on a stand-alone basis, it falls short of raising suspicions vis-à-vis such athlete. While Mr Reix was the Athlete's husband at the time of the transfer of the money, the mere fact that money was transferred to Mr Reix does not necessarily mean that it was paid in exchange for a "service" provided by the Athlete or that the Athlete knew about such transfer. Mr Reix is also a former professional tennis player and a coach at [redacted] The Panel finds that it is to be inferred from this that Mr Reix had his own network in professional tennis and that the possibility cannot be excluded that he may have received the amount of EUR 1,000 for (potentially corrupt) services rendered that are not related to the Athlete. This may be different in a situation where money is received by family members that are not themselves involved in tennis, but in a situation where the recipient himself has an active career in tennis as a coach, and in particular in a situation where Mr Reix has already been approached by match fixers in the past, which he duly reported to the TIU at the time, the Panel finds that the money received cannot be automatically linked to his then wife.

108. Although the Panel finds that such "missing link" could potentially be overcome if additional evidence submitted would be convincing, it finds that this is not the case here.

109. The only link between the transfer and Match 1 is the proximity in time. There is however no evidence on file directly connecting the payment to the Athlete, let alone to the double faults of the Athlete in [redacted]

110. While a considerable amount of correspondence exchanged was subtracted from Mr Sargsyan's mobile phone, there is apparently no correspondence concerning Match 1 or the transfer of EUR 1,000 to Mr Reix. Also, no betting alerts have been issued with respect to Match 1.

111. Again, the Panel considers it relevant that the Athlete went on to win [redacted] despite the two double faults. Ms Hamlet noted in her witness statement that "*In some investigations, corruptors bet specifically on a double fault within a specific game*", but there is no explanation why serving two double faults in a single game would be indicative of corrupt actions, if not to lose that game.

112. Also considering the two different pieces of evidence relied upon by the ITIA together, the Panel finds that the evidence adduced is clearly insufficient to make out Charges 1, 3 and 5 filed against the Athlete.

113. Consequently, the Panel finds that, on a preponderance of the evidence, the ITIA did not succeed in establishing that the Athlete is guilty of Charges 1, 3 and 5.

b. Charges 2 and 4 – Match 2

114. Charges 2 and 4 solely relate to Match 2. Since these charges are connected, the Panel addresses them together.

115. Charge 2 concerns an alleged violation by the Athlete of Section D.1.b of the 2018 TACP, which provides as follows:

> "*No Covered Person shall, directly or indirectly, solicit or facilitate any other person to wager on the outcome or any other aspect of any Event or any other tennis competition.* […]"

116. Charge 4 concerns an alleged violation by the Athlete of Section D.1.d of the 2018 TACP, which provides as follows:

> "*No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event.*"

117. The Panel notes that the ITIA relies on two pieces of evidence to corroborate the aforementioned charges: i) the undisputed fact that the Athlete served two double faults in game [redacted] and the receipt of a betting match alert with respect to Match 2, which provides as follows:

> "*[...] Right at the start of the match, during the* [redacted] *we saw an existing customer from Bulgaria and an existing customer from Italy opposing* [the Athlete] *for the* [redacted] *set at various prices. At the start of the* [redacted] *game with the score* [redacted] *we saw 4 existing customers from Bulgaria, 2 returning customers from Bulgaria and one new customer from Austria all opposing* [the Athlete] *for the* [redacted] *At that point we removed the fixture from our site.*
>
> *All* [redacted] *bets were placed in a coordinated manner in a 12 second time frame and 2 of the accounts returned having placed no bets since October 2016 to back this same specific market. It is also significant that* [the Athlete] *served 2 double faults in that game.*
>
> *[...] We have similar bets from Italian account and 2 Bulgarian accounts on* [redacted] *Two of these 3 accounts were new.*
>
> *One new Italian [...] account backing Set 1 Winner and Set 1 game 5 Winner, taking a variety of prices.*"

118. As to the two double faults in one game, the Panel relies on the reasoning set forth above with respect to Match 1. Given that there is no additional evidence with respect to the alleged contriving of the outcome of [redacted] besides the mere fact that the Athlete served two double faults in this game, the Panel finds that there is clearly insufficient evidence on file suggesting that the Athlete lost this game on purpose.

119. However, unlike with respect to [redacted] of Match 1 and [redacted] of Match 2, the Panel finds that the betting match alert issued by [redacted]

[redacted] is very convincing evidence with respect to the integrity of [redacted] of Match 2. The Panel notes that the betting companies responsible for the betting match alert considered the bets placed on [redacted] so suspicious that they removed the fixture. The Panel considers it very suspicious for two new betting accounts to bet specifically on the outcome of the same single game in a match in view of the high number of bets processed by betting operators. The Panel accepts the submission of the ITIA in Ms Hamlet's witness statement that it is illustrative to show how strong a betting alert is as evidence in an investigation that "*it is estimated that less than 15% of all the bets placed in the entire Operation Belgium triggered betting alerts*".

120. This, coupled with the fact that the bets placed were successful, i.e., the Athlete indeed lost [redacted] as predicted by the betting accounts, the evidence of Ms Hamlet that game [redacted] is often used by match fixers to lose a game, and in particular the undisputed fact that the Athlete served two double faults in this specific game, leads that Panel to the conclusion that the Athlete contrived the outcome of [redacted] on purpose (i.e., violating Section D.1.d of the 2018 TACP) and that she, directly or indirectly, informed the betting syndicate that she would lose [redacted] in advance, thereby facilitating them to wager on the outcome of that game (i.e., violating Section D.1.b of the 2018 TACP).

121. The Panel finds that this conclusion is further corroborated by the Athlete's voicemail message to Mr McHenry on 8 February 2023, where she appears to admit a corrupt act with respect to one match:

> "*Like I told them, they accuse me for 6 match, there only thing one thing I did in my life and I'm not proud of, but there is no way they can finish me for 6 match when I did only one thing on one match.*"

122. The Panel accepts the Athlete's defence that she did not commit any corruption offences with respect to Match 1. Furthermore, as addressed in more detail below, Charge 6 concerns the alleged failure of the Athlete to report an approach to contrive the outcome of a match or an aspect of a match referencing Matches 3 and 4, while it is not in dispute that she turned down the approach. The only remaining match where the Athlete could have done "*one thing in one match*" must therefore reasonably have been Match 2.

123. The Athlete maintains that she was suffering from sickness before Match 2, which severely reduced her ability to compete and that the [redacted] tournament has an open-air alley where the spectators can see what is going on around the courts, which might have led to a general knowledge of the Athlete not being in good shape ahead of Match 2.

124. The Panel is not persuaded by the Athlete's arguments in this respect. Ms Risby reported in her notes of the interview with the Athlete that "*Her illness and the Courtsider issue was already known to investigators*". On this basis, the Panel is prepared to accept that the Athlete may indeed have felt ill before the start of Match 2 even though the Athlete did not present any evidence of being ill at the time, e.g., for instance evidence of having seen a doctor or a prescription for medication.

125. However, the mere fact that the Athlete may have been ill leaves entirely unexplained why

betting accounts were so convinced that the Athlete would lose specifically as opposed to for example losing the entire match.

126. The same reasoning applies to the Athlete's argument that the second set took longer than the first set and that this is demonstrative of the fact that she did not lose without a fight. The ITIA's allegation is not that the Athlete lost Match 2 or a particular set on purpose, but that she lost on purpose. The Panel therefore considers it irrelevant whether the Athlete won or lost the match, the decisive aspect is whether she contrived the outcome of on purpose and the Panel is convinced that she did and that this information was, directly or indirectly, relayed to the betting syndicate.

127. There is no evidence on file establishing what the Athlete received in return for losing but the Panel does not consider this to be a prerequisite for finding the Athlete guilty of violating Sections D.1.b and D.1.d of the 2018 TACP. Indeed, unlike with respect to Match 1, the Athlete is not charged for having violated Section D.1.f of the 2018 TACP with respect to Match 2.

128. Consequently, the Panel finds that, on a preponderance of the evidence, the ITIA succeeded in establishing that the Athlete is guilty of Charges 2 and 4.

c. Charge 6

129. Charge 6 concerns an alleged violation by the Athlete of Section D.2.a.i of the 2018 TACP, which provides as follows:

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

130. In this respect, the ITIA refers to messages exchanged between Mr Sargsyan and Mr between 15 May 2018 and 4 June 2018. Included in the messages is an exchange which took place on 16 May 2018, in which Mr Sargsyan ("GS") and Mr discussed an approach made to the Athlete regarding Match 3 scheduled to take place the evening of May 2018. These messages provide as follows:

12.36 – GS - "*REIX double >2-0>2000+500*"
12.56 – – "*I will see*"
12.56 – – "*I will keep in touch*"
[…]
13.30 – – "*Cancelled for REIX*"
13.30 – – "*She plays thoroughly*"
13.30 – GS – "*the doubles?*"
13.30 – – "*yes*"
13.31 – – "*she won singles*"
13.31 – – "*she is in ¼*"
13.31 – GS – "*But try it all the same*"

13.31 – – “*No she doesn’t want*”

13.31 – – “*She plays to win*”

13.31 – – “*what are the odds?*”

13.31 – GS – “*2.1*”

13.31 – – “*For her?*”

13.31 – – “*Winner of the match*”

13.32 – GS – “*She must lose >2.1*”

13.40 – – “*You can put me zero of the OM and REIX double? Please*”

13.40 – – “*They will win REIX*”

13.40 – GS – “*jj do it on cloud please*”

13.40 – “*in doubles*”

13.40 – “*I don’t have Reix*”

13.58 – GS – “*How much?*”

13.58 – GS – “*3.3 nul 1.7 win Reix*”

14.04 – GS – “*?*”

14.18 – – “*Yes*”

14.18 – GS – “*how much?*”

14.18 – “*60 euros please*”

14.18 – GS – “*50 or 100*”

14.19 – – “*50 then*”

14.19 – GS – “*ok*”

14.19 – GS – “*5.6*50 = 280*”

14.19 – GS – “*confirmed*”

14.19 – “*ok thanks*”

131. On 17 May 2018, a mobile device belonging to Mr Sargsyan shows an entry for a visit to the odds comparison website BMBETS.com for the match between the Athlete scheduled to start at that day. These messages state:

13.35 – – “*She doesn’t want*”

13.35 – – “*she wants to play thoroughly*”

13.35 – GS – “*Oki*”

13.35 – GS – “*Next time*”

13.37 – GS – “*Reix*”

13.37 – GS – “*She wants more?*”

132. The Panel finds that it derives from the above conversations between Mr Sargsyan and Mr that the latter alleges to have enquired whether the Athlete was interested in contriving the outcome of a tennis match or any aspect thereof, followed by a confirmation that the Athlete was not interested, which logically presupposes that he indeed reached out to the Athlete.

133. The Panel finds that it could theoretically be that Mr informed Mr Sargsyan that the Athlete was not interested, without actually having talked to her. However, the Panel considers such scenario unlikely, not in the least because Mr was part of the Athlete’s entourage and was therefore in direct contact with her and could easily make such inquiry, particularly in a context where the Athlete had already contrived an aspect of

Match 2 at an earlier stage. The Panel also does not see any reason why Mr [redacted] would lie to Mr Sargsyan, in particular since they were jointly involved in contriving tennis matches, i.e., a situation where it appears important that they can rely on one another.

134. The Panel further considers it relevant that the Athlete appears to admit in her Appeal Brief that Mr [redacted] made an approach to solicit her not to use best efforts in Match 3:

> "*Even though she cannot be certain and does not remember precisely such conversation, she deems yet possible that* [Mr [redacted] *had contacted her or solicited that she might not use her best efforts in this tournament.*"

135. Finally, the Panel considers it relevant that the Athlete was not prepared to be subjected to cross-examination by the ITIA. The Panel finds that this undermines the credibility of the factual allegations in the Athlete's written submissions.

136. Consequently, the Panel finds that, on a preponderance of the evidence, the ITIA succeeded in establishing that the Athlete is guilty of Charge 6.

C. The Sanctions to be imposed

137. Having determined that the Athlete infringed Sections D.1.b and D.1.d with respect to Match 2 and Section D.2.a.i of the 2018 TACP in relation to Match 3, the Panel now proceeds to determine the appropriate sanctions.

138. At the outset, the Panel considers it relevant to indicate that while it is true that Charges 2 and 4 incriminate different behaviour and that both Section D.1.b as well as D.1.d of the 2018 TACP are infringed, it finds that these two infringements are closely related. Indeed, one could theoretically contrive a match or an aspect of a match without facilitating wagering, but unless the athlete would bet against herself or herself, such offense is only genuinely a corrupt offence with the element of facilitating wagering. The same applies the other way around, one could theoretically facilitate another person to wager on the outcome of a match or an aspect thereof, but such offence is only genuinely a corrupt offence if the outcome of such match or an aspect thereof is contrived, and if this is known in advance by the person placing the wager.

139. On this basis, while formally constituting two separate infringements, the Panel finds that they are to be treated as one infringement for the purposes of sanctioning.

140. With respect to sanctioning, Section H.1.a of the 2018 TACP provides as follows:

> "*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 from Participation in any Sanctioned Events for a period of up to three years unless permitted under Section H.1.c, and (iii) with respect to any violation of Section D.1, clauses (d)-(j) Section D.2 and*

> *Section F ineligibility from Participation in any any* [sic] *Sanctioned Events for a maximum period of permanent ineligibility unless permitted under Section H.1.c.*"

141. Section H.1.a of the 2022 TACP does not materially differ from its equivalent in the 2018 TACP.

142. Accordingly, violations of Sections D.1.b and D.2.a.i of the 2018 TACP are "*Corruption Offenses*" and allow for the sanctions under lit. i) ("*a fine of up to $250,000 plus an amount equal to the value of any winnings or other amounts received* [...]") and under lit. ii) ("*ineligibility* [...] *for a period of up to three years* [...]") to be imposed.

143. However, a violation of Section D.1.d of the 2018 TACP falls under lit iii) ("*ineligibility from Participation in any any* [sic] *Sanctioned Events for a maximum period of permanent ineligibility*").

144. Of the infringements committed by the Athlete, her violation of Section D.1.d of the 2018 TACP therefore warrants the most severe sanction.

145. With the implementation of the 2022 TACP, the ITIA issued a set of Sanctioning Guidelines for cases under the TACP. The preface thereof provides as follows:

> "*The guidelines aim to provide a framework to support fairness and consistency in sanctioning across the sport. The guidelines are not binding but set out principles and various indicators and factors which AHOs may consider appropriate to take into account in their decision making. AHOs retain full discretion in relation to the sanctions to be imposed in accordance with the TACP and may apply or depart from the guidelines in accordance with the circumstances of the case. For the avoidance of doubt, an AHO's departure from the guidelines is not a valid ground for an appeal.*"

146. The Panel observes that both Parties rely on the TACP Sanctioning Guidelines to justify a (higher or lower) sanction. The Athlete does not object to its applicability. On the contrary, she relies on the TACP Sanctioning Guidelines to request a lower sanction to be imposed than the one applied by the AHO in the Appealed Decision.

147. As determined above, although the 2018 TACP applies to substantive issues, the 2022 TACP applies to procedural issues. Since the Athlete is found guilty of having infringed the 2018 TACP, she is in principle also to be sanctioned on the basis of the 2018 TACP. However, pursuant to the legal concept of *lex mitior*, an exception to this rule would be if the 2022 TACP would provide for a sanctioning regime that is more favourable to the Athlete than the 2018 TACP.

148. Although the TACP Sanctioning Guidelines were only introduced with the 2022 TACP, the potential maximum sanctions that can be imposed on the Athlete under the 2018 TACP and the 2022 TACP are the same. The Panel therefore finds that, even though the 2018 TACP are applicable with respect to sanctioning, the TACP Sanctioning Guidelines are a helpful tool in imposing an appropriate sanction, particularly considering that the Athlete

herself relies thereon in applying for sanctions lower than the ones imposed by the AHO in the Appealed Decision.

149. The TACP Sanctioning Guidelines set forth a 5-phase process:

1. Determining the offence category;
2. Starting point and category range;
3. Consider any other factors which may merit an adjustment based on aggravating or mitigating factors relating to the offender;
4. Other factors which may merit reduction, such as substantial assistance;
5. Amount of fine.

a. Determining the offense category

150. The TACP Sanctioning Guidelines provide for three categories of culpability (high, medium and lesser) and three categories of impact (1, 2 and 3) and that various criteria are listed that allow determining the appropriate category in a specific case.

i. Culpability

151. Commencing with the category of culpability, the Panel notes that the distinguishing features depend on i) the level of planning or premeditation (high, some, or little or no); ii) the extent to which the offender initiated the offences and/or whether she acted in concert with others or alone; and finally iii) the number of offences committed and/or whether the offender was coerced, intimidated or exploited.

152. As to the level of planning or premeditation, there is no evidence on file suggesting that the Athlete was the initiator of contriving the outcome of an aspect of Match 2. To the contrary, it appears from the Athlete's infringement of Section D.2.a.i of the 2018 TACP that she was approached by others to engage in match fixing. Although the level of planning or premeditation appears to have been quite limited, the Panel finds, at least with respect to the infringement of Sections D.1.b and D.1.d of the 2018 TACP with respect to Match 2, that the Athlete had to [redacted] on purpose and that members of the betting syndicate were, directly or indirectly, informed of this in advance. The Panel finds that this required some planning or premeditation on the Athlete's side, as a consequence of which the Panel finds that category B applies in this respect.

153. As to the extent to which the Athlete initiated the offences and/or whether she acted in concert with others or alone, the Panel finds that there is no evidence on file suggesting that the Athlete initiated the offences, but that she was convinced to do so by others. It can however also not be said that the Athlete was acting alone. By intentionally losing [redacted] of Match 2 in conjunction with the suspicious bets being placed on such outcome, the Athlete must have acted in concert with others, as a consequence of which the Panel finds that also in this respect Category B applies.

154. As to the number of offences committed and/or whether the offender was coerced, intimidated or exploited, the Panel finds that there is no evidence on file suggesting that the Athlete was coerced, intimidated or exploited. As to the number of violations, the

Athlete is formally found guilty of 3 offences under the TACP, but, as set forth above, the infringements of Section D.1.b and D.1.d are to be treated as a single offence. The Panel finds that two offences fit better in Category B than in Category A.

155. As a consequence, the Panel finds that the Athlete's culpability best fits Category B, i.e., medium culpability, as had also been the conclusion of the AHO in the Appealed Decision.

ii. Impact

156. Turning then to the level of impact of the Athlete's infringements, the Panel notes that the distinguishing features are i) whether several or only one Major TACP offence was committed or only Other TACP offences; ii) whether the impact on the reputation of the sport was significant, material or minor; iii) whether the value of the illicit gain was high, material, or little or no; and iv) whether the Athlete held a position of trust/responsibility within the sport.

157. As to whether several or only one "*Major Offense*" was committed or only "*Offenses*", for the reasons set out above, the Panel finds that, for present purposes, the Athlete committed one "*Major Offense*" and one "*Offense*". The Panel finds that this best suits Impact category 2.

158. As to whether the impact on the reputation of the sport was significant, material or minor, the Panel also finds that the middle category fits the situation in the matter at hand best. The impact was not significant, but also not minor.

159. As to the value of the illicit gain, the Panel notes that there is no evidence on file of any illicit gain being obtained by the Athlete. The Panel however considers it very likely that there was a financial consideration for the Athlete losing [redacted] of Match 2 intentionally. The Panel finds that the payment of EUR 1,000 that was transferred to Mr Reix is irrelevant in this respect, because the ITIA did not prove that this payment was made in connection to any actions undertaken by the Athlete. In the absence of any evidence to the contrary, and also considering that had the payment of EUR 1,000 been relevant, *quod non*, the Panel finds that this would fall in Impact category 3, i.e., little or no material gain.

160. As to whether the Athlete held a position of trust/responsibility within the sport, the Panel finds that Athlete held no position that would impose an elevated level of trust or responsibility on her compared to other athletes participating in professional tennis competitions.

161. As a consequence, the Panel finds that the level of impact of the Athlete's infringements best fit category 2, as had also been the conclusion of the AHO in the Appealed Decision, albeit that the Panel finds that level of impact is closer to category 3 (minor impact) than to category 1 (significant impact).

iii. Conclusion

162. These findings lead the Panel to the conclusion that the Athlete's infringements are to

be sanctioned according to the range of sanctions set forth in Category B2. This is also the category that was applied by the AHO in the Appealed Decision.

163. Pursuant to the TACP Sanctioning Guidelines, for a Category B2 offence, the range of the suspension to be imposed lies between 6 months and 5 years, with a 3-year suspension as a starting point.

b. Aggravating and/or mitigating factors

164. The Panel finds that the majority of aggravating factors listed in the TACP Sanctioning Guidelines do not apply. However, the Athlete failed to appear before the AHO and the Panel finds it reasonable and fair that this is to be taken into account as an aggravating factor.

165. Although the completion of multiple TIPP trainings is listed as an aggravating factor, the Panel agrees with the AHO that this can hardly be seen as an aggravating factor because all athletes are required to pass TIPP training.

166. The Panel finds that none of the mitigating factors explicitly listed apply in the matter at hand.

167. Insofar as the Athlete maintains that she showed genuine remorse in relation with i) the potential failure to report the corrupted approach she faced in May 2018; and ii) her participation in Match 2, while knowingly being sick, and her reckless behaviour which led to other participants to the even being aware of her health condition, the Panel finds that although the Athlete did not clearly and unequivocally admit to having been approached by Mr [redacted] in May 2018, the Panel finds that her position may be interpreted as such for present purposes. Indeed, the Panel considered this partial admission relevant in coming to the conclusion that the Athlete is guilty of Charge 6. The Panel therefore finds that this can be taken into account as a mitigating factor. The Athlete's alleged remorse with respect to Match 2 is dismissed, as the Panel finds that the Athlete's alleged sickness does not explain why she lost [redacted]

168. The Athlete's reliance on her good character is also dismissed. Declarations of athletes trained and/or coached by the Athlete are not necessarily demonstrative of the Athlete's good character overall.

169. The Athlete's reliance on her young age is dismissed. The Panel finds that, given that the Athlete was 28 years old at the time of committing the infringements, it cannot be said that she was particularly young or inexperienced.

170. The Athlete's reliance on steps having been taken to address the offending behaviour is dismissed. The Panel finds that the Athlete did not establish that she retired early from the sport to address her offending behaviour. The Athlete's reliance on hateful and threatening messages on her social media networks referring to the world of betting could potentially have been relevant, but the Panel finds that it is barred from taking this into account because the Athlete failed to corroborate her allegations with evidence.

171. The Athlete's reliance on not having been sanctioned before for any breach or violation

under the TACP does not qualify as a mitigating factor. Rather, had the Athlete committed such infringements before, this would have been considered as an aggravating factor.

172. Finally, the Athlete's reliance on the time sequence of the facts is considered irrelevant by the Panel for present purposes. The time over which offences are committed is already taken into account in determining the level of Culpability, as set forth above. Although the Panel is prepared to accept that the 3 offences committed by the Athlete were committed over a short timeframe, it finds that this should not have any major impact on the sanction to be imposed on the Athlete.

173. The Panel notes that while the AHO in the Appealed Decision applied Category B2, she decided on a 1-year uplift because of the aggravating factors she considered to be present, resulting in a 4-year period of ineligibility being imposed.

174. Overall, the Panel finds that the aggravating factors present, in principle, warrant a minor upward adjustment from the starting point of a 3-year suspension.

*c. **Other factors which may merit reduction, such as substantial assistance***

175. Besides the aggravating and mitigating factors addressed above, the Panel notes that the TACP Sanctioning Guidelines allow for further flexibility by taking into account other factors.

176. One major factor that has not been taken into account in determining the sanctions to be imposed on the Athlete is the fact that the AHO sanctioned the Athlete for 6 infringements of the 2018 TACP, including with respect to Matches 1 and 2, whereas the Panel concludes that the Athlete is "only" guilty of 3 infringements, including only with respect to game [redacted] of Match 2, but not with respect to Match 1 and not with respect to [redacted] of Match 2.

177. Considering that the number of charges for which the Athlete is convicted are cut in half, the Panel finds that this also needs to be reflected in the period of ineligibility to be imposed.

178. Another factor the Panel considers important to take into account, which is not explicitly provided for in the TACP Sanctioning Guidelines, is that, although the Panel finds that the Athlete is guilty of Charge 6, it appears from the same evidence that she turned down such offer to engage in match fixing.

179. The Panel finds it reasonable and fair to take this into account in imposing appropriate sanctions on the Athlete.

180. Finally, the Panel also finds it reasonable to take into account its conclusion above that the Athlete's infringements best fit impact category 2, but that the level of impact is closer to category 3 (minor impact) than to category 1 (significant impact).

181. On this basis, and notwithstanding the conclusions above with respect to the aggravating and mitigating factors, the Panel considers it reasonable and fair to apply a downward

adjustment to the period of ineligibility to be imposed on the Athlete from the starting point of 3 years to 2 years.

182. Having determined the period of ineligibility to be served by the Athlete, the Panel notes that Section I.2 of both the 2018 TACP as well as the 2022 TACP provides as follows:

> "*Any decision appealed to CAS shall remain in effect while under appeal unless CAS orders otherwise.*"

183. The Panel considers this relevant for the commencement date of the period of ineligibility to be served by the Athlete. The Athlete did not serve any provisional suspension. Given that the Appealed Decision was notified to the Athlete on 31 January 2023 and because it remained in force throughout the present appeal arbitration proceedings, the Athlete's period of ineligibility does not commence with the date of this Award, but commenced retrospectively on 31 January 2023.

d. Amount of the fine

184. Also with respect to the fine to be imposed, the TACP Sanctioning Guidelines provide for guidance:

> "*Section H.1.a(i) of the TACP allows for fines of up to $250,000 to be imposed alongside suspensions. The amount of any fine should ordinarily reflect the categorisation of the offense(s) such that, for example, offending categorised as A.1 in the table above may attract a fine at the higher end of the particular scale on the Fines Table below and, conversely, offending categorised as C.3 might attract a fine at the lower end of the particular scale (or no fine at all).*
>
> *In accordance with Section H.1.a(i) of the TACP, any fine is separate from a requirement imposed on a Covered Person to pay an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with the Corruption Offense(s). However, if the Covered Person is not separately ordered to pay an amount equal to the value of any corrupt payments or winnings then the known or estimated level of such corrupt payments or winnings may also be taken into account to increase the level of the fine (which may accordingly move to the top of, or even above, the relevant scale on the Fines Table below).*
>
> *Conversely, the financial means of the Covered Person (including without limitation where the Covered Person is a player, coach, umpire, trainer or physiotherapist and his/her primary source of income is from participation in tennis, being prize money and sponsorship, and his/her average annual income is less than the amount of the otherwise-applicable fine) may be taken into account to reduce the level of the fine (which may accordingly move to the bottom of, or even below, the relevant scale on the Fines Table).*

Number of Major Offenses Proven/Admitted	*Fine Scale*
1-5 Major Offenses	*$0 to $25,000*
5-10 Major Offenses	*$25,001 to $50,000*
10-15 Major Offenses	*$50,001 to $75,000*
15 + Major Offenses	*$75,000 +*

Where the Covered Person has made admissions, a portion of the fine payable may be suspended on certain conditions which should ordinarily include as a minimum there being no other Corruption Offenses committed, discovered or proven against the Covered Person for at least the period of suspension.

Timing of the admission may also be a factor: the earlier the admission, the greater the impact of that admission. A full admission prior to the Agreed Sanction stage or prior to a Notice of Offense / Major Offense may attract up to a 75% suspension of the fine."

185. As determined above, the Panel finds that the Athlete is guilty of 3 offences under the 2018 TACP, of which 2 are closely intertwined. The applicable range of the fine to be imposed is therefore between USD 0 and USD 25,000, and not the range of USD 25,000 to USD 50,000 as applied by the AHO in the Appealed Decision.

186. Besides the mitigating factors set out above, the Panel considers it relevant that the suspension imposed on the Athlete has an important impact on the Athlete's capacity to earn an income in her current profession as a tennis coach/trainer. The Athlete demonstrated that she was employed in such capacity and the suspension imposed on her by means of the present Award bars her temporarily from finding other employment in such capacity.

187. The Athlete also provided evidence of a joint tax return of her and Mr Reix, according to which they had a total income of [redacted] Also considering that the Athlete earned a total sum of USD [redacted] of prize money throughout her career as a professional tennis player, which is not considered to be particularly high in the view of the Panel considering the significant expenses to be incurred by professional tennis players, the Panel finds that the fine imposed should be at the lower end of the spectrum.

188. The Panel, however, also finds it important that the Athlete is not only sanctioned with a period of ineligibility, but that she also suffers financial prejudice because of her violations, not least to deprive her of at least a part of the financial gain she may have obtained by engaging in match fixing related offences.

189. Considering the limited number of infringements and the mitigating factors considered above, the Panel finds that it is reasonable and fair to impose a fine of USD 10,000 on the Athlete.

190. Furthermore, considering that the Athlete retired from the sport and is therefore unlikely to commit future corruption offences under the TACP, the Panel does not consider it appropriate to impose a suspended sentence on the Athlete, neither with respect to the

period of ineligibility, nor with respect to the fine.

191. Finally, the Panel considers it relevant that the ITIA did not object to the Athlete's proposal to pay the fine in yearly instalments of USD 1,000 each. The Panel considers this to be reasonable and fair, as a consequence of which the Athlete shall pay the fine of EUR 10,000 in 10 yearly instalments of USD 1,000 each, with the first instalment to be paid within one month of issuance of the Award.

192. Consequently, on the basis of all the above, the Panel finds it reasonable and fair that a period of ineligibility of 2 years is imposed on the Athlete as well as a fine of USD 10,000, to be paid in 10 yearly instalments of USD 1,000.

IX. COSTS

193. This proceeding falls under Article R65.1 of the Code, which provides:

> "*This Article R65 applies to appeals against decisions which are exclusively of a disciplinary nature and which are rendered by an international federation or sports-body.* […]"

194. Article R65.2 of the Code provides as follows:

> "*Subject to Articles R65.2, para. 2 and R65.4, the proceedings shall be free. The fees and costs of the arbitrators, calculated in accordance with the CAS fee scale, together with the costs of CAS are borne by CAS.*
>
> *Upon submission of the statement of appeal, the Appellant shall pay a non-refundable Court Office fee of Swiss francs 1,000.— without which CAS shall not proceed and the appeal shall be deemed withdrawn.*
>
> […]"

195. Article R65.3 of the Code reads as follows:

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

196. Article R65.4 of the Code provides as follows:

> "*If the circumstances so warrant, including whether the federation which has rendered the challenged decision is not a signatory to the Agreement constituting ICAS, the President of the Appeals Arbitration Division may apply Article R64 to an appeals arbitration, either ex officio or upon request of the President of*

the Panel."

197. Since the present appeal is lodged against a decision of an exclusively disciplinary nature rendered by an international federation, no costs are payable to CAS by the Parties beyond the Court Office fee of CHF 1,000 paid by the Athlete with the filing of the Statement of Appeal, which is in any event retained by CAS.

198. Having taken into account the outcome of the proceedings, in particular the fact that the Athlete's appeal resulted in significant mitigations of the period of ineligibility and the fine imposed, but also considering that the Order on Language was in favour of the ITIA, as well as the conduct and the financial resources of the Parties, the Panel rules that both Parties shall bear their own legal fees and other expenses incurred in connection with the present arbitration.

* * * * *

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeal filed by Ms Sherazad Reix against the decision rendered on 30 January 2023 by the Anti-Corruption Hearing Officer of the International Tennis Federation is partially upheld.

2. Ms Sherazad Reix is suspended for 2 (two) years from Participation, as defined in section B.17 of the 2018 TACP, in any Sanctioned Event as prescribed in section H.1.a.(iii) of the 2018 TACP, effective retrospectively as from 31 January 2023.

3. Ms Sherazad Reix is fined USD 10,000 (ten thousand United States Dollars) as prescribed in section H.1.a.(i) of the 2018 TACP to be paid in 10 yearly instalments of USD 1,000 (one thousand United States Dollars), the first instalment being due within 31 days of issuance of this Award.

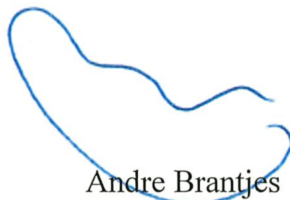
4. This Award is issued without costs, except for the Court Office fee of CHF 1,000 (one thousand Swiss Francs) paid by Ms Sherazad Reix, which is retained by the Court of Arbitration for Sport.

5. Both Parties shall bear their own legal fees and other expenses incurred in connection with this arbitration.

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

Seat of arbitration: Lausanne, Switzerland
Date: 15 January 2024

THE COURT OF ARBITRATION FOR SPORT



Andre Brantjes
President of the Panel

Hervé le Lay
Arbitrator

Romano Subiotto
Arbitrator