

*In the matter of alleged Corruption Offences under the Tennis Anti-Corruption Program (TACP)*

The International Tennis Integrity Agency

-and-

Mohamed Hassan

Before Anti-Corruption Hearing Officer:

Janie Soublière

Representing The International Tennis Integrity Agency:

Julia Lowis

Rustam Sethna

Mohamed Hassan:

Self-represented

## DECISION

## INTRODUCTION

1. This dispute involves The International Tennis Integrity Agency ('ITIA') and Mohamed Hassan, an Algerian professional tennis player.
2. On 12 October 2022, the ITIA charged Mr. Mohamed Hassan, [REDACTED] [REDACTED] and Ms. [REDACTED] [REDACTED] (all 'Covered Persons' or individually 'the Player' herein) with various Tennis Anti-Corruption Program ('TACP') Corruption Offences.
3. The three Covered Persons were faced with related Charges relating to their actions or inactions. In particular, as outlined later in this decision, the seven (7) Charges Mr. Hassan faced relate to his brokering of the outcome and financial reward of seven (7) professional tennis matches played at ITF tournaments during the period of 19 July 2017 to 11 April 2018.
4. Although haven been given the opportunity to do both, Mr. Hassan has neither submitted an answer to the Notice of the Charge nor made submissions on sanctions. As a result, he

has effectively accepted liability for the seven (7) Charges and deferred the decision on sanction to an Anti-Corruption Hearing Officer ('AHO').

5. Janie Soublière holds an appointment as an AHO per section F.1 of the TACP. The AHO was appointed without objection by any party to these proceedings as the independent and impartial adjudicator to determine this matter as set out in the 2022 of the TACP, which governs all procedural aspects of this dispute.
6. This dispute has been consolidated pursuant to section G. 1. c.iii of the TACP because all charges being faced by the three Covered Persons pertain to the same alleged conspiracy, common scheme or plan. Thus, the procedure for all Covered Persons has been joined with a sole hearing being held. However, a separate decision is issued for each Player.
7. This is the AHO's order on sanction.

## THE PARTIES

8. The ITIA is appointed by the Governing Bodies who participate in the TACP, namely the ATP Tour Inc., the Grand Slam Board, the International Tennis Federation (ITF) and the Women's Tennis Association (WTA) Tour Inc., to administer the TACP. Professional tennis is structured such that top-level men's tournaments are organized by the ATP, whereas lower-level men's tournaments, such as ITF Futures tournaments which are part of the ITF Pro Circuit, are organized by the ITF. A player must register with the relevant Governing Body to be eligible to compete in their tournaments.
9. Mr Mohamed Hassan is a professional tennis player from Algeria who is currently not playing due to illness. At the time the Corruption Offences took place, he was registered with the ITF. To play in ITF tournaments, all players must obtain and use an ITF International Player Identification Number ('IPIN'). When registering for an IPIN, players confirm their agreement to the terms of the Player Welfare Statement thereby agreeing to comply with and be bound by the rules of tennis, including the TACP. All players endorse the Player Welfare Statement on an annual basis. Although he has indicated that he has never done so in an interview, the evidence shows that during this period, Mr. Hassan was still a 'Player' and therefore a 'Covered Person' for the purposes of the 2022 Program. The evidence shows that he last signed the ITF's Player Welfare Declaration on 22 December 2018. He also last completed the Tennis Integrity Protection Program on 10 June 2019.

## THE NOTICE OF CHARGE

10. The alleged Corruption Offences that Mr. Hassan has been charged with are outlined in the ITIA's 12 October 2022 *Notice of Major Offence under the 2022 Tennis Anti-Doping Program and referral to Anti-Corruption Hearing Officer* ('Notice of Charge').
11. Seven (7) charges have been brought against Mr. Hassan consisting of twenty-nine (29) TACP Offences. Some of the Charges brought against Mr. Hassan are also being brought against ██████████ ██████████ or/and Ms. ██████████ ██████████ for their involvement in fixing the same relevant match.
12. Appendix B of the Notice of Charge sent to Mr. Hassan outlines the factual background giving rise to the Corruption Offences brought against him. These are reproduced below as the AHO could not summarize them any better:

*Between 2014 and 2018, Belgian law enforcement authorities investigated a suspected organised criminal network that those authorities believed to be operating to fix tennis matches worldwide ("Operation Belgium").*

*As part of the investigation, the ITIA was granted access to evidence collated by the Belgian authorities in 2020, including transcripts of interviews, the content of forensic downloads of mobile devices and records of money transfers. From the evidence collated, at the centre of the suspected organised criminal network is an individual named ██████████ ██████████ ("██████████" who is also referred to as "██████████" amongst other aliases. ██████████ had a network of persons who acted as "fixers" in the corruption of tennis matches – two of these fixers were ██████████ ██████████ ("██████████" (a former Moroccan professional tennis player) and you.*

*Upon examining the forensic downloads of ██████████ mobile phones, the ITIA discovered discussions between ██████████ and ██████████ in which ██████████ brokered the outcome and financial reward of (insofar as relevant to you) (i) two professional tennis matches in which you played at ITF tournaments during the period 11 May 2016 – 20 July 2017, and (ii) five professional tennis matches played at ITF tournaments by ██████████ ██████████ (an Algerian professional tennis player) during the period 5 September 2017 – 24 January 2018. (...)*

13. For brevity, the detailed charges the ITIA has brought against Mr. Hassan (referred to below as MH) in its Notice of Charge are summarized with reference to the involvement of ██████████ ██████████ (referred to below as ██████████ or ██████████ ██████████ (referred below as ██████████ where relevant, the date of the match in question and brief explanation of the same, and

the applicable the TACP Offences. To the AHO, these were first considered “alleged” Offences until the AHO could assess the evidence and parties submissions during the course of the disciplinary procedure. However, by failing to answer the Charges being brought against him, Mr. Hassan has effectively admitted liability for all of the below Offences:

*Charge 1/Match : MH*

Details: █████ match played on █████ May 2016 with MH agreeing to lose the match and, crucially, the second set █████ Facebook evidence indicates this was brokered by █████ █████ and █████ █████

2016 TACP Offences: D.1.d (Contriving) and/or D.2 a.i (Non-Reporting)

*Charge 2/Match 2: MH*

Details: █████ match played on █████ November 2016 with █████ agreeing with █████ █████ (in Facebook chats) to be willing to lose a set in his match. MH lost the match as fixed with █████ █████

2016 TACP Offences: same as Charge 1

*Charge 3/Match 3: MH, █████ █████*

Details: █████ Match █████ September 2017. █████ solicited an offer from █████ to fix this match and █████ offered MH and █████ money for fixing certain aspects of the match. Further to █████ losing the match █████ evidence shows that money transfer was made to █████ █████ █████ █████

2017 TACP Offences: D.1.d. (Contriving) and/or D.1.e (Soliciting or facilitating a Player to not use best efforts) and/or D.1.f (Soliciting/accepting money with the intent to negatively influence) and/or D.1.g (Offering/providing money with the intent to negatively influence) and /or D.2.a.i. (Non-reporting).

*Charge 4/Match 4: MH, █████ █████*

Details: █████ Match █████ September 2017. █████ solicited an offer from █████ to fix this match and █████ offered MH and █████ money for fixing certain aspects of the match. Further to █████ and her partner losing the match, evidence shows that a \$1700 USD money transfer was made to █████ █████ █████ █████

2017 TACP Offences: D.1.d. (Contriving) and/or D.1.e (Soliciting or facilitating a Player to not use best efforts) and/or D.1.f (Soliciting/accepting money with the intent to negatively influence) and/or D.1.g (Offering/providing money with the intent to negatively influence) and /or D.2.a.i. (Non-reporting).

*Charge 5/Match 5: MH, ██████*

Details: ██████ match played on █████ September 2017. █████ had made an offer of 2500 USD for █████ fixing the match, offer was retracted, but █████ did follow directions and eventually lost the match giving a service break in each of the sets as initially agreed. Evidence shows that MH (*“the Algerian”*) stated that considering the mix up, 150 USD should still be paid to █████ as *“█████ stays faithful to us”*.

2017 TACP Offences: same as Charge 3.

*Charge 6/Match 6: MH, █████ █████*

Details: █████ Match played on █████ January 2018 where █████ made an offer of 500 USD for █████ to lose the first █████ service games of each set. Further to █████ and █████ partner █████ the match █████ █████ an associate of MH received a money gram transfer of 400USD as a commission for organising to fix the match.

2018 TACP Offences: D.1.d. (Contriving) and/or D.1.e (Soliciting or facilitating a Player to not use best efforts) and/or D.1.f (Soliciting/accepting money with the intent to negatively influence) and/or D.1.g (Offering/providing money with the intent to negatively influence) and /or D.2.a.i. (Non-reporting).

*Charge 7/Match 7: █████*

Details: █████ match played on █████ January 2018 where █████ and his associates would have received 1700 USD for organising to fix the match. Evidence shows that between █████ January and █████ January 2018 this money was being transferred or was attempted to be transferred to Imane █████ (reported to be the same person as █████ █████ █████ █████)

2018 TACP Offences: Same as Charge 6.

14. The last paragraph of the Notice of Charge sent translated into French for the Player reads as follows:

*You are entitled to have this matter determined by the AHO at a Hearing if you dispute the ITIA's allegations. If so, under Section G.1.b of the Program, you must submit a written request to the AHO for a Hearing so that it is received as soon as possible, but in any event within ten (10) Business Days of the date of your receipt of this Notice. If you do not file a written request for a hearing within ten (10) Business Days, the AHO will, under section G.1.e of the Program, issue a Decision confirming the commission of the Corruption Offense alleged in this Notice and ordering the imposition of sanctions.*

#### **APPLICABLE LAW AND JURISDICTION**

15. It is uncontested that the applicable rules are the 2016, 2017 and 2018 TACPs with regards to the alleged offences and the 2022 TACP with regards to the procedure.
16. No party has objected to the appointment of the AHO, undersigned, to hear this matter. She has been properly appointed and seized of the matters in dispute.
17. No other matters relating to jurisdiction or the arbitrability of these matters have been raised by any party.

#### **PROCEDURAL BACKGROUND**

18. On 12 October 2022, the ITIA sends out the Notice of Charge to [REDACTED] Mr. Hassan and [REDACTED] outlining the allegations and charges against the three Covered Persons, informing them of the identity of the AHO responsible for deciding this dispute, explaining that the allegations fall within the scope of Article G 1. c. TACP and that cases are to proceed on a consolidated basis, without objection from any party. In the Notice of Charge, the Covered Persons are given 10 Business Days to respond, either requesting a hearing, making submissions, or other.
19. Mr. Hassan does not respond to the Notice of Charge within the deadline provided.
20. In accordance with Article G.1.e of the TACP and all its subsections, Mr. Hassan has *inter alia* waived his entitlement to a hearing and has admitted that he is liable for all Corruption Offences for which he was charged in the Notice of Charge.
21. Further to the deadline lapsing for each Covered Person to answer the Notice of Charge, and in accordance with the TACP, on 31 October 2022, the AHO sends the Parties procedural Directions in which she requests that Counsel to the ITIA file submissions on Sanction by 21 November 2022, and for Mr. Hassan (and the other Covered Persons) to

file his submissions on Sanction by 12 December 2022, further to which the AHO would issue her decision within the timelines provided in the TACP. To err on the side of caution and to ensure their comprehension, the AHO procedural calendar and Directions are resent in French to all Parties on 31 October 2022.

22. On the same day and further to these Directions, for the sake of completeness, the AHO sends an additional correspondence to all Parties in both French and English which reads:

*To the Parties*

*For completeness, further to the Directions that were sent to you on 31 October 2022, the AHO wishes to bring the following clarifications to the attention of all Parties.*

*As indicated in the last paragraph of the Notice of Charge sent to them on 12 October 2022, because neither ██████████ Mr. Hassan or ██████████ (together the “Covered Persons”) filed a response to the Notice of Charge within 10 business days from its receipt, and because neither of the Covered Persons submitted a written request to the AHO for a hearing within 10 business days from receipt of the Notice of Charge as provided in Article G.1.b of the Tennis Anti-Corruption Program (TACP), in accordance with Article G.1.e of the TACP, ██████████ Mr. Hassan and ██████████ are all deemed:*

*G.1.e.i. to have waived his or her entitlement to a Hearing;*

*G.1.e.ii. to have admitted that he or she has committed the Corruption Offense(s) specified in the Notice of Major Offense;*

*G.1.e.iii. to have acceded to the potential sanctions specified in the Notice of Major Offense; and*

*G.1.e.iv. the AHO shall promptly issue a Decision confirming the commission of the Corruption Offense(s) alleged in the Notice of Major Offense and ordering the imposition of sanctions, (after requesting and giving due consideration to a written submission from the ITIA on the recommended sanction).*

*This means that ██████████ Mr. Hassan and ██████████ have each accepted liability for all offences and charges that have been brought against them. Further details on the same will be provided in the AHO’s decisions.*

*Accordingly, on 31 October 2022., the AHO has requested from the Parties that submissions on sanction be made within the procedural calendar provided.*

*All Parties are advised to refer to the TACP Sanctioning Guidelines in making their submissions on sanction on ineligibility and fines. The Sanctioning Guidelines are attached once again for ease of reference.*

*Once the Covered Persons receive the ITIA's submissions on sanction, which should identify any mitigating or aggravating circumstances the AHO should consider in making her decisions, the Covered Persons will each be invited and encouraged to respond to the same with explanations as to why they believe mitigating elements warrant a reduction in the sanctions sought by the ITIA.*

*The Parties are once again reminded that their submission on sanction are due as follows:*

- *21 November 2022 ITIA. Three separate succinct submissions for each Covered Person are requested.*
- *12 December 2022 [REDACTED] Mr. Hassan and [REDACTED] With each Covered Person being asked to respond independently from the others.*

*Should further clarifications be required, please do not hesitate to direct them to the undersigned.*

23. The ITIA files its three separate submissions on sanction on 18 November 2022 as directed.
24. On the same day, the AHO sends Mr. Hassan Directions, inviting him to file submissions on sanction in answer to the ITIA's submission. The correspondence sent both in French and in English reads as follows:

*Dear Mr Hassan  
Dear ITIA*

*Further to receipt of the ITIA's submissions on sanction for each of the Covered Persons, the AHO writes to the Covered Persons once more to reiterate the contents of the Procedural Ruling and Directions that were sent on 02 November 2022. As indicated in the last paragraph of the Notice of Charge sent to them on 12 October 2022, because Mr. Hassan failed to file a response to the Notice of Charge within 10 business days from its receipt, and because Mr. Hassan failed to submit a written request to the AHO for a hearing within 10 business days from receipt of the Notice of Charge as provided in Article G.1.b of the Tennis Anti-Corruption Program (TACP), in accordance with Article G.1.e of the TACP, Mr. Hassan is deemed:*

- G.1.e.i. to have waived his or her entitlement to a Hearing;*
- G.1.e.ii. to have admitted that he or she has committed the Corruption Offense(s) specified in the Notice of Major Offense;*
- G.1.e.iii. to have acceded to the potential sanctions specified in the Notice of Major Offense; and*



*G.1.e.iv. the AHO shall promptly issue a Decision confirming the commission of the Corruption Offense(s) alleged in the Notice of Major Offense and ordering the imposition of sanctions, (after requesting and giving due consideration to a written submission from the ITIA on the recommended sanction).*

*You are reminded of the AHO's ruling, that that in accordance with the G 1.e of the TACP, the AHO has confirmed that Mr. Hassan has now accepted liability for all the charges that have been brought against him in the ITIA Notice sent to him on 12 October 2022.*

*As indicated, further details on the same will be provided in the AHO's written and reasoned decision.*

*On 31 October 2022 and again on 02 November 2022., the AHO directed the Parties to file their submissions on sanctions within the procedural calendar provided.*

*The ITIA has now filed its three separate succinct submissions on sanction for each Covered Person as requested and in a timely manner and has proposed that the following sanctions be imposed on each Covered Person:*

*...*

- A lifetime period of ineligibility and a fine of \$75 000.00*

*In accordance with the Procedural Calendar set on 2 November 2022, the AHO hereby once again invites Mr. Hassan to file submissions with regards to the proposed sanctions. Mr. Hassan may wish to identify any mitigating elements that the AHO should consider when issuing the sanctions.*

*Mr. Hassan's submissions on sanction are to be received **not later than 12 December 2022.** No further reminders will be provided.*

*Should further clarifications be required, please do not hesitate to direct them to Jodie Cox who will relay them to the AHO.*

25. Mr. Hassan again elects not to file submissions within the deadline provided.

## **PARTIES' SUBMISSIONS ON SANCTION**

26. The AHO has carefully considered the totality of the Parties' written submissions. They are summarised below. Additional facts and allegations found in the Parties' submission and evidence may be set out, where relevant, in connection with the legal discussion that follows. The AHO refers in its award only to the submissions and evidence it considers necessary to explain its reasoning.

## I. ITIA

27. The ITIA first briefly recounts the factual background that led to the charges against Mr. Hassan being brought:

- Between 2014 and 2018, Belgian law enforcement authorities investigated a suspected organised criminal network that those authorities believed to be operating to fix tennis matches worldwide.
- As part of the investigation, the ITIA was granted access to evidence collated by the Belgian authorities in 2020, including transcripts of interviews, the content of forensic downloads of mobile devices and records of money transfers. From the evidence collated, at the centre of the suspected organised criminal network is an individual named ██████████ (██████████ who is also referred to as “██████████ amongst other aliases. ██████████ had a network of persons who acted as “fixers” in the corruption of tennis matches – two of these fixers were Mr. Hassan and ██████████ (██████████ a ██████████ professional tennis player.
- Upon examining the forensic downloads of ██████████ mobile phones, the ITIA discovered discussions between ██████████ and ██████████ which frequently referred to the involvement of Mr. Hassan in 7 different matches played at ITF tournaments during the period from 11 May 2016 – 24 January 2018; where Mr. Hassan either contrived or attempted to contrive the outcome of a match in which he was playing himself, or acted as a middleman to approach and facilitate ██████████ (██████████ a young ██████████ professional tennis player, to fix matches in which ██████████ was participating.

28. The ITIA submits that Mr. Hassan is charged with twenty-nine (29) Corruption Offenses in contravention to the 2016, 2017 and 2018 TACP and recounts the charges provided in their 12 October 2022, as outlined above, arising out of his involvement in seven (7) fixed matches.

29. Whilst recognizing the AHO’s full discretion on whether to apply or depart from the ITIA Sanctioning Guidelines (‘the Guidelines’), the ITIA submits that the Guidelines should be followed in this case.

30. Relying on CAS case law (CAS 2007/A/1427, CAS 2011/A/26231, CAS 2001/A/330, CAS 2011/A/2490, CAS/2011A/2621 and CAS 2016/A/4388) the ITIA *inter alia* submits that:

- Match fixing is the most serious corruption offence in tennis;

- A threat to the integrity of professional sport as well as the physical and moral integrity of the players;
- Lifetime bans are a necessary deterrent to make other aware that match fixing; is simply not worth the risk and the only truly effective means of purging corruption in tennis;
- Players must be reinforced in their resistance to corrupt approaches or at least deterrent from yielding to them;
- It is essential for sporting regulators to demonstrate a zero tolerance against corruption in tennis.

31. The ITIA submits that all three level A ‘culpability’ criteria are present, namely:

- High degree of planning or premeditation: Each ‘fix’ involved instructions from ■■■ via ■■■ and the international transfer of large sums of money through different payment platforms using several associates and aliases;
- Initiating or leading others to commit offences: MH was part of a sophisticated, international network of fixers, often acting as the “go-between” for ■■■ and ■■■. The evidence suggests that he initiated ■■■ a ■■■ he had been entrusted to look after, to commit offences;
- Multiple offenses over a protracted period of time.

32. The ITIA also submits that Mr. Hassan’s case is clearly a Category 1 as it involves:

- 29 Major TACP Offences;
- a significant material impact on the reputation and the integrity of tennis;
- and a relatively high illicit gain, the evidence shows that the seven (7) fixed matches involved the exchange and circulation of more than 9,300 USD.

33. The ITIA further notes that Mr. Hassan does not satisfy any of the mitigating factors under the Guidelines. Rather, aggravating factors exist e.g. he has shown no remorse, made no admissions, has ceased communications with the ITIA and failed to respond to the charges brought against him “wasting the time of both the ITIA and the AHO”, which result in neither substantial assistance nor a discount for early admissions being available to him.

34. The ITIA thus submits that it is entirely appropriate, if not necessary, to sanction Mr. Hassan with the maximum lifetime ban, in addition to any monetary fine.

35. With regards to the monetary fine, the ITIA notes that Section H.1.a (i) of the TACP allows for fines of up to \$250 000 to be imposed alongside suspensions but seeks this \$75 000

based on the Corruption Offences that Mr. Hassan has committed. The ITIA does not seek repayment of Mr. Hassan's corrupt earnings in addition to this fine.

36. In summary the ITIA respectfully requests the AHO to impose the following sanctions on Mr. Hassan:

- A lifetime period of ineligibility; and
- A fine of \$75 000, none of which is suspended.

### Mr. HASSAN's SUBMISSIONS

37. Mr. Hassan has not filed any written submissions.

### DELIBERATIONS

38. Section H1 TACP provides that:

*H.1 The penalty for any Corruption Offense shall be determined by the AHO in accordance with the procedures set forth in Section G, and may include:*

*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)-(l) 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".*

39. Mr. Hassan has not answered the Notice of Charge and is deemed to have accepted liability for each of the above charges, as ruled by the AHO on 02 November and again on 21 November 2022.

40. The case against Mr. Hassan is grounded in uncontested evidence of the various fixes, how bets were placed and with whom, and on reliance on those fixed to generate financial gain, and then how Mr. Hassan or his associates received their share of the profits.

41. To the AHO, Mr. Hassan's Offences are all the more egregious because he had been entrusted by ██████████ ██████████ to look after ██████████ ██████████ ██████████ ██████████ ██████████. Instead, and for his own gain, he actively solicited young and impressionable ██████████ to take part in his and ██████████ match fixing activities and ultimately convinced ██████████ to do so, as confirmed by ██████████ accepting responsibility for all the charges that have been brought against ██████████
42. As stated above, for the reasons outlined, the ITIA has recommended a fine in the amount of \$75 000 and a lifetime period of ineligibility. The AHO is not bound by the sanction recommended by the ITIA and may impose appropriate, just and proportional sanctions pursuant to the TACP bearing in mind all of the particular circumstances of each individual case.
43. 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. This is even more so when other players, in this case minors, are approached and coerced into further tarnishing and corrupting the sport and conspiracies are formed and perpetuated to this end.
44. The TACP purports to eradicate such corruption. The imposition of lenient sanctions would defeat the purpose not only of the TACP's efforts to circumvent recidivism but also the TACP's efforts to deter other athletes from being swayed by the possible windfalls of match fixing, which the AHO fully appreciates are often considerably greater than a player's usual earnings for the event in question.
45. Conversely, as case law has established in all spheres, 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.

### *The Period of Ineligibility*

46. Precedent provides a yardstick to which an AHO may compare the facts of an individual case to prior cases adjudicated under the TACP as well as their outcomes. In this case, the AHO relies on recent ITIA case law including the ██████████ matter (2019), the ██████████ matter (2020), the ██████████ matter (2020), the ██████████ matter (2020), the

██████████ matter (2021) and the ██████████ matter (2021), where all Covered Persons had committed similar Corruption Offences, but far less in sheer volume, than Mr. Hassan and were handed lifetime bans. The AHO also relies on the cases of *Koellerer v. ATP CAS 2011/A/2490* and *David Savic v. PTIOs CAS 2011/A/2621* where lifetime bans were imposed.

47. All these relied upon cases where lifetime bans have been imposed involve a player committing numerous fixing offenses including a TACP Section D.1.e offense, e.g. making a corrupt approach to a third party. Therefore, the ITIA has rightly submitted that a lifetime ban is entirely appropriate for Mr. Hassan, and the AHO agrees on the basis of the well-established legal precedent for section D.1.e offenses and the Guidelines.
48. It is clear by the interview transcripts provided and his unwillingness to address the AHO that Mr. Hassan ignores the severity of the Offences he has committed. Yet, he must appreciate that under the circumstances, a lengthy sanction must be imposed to protect the integrity of the sport, to deter other players from getting involved in match fixing, and to ensure that Mr. Hassan be adequately admonished for the major match fixing and corruption offenses he has committed and solicited others, critically a minor, to commit.
49. The AHO has little flexibility in terms of the applicable sanction both in terms of applicable jurisprudence and in terms of the applicable regulations.
50. As did the ITIA, the AHO refers to the Guidelines under which the Offenses committed by Mr. Hassan are classified as Category A offenses: offenses displaying a high level of culpability. *Viz*, a high degree of planning or premeditation, initiating or leading other to commit offenses, multiple offense over a protracted period of time. The ITIA has categorised Mr. Hassan's offenses as High Culpability (A) Category 1 offenses and the Player has not offered any rebuttal to this assertion.
51. This A1 categorisation is based on objective elements and factors provided in the Sanctioning Guidelines. It reflects the impact that Mr. Hassan's repeated corruption offenses actions have had on the integrity of the sport most notably considering that he sought out the involvement of various other Players in his match fixing scheme. The fact that Mr. Hassan has admitted liability for bringing other Covered Persons like (at least) Mr. Hassan and ██████████ into his web of match fixing cannot and must not be disregarded nor diminished. On this point, the AHO strictly abides by the finding in the *Ikhlef* matter relied upon by the ITIA when the AHO stated:

*“ Finding others to add to the web of fixers by putting them into the corruption net is a more serious form of breach of the TACP provision”.*

52. For the benefit of Mr. Hassan, who neither appears to grasp the severity of this actions nor their negative impact on the sport of tennis, the AHO also echoes the reasons of the CAS Panel in *Koellerer* (CAS 2011/A/2490) in making its determination, and expressly cites the following passage:

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

53. The presumptive sanction for Category A1 offenses (as defined in the Sanctioning Guidelines) remains that of a lifetime ban. It is only where a Player is able to demonstrate with compelling objective and subjective evidence that his or her circumstances warrant a reduction in this presumptive sanction that some flexibility may be afforded to such Player. Here, Mr. Hassan has not done so.

54. Of the factors expressly listed in the Sanctioning Guidelines as those which “*may be considered*” by an AHO to reduce a Player’s presumptive lifetime ban, none apply here.

Eg:

- Good character and/or exemplary conduct;
- Real threat of harm to his self/herself or to their immediate family;
- Age, lack of maturity and/or inexperience on the professional tennis circuit;
- Mental disorder at the time of committing the offense or learning disability;
- Lack of access to education (for the avoidance of doubt, a failure to undertake education to which the Covered Person had access should not be a mitigating factor);
- Gambling addiction (in Section D.1.a cases only where he or she has not committed offenses of any other type).

55. There is little the AHO may do with regards reducing the presumptive sanction proposed by the ITIA as provided for in the Sanctioning Guidelines and as clearly established in prior AHO and CAS decisions.

56. Applying the Sanctioning Guidelines and weighing up all the evidence and factors of this case, given the many aggravating factors outlined above *viz*, the repeated intentional, deliberate, premeditated and coercive acts of corruption the Player committed at the time of his Offenses, and the lack of any mitigating elements, the only appropriate sanction to be imposed on Mr. Hassan as a result of his many TACP Offenses is a lifetime ban from competition.

### *The Fine*

57. With regards to the applicable fine, the ITIA seeks the imposition of a \$75 000 fine. They argue that such a fine is vital to the interests of the sport of tennis and that it would account for the monies Mr. Hassan earned from fixing the Matches identified in the Charges and his Offences.
58. In accordance with TACP article H.1.a., the AHO may impose a fine in addition to an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with any Corruption Offense. Here, an approximate tabulation of the commissions that Mr. Hassan received in connection with the seven (7) corruption Offences he has committed, as provided in Appendix B of his Notice of Charge is 2800 USD. Mr. Hassan must repay these amounts.
59. While the AHO considers it inappropriate and disproportionate to combine a lengthy ban with a significant fine with goes beyond the monies obtained from the match fixing, the AHO also deems it imperative to impose a fine that reflect the severity of the seven(7) charges and twenty-nine (29) Corruption Offences confirmed to have been committed by Mr. Hassan most notably the fact that he coerced a minor to also do so.
60. Here, the ITIA submits that the evidence shows that the seven (7) matches Mr. Hassan fixed involved the exchange and circulation of more than 9300 USD. Even if he did not obtain all these monies for himself, the AHO finds that he must be held accountable for the same in addition to the amounts that he appears to have received (2800 USD). This fine accounts for his many corruption offences and the aggravating fact that Mr. Hassan coerced a minor, whom he was entrusted to mentor, to join his match fixing endeavours. All Covered Persons must be deterred from coercing vulnerable and impressionable minors and luring them into committing Corruption Offences, and they must be fittingly, and proportionately sanctioned when they do.

### **ORDER**

61. The Player, Mohamed Hassan , a Covered Person as defined in Section B.6 and B. 18 of the 2016 TACP, has been found liable for Corruption Offenses pursuant to the following 2016 TACP sections:
- D.1.d (Contriving) and/or,
  - D.1.e (Soliciting/facilitating to not use best efforts) and/or,



- D.1.f (Soliciting/accepting money with the intent to negatively influence) and/or, D.1.g (Offering or providing money with the intention of negatively influencing a Player's best efforts) and/or
- D.2.a.i (Non reporting)

62. He has also been found liable for Corruption Offences pursuant to the following 2017 TACP sections:

- D.1.d (Contriving) and/or,
- D.1.e (Soliciting/facilitating to not use best efforts) and/or,
- D.1.f (Soliciting/accepting money with the intent to negatively influence) and/or, D.1.g (Offering or providing money with the intention of negatively influencing a Player's best efforts) and/or
- D.2.a.i (Non reporting)

63. He has also been found liable for Corruption Offences pursuant to the following 2018 TACP Sections:

- D.1.d (Contriving) and/or,
- D.1.e (Soliciting/facilitating to not use best efforts) and/or
- D.1.f (Soliciting/accepting money with the intent to negatively influence) and/or
- D.1.g (Offering or providing money with the intention of negatively influencing a Player's best efforts) and/or
- D.2.a.i (Non-reporting)

64. Pursuant to the TACP and the ITIA Sanctioning Guidelines, the sanctions imposed upon Mr. Hassan as a result of these Corruption Offences are:

- i. A lifetime ban from Participation, as defined in Section B.17 of the TACP, in any Sanctioned Event as prescribed in TACP Section H1a(iii), effective on the date of this Decision.
- ii. A 12 100 USD fine as prescribed in TACP section H1a(i).

65. Pursuant to TACP Section G.4.e., this award on sanction is to be publicly reported, with redactions to [REDACTED] name made if the ITIA deems appropriate given that she was a minor at the time of the Offences.

66. Pursuant to TACP Section G.4.d. this award on sanction is a full, final, and complete disposition of this matter and is binding on all parties.

67. This Decision can be appealed to Court of Arbitration for Sport in Lausanne, Switzerland within twenty business days from the date of receipt of the decision by the appealing party.

Dated at Beaconsfield, Quebec this 20th day of December 2022

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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Janie Soublière C. Arb.  
Anti-Corruption Hearing Officer