

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

INTERNATIONAL TENNIS INTEGRITY AGENCY (“ITIA”)

-and-

SEBASTIAN RIVERA

DECISION ON SANCTION

1. By a decision by email dated 28 July 2022 I found that Sebastian Rivera (“**SR**”) was liable for the Corruption Offenses (“**the Offenses**”) alleged by the ITIA.
2. SR had made no request for a Hearing within the deadline specified within section G.1.e of the TACP 2022¹, notwithstanding that I had extended the deadline for his response. I therefore confirmed his liability for the Offenses and requested the ITIA to provide submission sanctions.

ITIA’s Submissions

3. The ITIA provided sanction submissions dated 8 August 2022. Among other things these stated:
 - 3.1. SR had been found to have committed 64 Offenses including 12 instances of match-fixing involving three players, all of whom had admitted that they fixed matches at SR’s behest.
 - 3.2. Many of SR’s Offenses, standing alone, carried a potential lifetime ban under Section H.1.a.(iii) of the TACP.

¹ This provides that, if the Covered Person fails to file a written request for a Hearing by the deadline, he will be deemed (among other things) to have admitted the Offenses.

- 3.3. The belief of the ITIA was that SR was involved in wide ranging corruption forming part of the criminal investigation known as “Operation Belgium”.
- 3.4. He was considered to perhaps be the most prolific match-fixer that the ITIA had encountered.
4. The ITIA underlined that arranging for players to fix matches was one of the most serious types of corruption under the TACP, given the impact on the integrity of the sport.
5. My attention was drawn to the lifetime bans upheld in the previous CAS decisions of *Kollerer v ATP* (CAS 2011/A/2490); *Savic v PTIOs* (CAS 2011/A/2621) and *Jakupovic v TIU* (CAS 2016/A/4388), all of which dealt with players engaging in match-fixing. In particular, the *Jakupovic* panel found that “a lifetime ban...is the only effective means of deterring corruption...”.
6. Under the ITIA sanctioning guidelines, SR’s Offenses were classified as A.1, with all three “Culpability” criteria present: (i) engaging in a high degree of planning and premeditation; (ii) initiating and leading others to commit offences, and (iii) committing multiple Offenses over a protracted period of time.
7. Similarly, all four Category 1 “impact” criteria were present. Many of the Offenses were “Major”. SR’s actions had had a significant, material impact on the reputation and integrity of tennis. As a coach, SR held a position of trust and responsibility. And SR had known illicit earnings of at least \$35,436.94.
8. That being the case, the ITIA stated that the starting point was a lifetime ban. SR had offered no mitigation. Indeed, he had failed to cooperate with the ITIA’s process.
9. The ITIA therefore asked me to impose a period of permanent ineligibility from participation in Sanctioned Events and a financial penalty of \$285,436.94 being the prescribed fine of \$250,000 plus \$35,436.94 that the ITIA had determined SR had received in connection with his corrupt activities.

Further attempted communication with SR

10. By an email to the parties on 17 August 2022 I noted that I had received the sanctions of the ITIA and asked SR to comment on both the proposed permanent ban from Sanctioned

Events and the amount of any financial penalty. I specified the deadline for any comments as 4pm UK time on Tuesday, 30 August 2022.

11. No response was received.

Decision

12. SR has entirely failed to engage with this process. This has led to him being found liable for the Offenses. He has also failed to make any representation on sanction.

13. I note that all the relevant factors for culpability and impact under the ITIA sanctioning guidelines are present.

14. On any analysis the Offenses proved against SR are extremely serious. In the absence of any explanation by him, I impose a period of permanent ineligibility from participation in Sanctioned Events.

15. I also impose the maximum fine of \$250,000. I do not think adding a further sum by reference to any gain is necessary, bearing in mind the size of the fine.

Appeal

16. Under I.I.4, the deadline for filing an appeal to CAS shall be twenty Business Days from the date of receipt of the decision by the appealing party.

JANE MULCAHY QC

AHO sitting in London

Dated 7 September 2022