

IN THE MATTER OF PROCEEDINGS UNDER  
THE TENNIS ANTI-CORRUPTION PROGRAM  
BEFORE AHO CHARLES HOLLANDER QC

PROFESSIONAL TENNIS INTEGRITY OFFICERS  
-and-  
ALIJA MERDEEVA

DECISION

1. In 2019 Ms Merdeeva competed in the [REDACTED] tournament in [REDACTED] Kenya. She competed in the women's [REDACTED] with [REDACTED] [REDACTED] [REDACTED]
2. On [REDACTED] August 2019, Ms Merdeeva played with [REDACTED] against [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] Ms Merdeeva and [REDACTED] won [REDACTED] [REDACTED] .
3. On [REDACTED] August 2019, Ms Merdeeva played with [REDACTED] against [REDACTED] [REDACTED] and [REDACTED] [REDACTED] Ms Merdeeva and [REDACTED] won [REDACTED] [REDACTED]
4. Ms Merdeeva signed up for an ITF IPIN from 2010 to 2021 and in doing so confirmed her agreement to the terms of the TACP.
5. By a Notice of Charge dated 29 June 2020, Ms Alija Merdeeva was charged with breaching Section D.1.d (contriving aspects of matches) of the Tennis Anti-Corruption Program (TACP). The details of the charges were as follows:

*"You are charged with breaching Section D.1.d of the 2019 TACP: "No Covered Person shall, directly or indirectly, contrive, attempt to contrive, agree to contrive, or conspire to contrive the outcome, or any other aspect, of any Event."*

*It is alleged that you breached Section D.1.d by contriving and/or agreeing and/or conspiring to contrive aspects of the following matches:*

1. [REDACTED] tournament [REDACTED] [REDACTED] August 2019, [REDACTED] [REDACTED] & Alija Merdeeva v [REDACTED] [REDACTED] [REDACTED] & [REDACTED] [REDACTED] losing game [REDACTED] set [REDACTED] and [REDACTED] [REDACTED] tournament [REDACTED] [REDACTED] August 2019, [REDACTED] [REDACTED] & Alija Merdeeva v [REDACTED] [REDACTED] & [REDACTED] [REDACTED] losing game [REDACTED] set [REDACTED]

6. The 2020 TACP contains the following provision regarding service:

*Section F.5: "Each Covered Person shall be determined to be immediately contactable at their current (i) postal address, (ii) personal mobile telephone or (iii) personal email address. A Notice or communication sent to any postal*

*address, email address or mobile telephone number provided by the Covered Person to a Governing Body or directly to the TIU shall be deemed to have been sent to the Covered Person's current address or mobile telephone number. In each case it is the responsibility of the Covered Person to ensure that the relevant Governing Body has been provided with the necessary up to date contact details. Any Notice or other communication delivered hereunder to a Covered Person shall be deemed to have been received by the Covered Person (i) in the case of a postal address, on the date of delivery to such address in the confirmation of delivery provided by the relevant courier service company or (ii) in the case of a personal mobile telephone or personal email address, at the time the relevant communication was sent."*

Section K.6 *"the procedural aspects of the proceedings will be governed by the Program applicable at the time the Notice is sent to the Covered Person"*.

In this case, this is the 2020 TACP.

#### Service

7. The Notice of Charge was sent to Ms Merdeeva by email on 29 June 2020 to [REDACTED]. This is the email address stored for her in the ITF Baseline system and is therefore the email address that she would have had to provide in order to sign up for an IPIN . Importantly, it is also the email address from which the Player responded to the TIU on 2 September (see below).

8. The TIU made further attempts to contact her to ensure that she had received the Notice of Charge. This included:

a. A second email was sent to her by Mr Lacksley Harris, a TIU investigator, on 12 August 2020, forwarding the 29 June 2020 email and Notice of Charge

b. On 24 August 2020 Mr Harris sent a WhatsApp to her explaining that she had been sent a Notice of Charge. She responded asking for a copy of the Notice of Charge in Russian

c. On 27 August 2020 Mr Harris sent an email to her attaching a copy of the Notice of Charge translated into Russian using the same email address

9. Ms Merdeeva did not engage with the proceedings save for one email dated 2 September 2020:

*"Hello. I just saw the message. I cannot help you in any way, as these were the first tournaments after a lengthy break. A year has gone by and I don't remember the details of these matches. Now I am working and I have no time for investigations. Because I didn't understand on what grounds I am being accused of something I don't understand at all. And I don't plan to go back to the tour and play tournaments. Yours sincerely, Aliya Merdeeva. "*

10. On 6 November 2020, the PTIOs' Counsel sent an email to the Player noting that it was unclear whether the Player wanted to have a hearing. It was proposed that the Player be given 14 days to confirm whether she wanted a hearing and that if the Player failed to

respond, Section G.1.e thus takes effect. No further correspondence was received from the Player.

11. In these circumstances I am satisfied that I have jurisdiction in relation to this matter, that the Player has been properly served.

*Lack of engagement: consequences*

1. Pursuant to Section G.1.e the Player is therefore

*“deemed to have waived her entitlement to a Hearing; to have admitted that she has committed the Corruption Offense(s) specified in the Notice; to have acceded to the potential sanctions specified in the Notice”.*

Section G.1.e.iv provides that in such circumstances the AHO shall,

*“promptly issue a Decision confirming the commission of the Corruption Offense(s) alleged in the Notice and ordering the imposition of sanctions (after requesting and giving due consideration to a written submission from the PTIO on the recommended sanction).”*

2. The Player is therefore deemed to have admitted the offences.

*Sanction*

3. I therefore proceed to consider the appropriate sanction.

4. Section H.1 provides that the range of sanctions that may be imposed on a player for a breach of Section D.1.d of the 2019 TACP is a fine of up to \$250,000 and a period of ineligibility up to a maximum period of permanent ineligibility.

5. The CAS panel in *Savic v PTIOs* (CAS 2011/A/2621, at [8.33]) noted that a sanction

*“must not be disproportionate to the offence and must always reflect the extent of the athlete’s guilt”.*

6. A sanction should take into account the fact that the sanctions for a breach of the TACP must be sufficient to serve as a deterrent : (CAS Panel in *Kollerer v ATP* (CAS 2011/A/2490)). The CAS Panel in *Kollerer* also noted (at [123]) that,

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

7. Match-fixing normally involves criminal behaviour and is extremely serious.

8. A proportionate sanction will take into account: (i) the nature of the conduct/offence; (ii) relevant precedents; and (iii) any aggravating and mitigating factors.
9. CAS have recently upheld my decision in *Alvarez-Guzman v AHO and PTIOs (CAS 2019/A/6275)* where I banned the player for life based on a single match-fixing incident. In their judgment the CAS Panel stressed the fact that the player had denied the allegations to the end notwithstanding compelling evidence against him.
10. The email of 2 September can be treated as a denial by the Player, a failure to engage, and lack of remorse.
11. This was not a single incident but *two separate incidents*. This is important, because it demonstrates a pattern of behaviour. So it cannot be described a one-off.
12. The Player most recently undertook the online Tennis Integrity Protection Program training on 3 June 2019, shortly before the offences took place in August 2019.
13. There are no mitigating factors.

#### **Decision**

**14. I therefore find as follows:**

- (a) Ms Merdeeva is guilty of both charges**
- (b) The sanction imposed is a lifetime ban in relation to any event organised or sanctioned by any Governing Body**

**Under Section 1 this decision may be appealed to CAS by the parties in this proceeding within a period of 20 business days from the date of receipt of the Decision by the appealing party**

Charles Hollander QC  
AHO  
London, England  
22 January 2021