

International Tennis Integrity Agency

and

Sherazad Reix (née Benamar)

**DECISION ON SANCTION UNDER SECTION
G.1.E.IV OF THE TENNIS ANTI-
CORRUPTION PROGRAM (“TACP”)
(Corrected)**

Before Anti-Corruption Hearing Officer:

Amani Khalifa

**Representing the International Tennis Integrity
Agency:**

Alistair McHenry, Tyr

Sherazad Reix:

Self-represented



Freshfields Bruckhaus Deringer

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I. INTRODUCTION

1. Pursuant to Section F.4. of the Tennis Anti-Corruption Program (*TACP*) 2022, the International Tennis Integrity Agency (the *ITIA*) issued a Notice of Major Offence (the *Notice*) to Sherazad Reix (*SR* or the *Player*) and [REDACTED] [REDACTED] ([REDACTED] (together, the *Covered Persons*) on 27 October 2022. The Notice informed the Covered Persons that they were being charged with various breaches of the TACP 2018. The Notice also informed the Covered Persons of their right to determination of the matter at a Hearing before the Anti-Corruption Hearing Officer (*AHO*).
2. In order to exercise their right, the Covered Persons were required to submit written requests for Hearing within ten (10) Business Days and notify the ITIA and the AHO of an intention to challenge the charges. However, SR failed to submit a written request for a Hearing by the deadline. As a result, she has effectively accepted liability for the six (6) charges under the Notice.
3. Pursuant to Section G.1.e of the TACP 2022, the AHO is now issuing a decision confirming the charges and imposition of sanctions on SR.
4. Ms. Amani Khalifa holds the appointment as an AHO as per section F.1 of the TACP 2022. The AHO was appointed without objection by either party as the independent and impartial adjudicator to rule on the case.
5. This dispute has been consolidated pursuant to section G.1.c of the TACP because all charges of Major Offences being faced by all the Covered Persons pertain to the same alleged conspiracy, common scheme or plan. However, this decision relates solely to imposition of sanctions on SR. A separate decision will be issued in the case of [REDACTED] who has contested the charges and requested a hearing on 1 December 2022.

II. BACKGROUND

6. The ITIA was granted access to certain evidence collated by the Belgian authorities following their investigations into a suspected organised criminal

network involved in an international match-fixing operation. The Corruption Offences against the Player mentioned in the Notice arise out of those investigations.

7. The primary evidence obtained comprises messages downloaded from mobile devices and records of money transfers. The individual at the centre of the Belgian match fixing investigation, ██████████ (██████████) communicated with corrupt tennis players and intermediaries to fix matches. ██████████ used a network of associates to ensure payment of players, one of whom was a ██████████ national ██████████ ██████████ ██████████ (██████████) sent a number of payments, relied upon by the ITIA, some of which relate to the Corruption Offences contained in the Notice.

III. THE APPLICABLE LAW AND JURISDICTION

8. It is undisputed that the applicable rules are TACP 2018 with regards to the alleged Major Offences and the TACP 2022 with regards to the procedure.
9. 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.
10. No other matters relating to jurisdiction or the arbitrability of these matters have been raised by any party.

IV. THE NOTICE OF MAJOR OFFENSE

11. The Player has been charged with six (6) breaches of the TACP 2018. Some of the charges brought against SR are also brought against her ██████████ and ██████████ ██████████ for his involvement in fixing the same relevant match.
12. The ITIA has relied upon evidence in relation to the following matches in which the Player participated:
 - (a) Match 1: ██████████ match dated ██████████ January 2018 at the ██████████ tournament in ██████████, France against ██████████ ██████████

- (b) Match 2: █████ match dated █ January 2018 at the █████
█████ in █████ UK against █████ █████
- (c) Match 3: █████ match dated █ May 2018 at the █████
█████ in █████, France with █████ against █████
█████ and █████
- (d) Match 4: █████ match dated █ May 2018 at █████.

13. For brevity, the detailed charges the ITIA has brought against SR in its Notice are summarized with reference to the involvement of █████ where relevant, the match in question and brief explanation of the same, and the applicable TACP Major Offences. To the AHO, these were first considered “alleged” Major Offences until the AHO could assess the evidence and parties submissions during the course of the disciplinary procedure. However, under sections G.1.e.ii and G.1.e.iii of the TACP 2022, by failing to answer the charges being brought against her, SR has effectively admitted liability for all of the below charges and acceded to the potential sanctions specified in the Notice:

- (a) Charge 1: The ITIA alleges that SR intentionally served █████ double faults in game █ of set █ of Match █ and failed to use her best efforts. The ITIA alleges that SR 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 2018.
- (b) Charge 2: The ITIA alleges that SR intentionally served █████ double faults in game █ and █ of set █ of Match █ and failed to use her best efforts. The ITIA alleges that the betting match alert received by them confirms various bets being placed on game █ of set █ for SR to lose the game, which she did. The ITIA therefore alleges that SR contrived the outcome and / or aspects of the match in order to facilitate betting in breach of section D.1.b of the TACP 2018.

- (c) Charge 3: The ITIA alleges that SR contrived the outcome and / or aspects of her Match 1 by deliberately serving double faults in game ■■■ set ■■■ in breach of section D.1.d of the TACP 2018.
 - (d) Charge 4: The ITIA alleges that SR contrived the outcome and / or aspects of her Match 2 by deliberately serving double faults in game ■■■ and ■■■ of set ■■■ in breach of section D.1.d of the TACP 2018.
 - (e) Charge 5: The ITIA alleges that SR, or ■■■ on her behalf, accepted payment of US\$1000 on ■■■ January 2022 on the basis of not giving her best efforts in her Match 1 in breach of section D.1.f of the TACP 2018.
 - (f) Charge 6: The ITIA alleges that SR failed to report corrupt approaches on multiple occasions by members of the Belgium criminal network, in which SR was offered money to influence the outcome or an aspect of a match SR was due to play in breach of section D.2.a.i of the TACP 2018.
14. Under Section D in the Notice, the ITIA stated that it provisionally considered that in line with the TACP Sanctioning Guidelines (*Guidelines*), the above charges against the Covered Persons may be categorized as Culpability B and Impact 1, which has a starting point of a ban of 10 years and a potential fine of \$35,000 in the case of SR.
15. The Notice also provided that the Covered Persons are entitled to have the matter determined by the AHO at a Hearing if they dispute the ITIA's allegations. The Notice provided the details of the procedure and the deadline for submitting a request for a Hearing.

V. THE PROCEDURAL BACKGROUND

16. On 27 October 2022, the ITIA issued the Notice to the Covered Persons, outlining the allegations and charges against them, 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 the cases are to proceed on a consolidated basis, without objection from any party. In the Notice,

the Covered Persons were given ten (10) Business Days to submit a written request for a Hearing.

17. SR did not respond to the Notice within the deadline provided. However, on 15 November 2022, SR acknowledged the receipt of the Notice and informed that the Notice was “*picked up by [REDACTED] last weekend at [REDACTED] [REDACTED] home where [REDACTED] goes twice a year*”. SR further inquired who she should contact and if the procedure through e-mail correspondence would remain confidential.
18. On 16 November 2022, the AHO instructed ITIA to direct SR to inform whether “*she contests the charges within ten business days of the date she was served with the notice a second time*”, i.e., by 1 December 2022. The AHO also instructed the ITIA to draw her attention to the wording in the Notice relating to instructing counsel to represent her.
19. On 12 December 2022, the AHO noted in her email to ITIA that SR had failed to file a written request for a Hearing by the deadline. The AHO noted that in accordance with Section G.1.e of the TACP 2022, the Player has *inter alia* waived her entitlement to a hearing; admitted that she is liable for all Corruption Offences for which she was charged in the Notice and acceded to the potential sanctions set out in the Notice. The AHO therefore requested the counsel for the ITIA to file submissions on sanction within 14 days from her email, further to which the AHO would issue her decision. The ITIA issued the instructions to the parties on 14 December 2022.
20. The ITIA filed its submissions on sanction on 22 December 2022 as directed.
21. On 4 January 2023, the AHO issued an email to the ITIA to email SR inviting her to file submissions on sanction in answer to the ITIA’s submission by 11 January 2023.
22. However, SR again elected not to file submissions within the deadline provided or at all.

VI. ITIA'S WRITTEN SUBMISSIONS

23. The AHO has carefully considered the ITIA's written submissions. They are summarised below. Additional facts and allegations found in the Parties' submission may be set out, where relevant, in connection with the legal discussion that follows. The AHO refers in her award only to the submissions and evidence she considers necessary to explain the reasoning.
24. Whilst recognizing the AHO's full discretion on whether to apply or depart from the Guidelines, the ITIA submits that the Guidelines should be followed in this case.
25. The ITIA submits that given the nature of the charges against the Player, the maximum potential sanction under section H.1.a TACP 2022 is permanent ineligibility. The ITIA submits that it provisionally considered that in line with the Guidelines, the charges against the Player may be categorised as Culpability B and Impact 1.
26. The ITIA submits that all three level B Culpability criteria are present in this case, namely:
- Some degree of planning or premeditation – The ITIA submits that the Player must have discussed with her [REDACTED] and [REDACTED] [REDACTED] about when she was going to commit double faults in Matches 1 and 2. Further, the ITIA submits that the fact [REDACTED] received a payment of US\$1,000 on [REDACTED] January 2022 (a day after Match 1) from [REDACTED] an associate of [REDACTED] implies that the fix was premeditated. The ITIA also submits that the plan must have been discussed with third party bettors given the specific betting patterns seen and which prompted the match alert received by the ITIA on [REDACTED] January 2018 (on the day of Match 2).
 - Acting in concert with others – The ITIA submits that the Player was acting in concert with [REDACTED] who received money from [REDACTED] on [REDACTED] January 2022, i.e., a day after Match 1. The ITIA further believes that the Player was acting in concert with [REDACTED], who was on her accreditation for [REDACTED]

█████ later that same year, and in particular in relation to her failure to report a corrupt approach on or around █████ – 24 May 2018.

- Several offenses – The ITIA alleges that the six (6) charges of Major Offences against SR relate to two separate matches on two different dates in January 2018, in addition to a non-reporting charge at a Grand Slam event some months later in May 2018.

27. The ITIA also submits that the Player’s case sits between Category 1 and 2 ‘Impact’ level. The ITIA submits that the Player’s case falls under Category 1 as it involves:

- Major TACP Offences – The ITIA submits that the six (6) charges against SR are related to Major Offences as defined by section B.21 of the TACP.
- Significant, material impact on the reputation and / or integrity of tennis – The ITIA submits that the Player committed multiple Major Offences and various third-party bettors benefitted from her match-fixing, which had a significant impact on the reputation, integrity, and value of tennis.
- Relatively high value of illicit gain: The Player’s █████ and █████ █████ US\$1,000 on █████ January 2022 after her participation in Match 1. Given the level of tournament the Player was participating in (█████ █████) this was a relatively high gain compared to her likely potential limited earnings.

28. The ITIA submits that the Player’s case is also covered under Category 2 as it involves:

- Major TACP Offence(s).
- Material impact on the reputation and / or integrity of tennis.
- Material gain.

The ITIA submits that since the case of SR meets many of the thresholds of Category 1, the thresholds of Category 2 are automatically met.

29. The ITIA submits that the appropriate starting point for the Player is six (6) years and six (6) months, being midway between the starting point for Category 1 (ten (10) years) and Category 2 (three (3) years). The ITIA submits that the AHO may consider any adjustment from the starting point for any aggravating or mitigating factors.
30. The ITIA submits that the below aggravating factors are relevant to SR's case:
- (a) Impeding or hindering the ITIA investigation – SR attended an interview with the ITIA on 11 February 2019 in relation to Match 2 in which she denied any involvement. However, following completion of the investigation, SR failed to respond to ITIA's requests on 6 April 2022 and 20 June 2022 for further interview.
 - (b) Wasting the time of the ITIA and/or the AHO in failing to cooperate with instructions regarding a Hearing.
 - (c) Multiple completions of TIPP training – The ITIA submits that SR signed up to the TACP each year between 2011 and 2019 and that she last successfully completed TIPP training on 24 March 2019, answering all anti-corruption scenarios correctly.
31. The ITIA further notes that the Player does not satisfy any of the mitigating factors under the Guidelines.
32. The ITIA submits that in light of the presence of the various aggravating factors above, there ought to be an upward adjustment from the six years and six months starting point. The ITIA submits that an uplift of one year is appropriate in respect of the aggravating factors identified above.
33. In summary, the ITIA requests the AHO to impose the following sanctions on the Player:
- A ban of seven (7) years and six (6) months; and
 - A fine of US\$30,000.

VII. THE PLAYER'S WRITTEN SUBMISSIONS

34. SR has not filed any written submissions.

VIII. REASONS

35. 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.

36. 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 SR 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 giving best efforts – one charge;
- (d) D.2.(a) non-reporting – one charge.

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

38. 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.

39. SR 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.
40. The case against SR is grounded in uncontested evidence of multiple fixes, reliance on those fixed matches to generate financial gain, and then how SR or her [REDACTED] and [REDACTED] on her behalf, received their share of the profits.
41. 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.
42. 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.
43. 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 of 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).

These are addressed in turn below.

A. DETERMINING THE OFFENSE CATEGORY

- 44. This step requires the AHO to determine the level of culpability and the level of impact on the sport.
- 45. As regards the level of culpability, the AHO accepts the ITIA's submission that SR's level of culpability falls within category B which is medium culpability. The principal reasons for this conclusion are that SR 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 SR 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.
- 46. As regards impact, the ITIA has conceded that the impact of SR's conduct 'sits between categories 1 and 2'. The AHO considers that, in fact, the impact of SR'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 SR, 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 SR'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 SR'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 any evidence as to how this gain was split between ■■■ and SR 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'.

47. For all these reasons, the AHO considers that SR's offense category is B2.

B. STARTING POINT AND CATEGORY RANGE

48. 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.
49. The AHO accepts the ITIA's submission that there are a number of aggravating factors in this case. Including and in particular, SR'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. SR has also completed TIPP training on multiple occasions.
50. The AHO also accepts the ITIA's submissions that SR 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.

51. 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

52. The AHO accepts the ITIA's submission that this step is not relevant on the facts of this case as SR has not made any early admissions.

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

53. The AHO accepts the ITIA's submission that there are no other factors which merit a reduction in SR'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

54. 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, SR has admitted six charges which yields a fine scale of between US\$25,001 to US\$50,000.

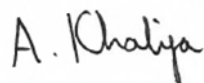
55. The Guidelines further provide that the amount of any fine should reflect the categorisation of the offense. Considering the number of offenses, the categorisation of the offense as B.2 and the aggravating factors, the AHO decides that the appropriate fine in this case is US\$30,000.

IX. DECISION

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.d – 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.26 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.

Dated at Dubai, United Arab Emirates this 30th day of January 2023



AMANI KHALIFA
Anti-corruption Hearing Officer