

*In the matter of alleged Corruption Offenses under the Tennis Anti-Corruption Program*

Professional Tennis Integrity Officers

-and-

Amal Sultanbekov

Before Anti-Corruption Hearing Officer:

Janie Soublière

Representing the Professional Tennis Integrity Officers:

Ross Brown and Alex Brooks

Amal Sultanbekov:

Self-represented

**DECISION ON SANCTION**

**INTRODUCTION**

1. This dispute involves the Professional Tennis Integrity Officers ('PTIOs') and Amal Sultanbekov, a former International Tennis Association ('ITF') and Association of Tennis Professionals ('ATP') tennis player.
2. Janie Soublière holds an appointment as an Anti-Corruption Hearing Officer ('AHO') per section F.1 of Tennis Anti-Corruption Program ('TACP'). The AHO was appointed without objection by either party as the independent and impartial adjudicator to determine this matter as set out in the 2020 TACP, which governs all procedural aspect of this dispute.
3. On 1 December 2020, the PTIOs charged ██████████ Mr. Amal Sultanbekov and █████ ██████████ with various TACP Corruption Offense charges relating to a match at the ██████████ tournament in ██████████ Uzbekistan on ██████████ June 2019 in which ██████████ and Mr. Sultanbekov played ██████████ and ██████████ ('the Match'). ██████████ and Mr. Sultanbekov lost the Match ██████████

4. Mr. Sultanbekov's doubles partner in the Match (██████████) was absolved in an earlier decision because the evidence submitted to support the charges against him fell short of satisfying the requisite standard of proof for conviction.
5. In a decision issued 1 June 2021 ('the Decision'), the AHO found Mr. Amal Sultanbekov liable for Corruption Offenses pursuant to sections D 1. k., D 1. d., and D.2 a. i. of the TACP, as detailed below, with a decision to be issued at a later date.
6. This is the AHO's order on Mr. Sultanbekov's sanction.

## THE PARTIES

7. The PTIOs are appointed by the Governing Bodies who participate in the TACP, namely the ATP Tour Inc., the Grand Slam Board, the ITF and the WTA Tour Inc. The PTIOs are responsible for administering the TACP and directing the Tennis Integrity Unit ('the TIU'), now known as the International Tennis Integrity Agency ('the ITIA'). 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.
8. Amal Sultanbekov is a 25-year-old professional tennis player from Uzbekistan. At the time the Corruption Offenses took place, he was registered with the ITF. To play in ITF tournaments Mr. Sultanbekov 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, as Mr. Sultanbekov did in 2019.

## LIABILITY

9. The 1 June 2021 Decision found Mr. Sultanbekov liable for breaches of Sections D 1. k., D 1. d., and D.2 a. i.. They are as follows:

### **Charge 1**

*Section D.1.k of the 2019 TACP: "No Covered Person shall, directly or indirectly, solicit, facilitate, or conspire to solicit or facilitate any other person to contrive, attempt to contrive or conspire to contrive the outcome or any other aspect of any Event."*

## **Charge 2**

*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."*

## **Charge 3**

*Section D.2.a.i of the TACP: "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."*

## **PROCEDURAL BACKGROUND**

10. Further to the Decision on liability being issued, as had been requested and agreed by all Parties and as acceded to by the AHO, on 9 June 2021, the AHO set out a procedural calendar for the parties to file their submissions on sanction. Both parties respected the procedural calendar.

## **APPLICABLE LAW AND JURISDICTION**

11. All Parties have agreed that the applicable rules are the 2019 TACP with regards to the alleged offenses and the 2020 TACP with regards to the procedure.
12. The PTIOs rely on the newly published 2021 Tennis Integrity Supervisory Board Sanctioning Guidelines although such Guidelines need not strictly apply to this matter.
13. No issues relating to jurisdiction or the arbitrability of this matter have been raised by any party at any time throughout these proceedings.

## **PARTIES SUBMISSIONS**

### **I. PTIOs' submissions**

14. The PTIOs submit that it is reasonable and proportionate that Mr. Sultanbekov ordered:
  - i. to serve a ban from any events organised or sanctioned by any Governing Body for a period of 7 years; and

ii. to pay a fine of \$20,000.

15. The PTIOs submit that they have carefully considered what they consider to be appropriate in this case. The PTIOs accept and agree that any sanction must be proportionate to the offenses and to Mr. Sultanbekov's guilt, which will involve the consideration of any aggravating or mitigating factors presented by the parties. The PTIOs also submit that proportionality must take into account the fact that sanctions imposed as a result of any breach of the TACP must also be sufficient to serve as a deterrent.

16. First relying on precedent, which they conceded the AHO is not bound by, the PTIOs refer the AHO to the following cases: Nicholas Kicker (2018), Patricio Heras (2018), Loveth Donatus (2018), Issam Taweel (2019), Jonathan Kanar (2020), Majed Kilani (2020) [REDACTED] [REDACTED] (2020). These cases can be summarised as follows:

- i. Nicholas Kicker – Mr. Kicker was found liable for two match-fixing charges under section D.1.d of the TACP. He received a ban of six years (with three years suspended) and a fine of \$25,000.
- ii. Patricio Heras – Mr. Heras was found liable for one match-fixing charge under section D.1.d of the TACP. He received a ban of five years (with two years suspended) and a fine of \$25,000.
- iii. Loveth Donatus – Ms. Donatus was found liable for three match-fixing charges under sections D.1.d, D.1.e and D.1.g of the TACP. She received a ban of two years (with one year suspended) and a fine of \$5,000 (all suspended).
- iv. Issam Taweel – Mr. Taweel was found liable for one match-fixing charge under section D.1.d of the TACP. He received a ban of five years (with two years suspended) and a fine of \$15,000 (with \$13,000 suspended).
- v. Jonathan Kanar – Mr. Kanar was found liable for one match-fixing charge under section D.1.d of the TACP. He received a ban of four years and six months and a fine of \$2,000.
- vi. Majed Kilani – Mr. Kilani was found liable for three match-fixing charges under section D.1.d of the TACP. He received a ban of seven years and a fine of \$7,000.
- vii. [REDACTED] [REDACTED] – [REDACTED] was found liable for three match-fixing charges under section D.1.d of the TACP. He received a ban of seven years (with two years suspended) and a \$12,000 fine. (In a parallel decision, [REDACTED] has now been sanctioned with a lifetime ban for committing additional TACP offenses).

17. The PTIOs submissions focus on the analysis of the sanctions applicable to breaches of section D.1.d because of ample precedent that does not exist in terms of confirmed breaches of section D.1.k.
18. Relying on all the above noted cases, but citing notably Kanar, the PTIOs submit that a 4-year ban should be the starting point for the determination of the applicable sanction for any major match fixing offense, as committed by Mr. Sultanbekov.
19. The PTIOs then outline several aggravating factors they submit should have a substantial bearing on the AHO decision.
  - i. Failure to make admissions – Mr. Sultanbekov denied that he was involved with match-fixing from his interview with the TIU and throughout these proceedings. Most notably, he repeatedly made those denials in his defence at the hearing in this matter both in oral submissions and in response to questioning on cross-examination.
  - ii. Approach to proceedings – The impact of Mr. Sultanbekov’s consistent denials effectively means that he has been found to have lied throughout a process where he was obligated to co-operate and tell the truth. He has lied to the TIU, to the PTIOs and to the AHO on a repeated basis – presumably in an ultimately futile attempt at self-preservation.
  - iii. Apology and remorse – Mr. Sultanbekov has not apologised for his conduct nor offered any remorse or assurances as to future conduct. As it stands, the PTIOs conclude that Mr. Sultanbekov is not remorseful regarding his proven breaches of the TACP.
  - iv. Conspiracy – Mr. Sultanbekov was found to have acted within a conspiracy with ██████████ and others. This case is notable for the sophisticated and highly coordinated planning that the conspiring individuals undertook to ensure the fix could be carried out as planned.
  - v. Evidence of other breaches of the TACP – whilst Mr. Sultanbekov was not charged in relation to other professional tennis matches, evidence of his past conduct was relevant to the hearing and the question of his liability for the match-fixing charges he faced. Suspicious discussions took place in both 2017 and 2018 which pointed towards possible additional involvement in match-fixing.
  - vi. Knowledge of TACP – Mr. Sultanbekov has completed the Tennis Integrity Protection Programme online integrity training course on multiple occasions and most recently on 9 April 2019 (just two months before the events that were the subject of these proceedings).

20. Mr. Sultanbekov cannot point to any mitigating factors that were applied in other ITA cases within his own conduct. To the PTIOs, it is therefore right that his sanction reflects that increased level of seriousness when compared with other individuals who have also been found liable for fixing one match. The aggravating factors mentioned above also offer no basis for a suspended element to his sanction. A suspended element is not an automatic right and to the PTIOs Mr. Sultanbekov has done nothing to warrant that.
21. In support of the above and relying on the new Tennis Integrity Supervisory Board Sanctioning Guidelines although not strictly applicable here, the PTIOs note that under these same Guidelines, it is likely that under the Guidelines Mr. Sultanbekov would be classified as sitting between Category B1 or B2. He would be Category B given there was “some planning or premeditation” and since he was “acting in concert with others”. There are then factors in both Category 1 or Category 2 that potentially apply to Mr. Sultanbekov. The table in Step 2 is clear that the starting point for a B1 sanction is ten years and the starting point for a B2 sanction is three years.
22. The PTIOs propose that a seven-year ban sits within this range.

## II. Mr. Sultanbekov’s submissions

23. The Player has made few submissions on his behalf. The AHO notes the following submissions mitigating against the sanction proposed by the PTIOs:

*“I have always cooperated with the investigation, I attended all the hearings, respecting everyone I answered all your questions*

*I think that 7 years is a cruel punishment and a very long time.”*

## DISCUSSION

24. 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”.*

25. Thus, pursuant to the TACP the harshest possible range of sanction that can be imposed on the Player is a fine of \$250 000, plus any amounts he received as a result of his match fixing, and a lifetime period of ineligibility.
26. As stated above, for the reasons outlined, the PTIOs have recommended a fine in the amount of \$20,000 and a 7-year period of ineligibility. The Player finds the proposed sanction to be a “cruel punishment”. Of course, the AHO is not bound by the sanction recommended by the PTIOs. The AHO may impose appropriate, just and proportional sanctions pursuant to the TACP bearing in mind all of the particular circumstances of each individual case.
27. In issuing this decision, the AHO reiterates that match fixing is a serious threat to sport, more pointedly 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 are approached and coerced into further tarnishing and corrupting the sport and conspiracies are formed and perpetuated to this end.
28. The TACP purports to eradicate such corruption. This means that the imposition of lenient sanctions would defeat the purpose not only of the TACP’s attempts to circumvent recidivism but also its 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.
29. 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 breaches.
30. Precedent indeed 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, recommendations from the PTIOs were requested with case law in support.
31. Precedent may thus serve as a useful guide on sanctions to the extent that any sanction issued here should stay within the general principles established by my predecessors. Also although not strictly applicable, the new Sanctioning Guidelines serve as a useful guide.

32. The AHO thus relies on the body of jurisprudence which precedes this decision as being reliable and has considered the PTIO's submitted case law, other AHO awards and the new Sanctioning Guidelines in making this determination.

33. The aggravating and mitigating elements considered are as follows:

Aggravating factors

- Mr. Sultanbekov was a willing and integral participant in a sophisticated match-fixing operation with [REDACTED]
- Mr. Sultanbekov conspired with [REDACTED] to fix the match.
- Mr. Sultanbekov last completed the Tennis Integrity Protection Programme online training course in May 2019, having also completed it on other previous occasions. He has also signed the Player Welfare Statement on an annual basis between 2010 and 2019 which confirms [REDACTED] agreement to be bound by the TACP.
- Mr. Sultanbekov failed to cooperate with the TIU's investigation and the Hearing, by being evasive and untruthful.
- Mr. Sultanbekov has shown no genuine contrition at any stage during the proceedings. He has offered no apology and has made no admissions.

Mitigating factors

34. The submissions Mr. Sultanbekov made to support a mitigation of the PTIOs proposed sanction were partly accurate and relevant to the AHO'S determination. It is true that he promptly attended and cooperated throughout the hearing.

35. The AHO notes that Mr. Sultanbekov is self-represented, was relatively young at the time of the offenses, has not benefited from the guidance of Counsel on the importance to show remorse for actions or to underline or submit any other compelling mitigating elements.



## DECISION ON SANCTIONS

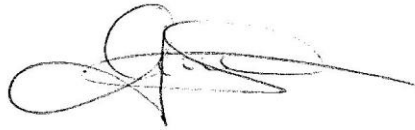
36. Because the commission of major TACP Offenses has been established, in light of the intentional and deliberate and premeditated acts of corruption ██████████ committed at the time of these Offenses, the AHO finds that the applicable sanction to be imposed upon Mr. Sultanbekov is of 5 years.
37. With regards to the applicable fine, the PTIOs seek the imposition of a \$ 20 000 fine arguing that it is vital to the interests of the sport of tennis that Mr. Sultanbekov receive a significant fine. On the evidence, it can be assumed that Mr. Sultanbekov received a share of the ten thousand dollars (USD \$10 000) from the established match-fixing offenses for which he and ██████████ have been found liable in relation to the Match. He will have to repay these monies, which are assumed to be \$5000.00.
38. Because Mr. Sultanbekov has neither admitted the offenses in question nor cooperated with the PTIOs' investigations, contrary to what he alleges, the AHO finds that it is appropriate to impose an additional fine in addition to the repayment of monies he gained from his corrupt activities in relation to the Match.
39. Thus, the AHO finds that the appropriate sanction to be imposed upon Mr. Sultanbekov as a result of his TACP offenses is a 5 years ban, with the total fine to be paid by set at eight thousand dollars (USD \$8 000.00).

## ORDER

40. The Player, Amal Sultanbekov, a Covered Person as defined in Section B.6 and B. 18 of the TACP, has committed three Corruption Offenses under the TACP.
41. The applicable sanctions as a result of these Corruption Offenses are:
- i. A 5-year ban from Participation, as defined in Section B.17 of the TACP, in in any Sanctioned Event as prescribed in TACP Section H1a(iii), effective on the date of this Decision.
  - ii. A \$ 8 000 fine as prescribed in TACP section H1a(i).
42. Pursuant to TACP Section G.4.e., this award on sanction along with the AHO's reasoned decision on liability are to be publicly reported.

43. Pursuant to TACP Section G.4.d. this award on sanction read in conjunction with the reasoned award on liability is a full, final, and complete disposition of this matter and is binding on all parties.
44. 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 Montréal, Québec this 21<sup>st</sup> day of July 2021



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Janie Soublière C. Arb.  
Anti-Corruption Hearing Officer