



Match-fixing, a threat to the integrity of tennis

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ABSTRACT

Match-fixing presents a particularly great threat to the integrity of professional tennis and the online betting market has made the landscape around match-fixing and betting extremely complicated. A number of high profile offences have occurred in recent years, drawing worldwide attention. This has led to a series of developments in the legal landscape surrounding match-fixing which all players and coaches should be aware of. Offences not only include fixing the final score, but fixing elements such as when aces, breaks, or doubles occur, as well as not reporting requests to throw/fix matches.

Key words: match-fixing, betting, tennis integrity, professional tennis

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INTRODUCTION

Match-fixing is one of the greatest threats to the integrity of professional tennis, especially due to its link to the online betting market. Previously, this concern had been limited to the predetermining of competition results. For this reason, the legal system categorised this behaviour as illegal requiring disciplinary action¹, as well as illegal and criminal when it concerned competitions of a high sporting or economic importance².

However, other aspects of the game can also be predetermined, such as, for example, the amount of times, or the exact moments when, there is a break, a double fault, or an ace. Even if fraudulent intent could have been recognized, it would not have been possible to impose a sanction if the final result was not affected. So, the field remained open for betters and people related to professional tennis to reap great benefits through the low-risk possibilities that betting platforms offer.

THE LEGAL SYSTEM TO COMBAT MATCH-FIXING IN PROFESSIONAL TENNIS

It all started after the scandal during the match played on August 2nd, 2007 in Sopot (Poland) between Nikolai Davydenko (ATP 4) and Martín Vasallo-Agüello (ATP 87). Although Davydenko won the first set easily, bets favouring the Argentine player continued to rise until they amounted to over 7 million dollars. Finally, Vasallo-Argüello won the match as the Russian forfeited due to injury in the third set. 'Betfair' betting

company cancelled bets before the end of the match³.

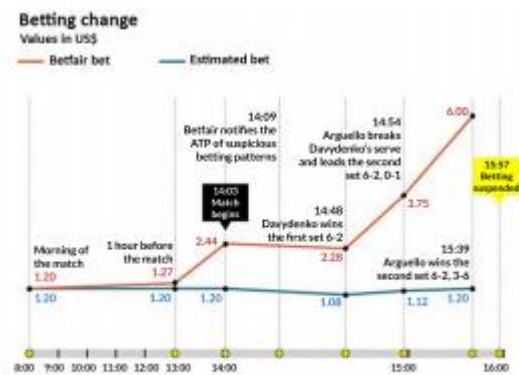


Figure 1. Variation in betting during the Vasallo Argüello vs Davydenko match, 2 August, 2007.

¹ In state competitions in Spain, art. 76.1.c) law 10/1990, dated 15 October, defines as a very serious offence "actions intending to predetermine, using money, intimidation or simple agreements, the result of a match or competition", and depending on the case, the person responsible could be fined between 3,001 and 30,000 euros, prohibited from entering sporting facilities, or disqualified for between 2 and 5 years (art. 79.1 of the above mentioned sports law).

² Art. 286 bis of the Spanish Penal Code imposes prison sentences of between 6 months and 4 years, special disqualification from practising the profession or position for 1 to 6 years, and a fine that is triple the value of the benefit or advantage received by the directors, administrators, employees or collaborators of a sport organization, as well as the athletes or umpires, when they engage in behaviours aiming to deliberately and fraudulently determine or alter the result of a contest, match or sport competition.

Media intervention into the event forced the main international tennis organizations (ATP, WTA, ITF and GSB) to take action on the matter. Ben Gunn and Jeff Rees were asked to write a report on the situation, highlighting the main threats to the integrity of tennis. Among the main recommendations made was the creation of an organization to deal specifically with this issue: the Tennis Integrity Unit (TIU). Along with this, they expressed the need to set up a Tennis Anti-Corruption Programme to put an end to the diversity of the existing regulations. Those who are subject to their provisions (covered Person) are the players, the people related to them (related Person) and the personnel whose activities take place in the tournaments (Tournament Support Personnel). Let's examine its content:

Typical offences

1. Prohibition of betting or trying to do so, directly or indirectly, in relation to the result or any other aspect of the game during a competition.

Those who are subject to the Anti-Corruption Programme provisions are prohibited from betting on any category of tennis event, no matter if they participate in the competition in question or not, and even if there has been no influence exerted on the result or any other aspect of the game. It is, therefore, absolutely prohibited, and any infringement incurs a punishment of a lifetime ban or a disqualification for a limited time, depending on the circumstances⁴.



This offence is also applicable if betting is promoted or facilitated for others, for instance by encouraging betting, advertising or having links to betting companies, writing for publications in the betting sector, or including links to internet betting sites on personal webpages.

2. Provision of credentials or confidential information for a price or service. The purpose is to limit illegitimate approaches to players and umpires, as well as to avoid exposing the physical or mental status of a player, which could impact on the online betting market.

3. Not playing to the best of one's abilities or encouraging others to give up.

This is understood as asking or facilitating, directly or through a third party, a player to not give their "best efforts". This includes asking for or accepting money or services for negatively affecting one's own performance or that of another player. A sign of this can be excessive bets in favour of players whose ranking is remarkably lower than that of their opponents. Then, those subject to the Anti-Corruption Programme must help in the investigation carried out by a kind of instructor (PTIO) appointed for that purpose, making available whatever is requested (cell phones, computers, caller lists, SIM cards, etc.). Certainly, there is a thin line between what is illicit and what is not; there may be sporting variables that justify a poorer performance during a match (tiredness, lack of emotional control, injuries, conserving energy). Still, the legal asset protected is the integrity of the game so as not to disappoint audiences and sponsors. The focus is on tournaments with lower prizes, where players are frequently tempted by crossborder betting mafias in order to make the continuation of their emerging (or vanishing) careers economically viable.

4. Violation of the duty to inform.

The Anti-Corruption Programme, so as to strengthen its efficacy, imposes on all of its subjects the obligation to report to the TIU (Reporting Obligation) any corruption offence, or suspicion of a corruption offence, they might know of, whether it affects them directly or the people around them, such as third parties. The penalty for non-compliance with this obligation is equivalent to that of the offender, unless their own life or integrity, or those of their close family, could be compromised.

"Courtsiding"

Among those sanctioned by the TIU there is a great number of umpires disqualified for life, either for altering the scores in the matches they were arbitrating (for example, the number of deuces in a given game), or being late to enter the scores into official tablets so that certain spectators could bet safely on certain aspects of the game before betting companies' systems synchronized⁵.

³ Graph taken from 'La Nación', the Argentine newspaper: <http://www.lanacion.com.ar/1863408-asi-fue-el-triunfo-de-vassallo-arguello-sobre-davydenko-yel-extrano-movimiento-en-las-apuestas-que-destapo-el-escandalo>

⁴Resolution dated October 3rd, 2017 (http://tennisintegrityunit.com/storage/app/media/Media%20Releases/Anti-Corruption_Hearing_Officer_decision_on_sanction_Samuel_Navarette.pdf), the Anti-Corruption Judge (AHO) penalized the Spanish player Samuel Ribiero with a 1,000 dollar fine and an 8 month disqualification, with such a light sanction being due to the time elapsed since the bets were made (2013) and the small amount of bets made (28) in such a short space of time with no recurrence.

Typical sanctions

After the substantiation of the procedure by the Anticorruption Program, different sanctions may be imposed on the responsible party. For players, they can be punished for betting with fines of up to USD 250,000, on top of the amount they have benefitted, and a disqualification from competing. They could be punished with a lifetime ban in more serious cases, such as for failing to inform of corruption offences or encouraging a player not to make their maximum effort in competition. For the players' staff, the penalty is the confiscation of credentials and the prohibition of access to events for a period of no less than one year, or even permanently in more serious cases.

Those who cooperate with TIU ongoing investigations or anticorruption education programmes may have a discretionary reduction. The Serbian player David Savic was disqualified for life and fined with USD 100,000 for offering his opponent USD 30,000 to lose the first set. Collaborating with the TIU, with his image being used for prevention programmes, has allowed him to have a partial removal of his lifetime disqualification, and now he is allowed to be a coach and enter tennis events as such.

The Spaniard Guillermo Olaso, another well-known case of corruption, was disqualified for 5 years and fined with USD 25,000 for not reporting the approach of a third party who offered him USD 15,000 to lose.

CONCLUSION

The issue of match-fixing is far from being resolved. However, professional tennis has pioneered in this field. Many of the measures in the Agreement of the European Council of 9th July 2014 on the Manipulation of Sport Competitions have already been included in the TIU Anti-Corruption Programme. Its real efficacy is still to be proved, since the money that professional tennis manages and that the betting market generates, together with the precariousness of the lower levels of professional tennis, will fuel the search for new ways to manage the adopted measures with the least possible risk for offenders.

⁵ There are well-known cases: the French umpire Morgan Lamri, the Kazakh Kirill Parfenov, the Uzbeks Sherzod Hasanov and Arkhip Molotyagin, and the Turks Serkan Aslan and Mehmet Ulker.



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