

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

The International Tennis Integrity Agency

-and-

Timur Khabibulin

Before Anti-Corruption Hearing Officer (AHO) : Janie Soublière

Representing the International Tennis Integrity Agency (ITIA) : George Cottle
Ross Brown
Julia Lewis

Timur Khabibulin: Self-represented

DECISION ON SANCTION

SUMMARY

1. Timur Khabibulin was found liable for twenty-one (21) individual Tennis Anti-Corruption Program (hereinafter 'the Program' or the 'TACP') offenses related to match fixing that took place between 2014-2019.
2. The AHO's reasoned Ruling on Liability is attached as an appendix to this Decision on Sanction.
3. Mr. Khabibulin is hereby sanctioned with a lifetime ban and a 60 000 USD fine as a consequence to his twenty-one (21) TACP offenses.

INTRODUCTION

4. This dispute involves the International Tennis Integrity Agency ('ITIA') and Timur Khabibulin, a professional tennis player.

5. On 13 December 2022, the ITIA charged Mr. Timur Khabibulin, Mr. [REDACTED] [REDACTED] and Mr. [REDACTED] [REDACTED] (all 'Covered Persons' or individually 'the Player' herein) with TACP Corruption Offenses. The nine (9) Charges – involving a total of twenty-one (21) TACP Offenses - relate to Mr. Khabibulin's involvement in the fixing of various professional tennis matches played by him or others in tournaments in the period ranging from 2014 to 2018.
6. Janie Soublière holds an appointment as an AHO per Section F.1 of the TACP. The AHO was appointed without objection by any party to these proceedings as the independent and impartial adjudicator to determine this matter as set out in the 2022 TACP, which governs all procedural aspects of this dispute.
7. Mr. Khabibulin denied the charges and requested a hearing before an AHO, which was held on 29 and 30 June 2023.
8. This case was consolidated with the cases of Messrs. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] pursuant to Section G.1.c.iii of the TACP because all charges being faced by the three Covered Persons pertain to the same alleged conspiracy, common scheme or plan. Thus, the procedure for all Covered Persons has been joined, with a sole hearing being held. However, separate decisions on liability and then on sanction are being issued for each Player.
9. In her Ruling on Liability issued 25 July 2023, the AHO found Mr. Khabibulin liable for all the Major Corruption Offenses for which he was Charged under TACP.
10. This is the AHO's Decision on Sanction.

THE PARTIES

11. The ITIA is appointed by the Governing Bodies who participate in the TACP, namely the ATP Tour Inc., the Grand Slam Board, the International Tennis Federation (ITF) and the Women's Tennis Association (WTA) Tour Inc., to administer the TACP. 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. The ITIA is empowered to investigate potential breaches of the TACP and to later bring charges against Covered Persons where they conclude that there are sufficient grounds to do so.
12. Mr. Khabibulin is a 28-year-old Kazakhstani national and a professional tennis player. He reached his career-high [REDACTED] ranking of 154 in October 2018. All players who wish to play in professional tennis tournaments must register for an ITF International Player Identification Number ('IPIN'). Mr. Khabibulin first registered in April 2007 and received the IPIN KHA1209914. Professional tennis players are required to endorse the ITF Player

Welfare Statement ('PWS') expressly on an annual basis which requires compliance with the TACP and the Tennis Anti-Doping Programme. The PWS contains clear wording that the relevant player is bound by the terms of the TACP, and the player acknowledges and accepts this by confirming their agreement to the content of the PWS. Mr. Khabibulin has endorsed the PWS every year from 2010 to 2021 but did not do so in 2022. He is, therefore, a Covered Person under the TACP. The mandatory Tennis Integrity Protection Programme ('TIPP') is an online educational tool to assist a Covered Person with understanding their responsibilities under the TACP and how to spot when other individuals are breaching the terms of the TACP (including match-fixing and corrupt approaches). Mr. Khabibulin completed the mandatory TIPP on several occasions, most recently on 22 March 2019.

PROCEDURAL BACKGROUND

13. On 25 July 2023, immediately after the issuance of each individual Ruling on Liability, the AHO issued Procedural Order 2 to all parties outlining the procedural calendar that had been agreed upon at the outset of the hearing. Although Mr. Khabibulin was given a slight extension to file his submissions by the AHO, all parties respected the procedural calendar with regards to their Submissions on Sanction.

APPLICABLE LAW AND JURISDICTION

14. Mr. Khabibulin and the ITIA agree that the substantive allegations of this dispute are governed by the TACP in force when the alleged Corruption Offenses brought against him occurred and that he is considered a Covered Person under each respective TACP.

15. Mr. Khabibulin and the ITIA agree that the procedural rules applicable to the resolution of this dispute are the 2022 TACP and that he is considered a Covered Person under the same.

16. Mr. Khabibulin has not objected to the appointment of the AHO, undersigned, to hear this matter. She has been properly appointed and seized of the matters in dispute.

17. No other matters relating to jurisdiction or the arbitrability of these issues have been raised by Mr. Khabibulin.

THE PLAYER'S LIABILITY

18. In the AHO's Liability decision on 25 July 2023, Mr. Khabibulin was found to be liable for the following TACP breaches in relation to seven (7) separate matches and twenty-one (21) Corruption Offenses in total.

Charge 1

19. One breach of Section D.1.b of the 2014 TACP by directly or indirectly soliciting or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition.
20. One breach of Section D.1.d of the 2014 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event.

Charge 2

21. One breach of Section D.1.b of the 2016 TACP by directly or indirectly soliciting or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition;
22. One breach of Section D.1.d of the 2016 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event.

Charge 3

23. One breach of Section D.1.b of the 2016 TACP by directly or indirectly soliciting or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition;
24. One breach of Section D.1.d of the 2016 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event.

Charge 4

25. One breach of Section D.1.d of the 2018 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event;
26. One breach of Section D.1.e of the 2018 TACP by directly or indirectly soliciting or facilitating any Player to not use his or her best efforts in any Event.

Charge 5

27. One breach of Section D.1.d of the 2018 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event;
28. One breach of Section D.1.e of the 2018 TACP by directly or indirectly soliciting or facilitating any Player to not use his or her best efforts in any Event;

29. One breach of Section D.1.g of the 2018 TACP by directly or indirectly offering or providing money, benefit or Consideration to any other Covered Person with the intention of negatively influencing a Player's best efforts in any Event.

Charge 6

30. One breach of Section D.1.d of the 2018 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event;

31. One breach of Section D.1.e of the 2018 TACP by directly or indirectly soliciting or facilitating any Player to not use his or her best efforts in any Event;

32. One breach of Section D.1.g of the 2018 TACP by directly or indirectly offering or providing money, benefit or Consideration to any other Covered Person with the intention of negatively influencing a Player's best efforts in any Event.

Charge 7

33. One breach of Section D.1.d of the 2019 TACP by directly or indirectly contriving, attempting to contrive, agreeing to contrive, or conspiring to contrive the outcome or any other aspect of any Event;

34. One breach of Section D.1.e of the 2019 TACP by directly or indirectly soliciting, facilitating or conspiring to solicit or facilitate any Player to not use his or her best efforts in any Event.

Charge 8

35. One breach of Section F.2.b of the 2020 TACP by failing to co-operate fully with investigations conducted by the ITIA (then known as the Tennis Integrity Unit); and;

Charge 9

36. One a breach of Section D.2.a.i and/or D.2.a.ii of the 2018 and/or 2019 TACP by failing to report a corrupt approach and/or knowledge of corrupt activities.

PARTIES SUBMISSIONS

37. The AHO has carefully considered the totality of the Parties' written Submissions on Sanction. They are summarised below. Additional facts and allegations found in the Parties' submissions and evidence 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 her reasoning.

I. ITIA's submissions

38. The ITIA seeks the issuance of:

- (i) a lifetime ban from the sport of tennis; and
- (ii) the imposition of a fine between \$75 000 and \$ 100 000.

39. The ITIA relies on the ITIA Sanctioning Guidelines. The Guidelines which were first issued in March 2021 by the Tennis Integrity Supervisory Board (the Supervisory Board) and updated on 1 July 2022. They provide a five-step process by which to determine the appropriate sanction in a particular case, as follows:

1. Determining the category of offense;
2. Assessing the starting point for a sanction and where in the applicable range the case of Mr. Khabibulin falls. This includes the impact of applicable aggravating or mitigating factors;
3. Consideration of any appropriate reduction for early admissions;
4. Consideration of any other factors which may merit a reduction in sanction, such as the provision of Substantial Assistance to the ITIA; and
5. Determining the appropriate fine (if any).

40. The Guidelines provide that where *“there are multiple Corruption Offenses, in the interests of efficiency, they should ordinarily be taken together in one concurrent sanctioning process (albeit taking particular cognizance of the offense(s) which carry(ies) the highest sanction)”*. The ITIA submits therefore that all twenty-one (21) TACP offenses for which Mr. Khabibulin has been found liable are relevant to the consideration of his sanction.

41. The ITIA further submits that while in theory there is no distinction between Major Offenses in the TACP or the Guidelines, in practice, soliciting other players has been considered to be the most serious form of match-fixing by the ITIA, the Tennis Integrity Unit and AHOs, and thus more serious than fixing a match following receipt of a corrupt approach. That has been the position for over 10 years since the 2011 case of Daniel Köellerer (CAS 2011/A/2490) and has been reflected in the Guidelines which incorporate *“Initiating or leading others to commit offenses”*, a Major Corruption Offense, as one of the three factors in the Guidelines' Category A – High Culpability.

The Offenses

42. The ITIA recalls that Mr. Khabibulin has been found liable for twenty-one (21) corruption offenses. : four offenses under section D.1.e of the TACP (soliciting and/or facilitating others), two offenses under section D.1.g of the TACP (offering money with the intention

of negatively influencing a player's best efforts), seven offenses under section D.1.d of the TACP (match-fixing), three offenses under section D.1.b of the TACP (facilitating betting), one offense under section F.2.b (non-cooperation) as well as multiple offenses under section D.2.a.i and/or section D.2.a.ii of the TACP (non-reporting). The ITIA then provides the following commentary on each.

Soliciting and/or Facilitating Others: Section D.1.e Offenses/Offering Money: Section D.1.g Offenses

43. The ITIA submits that any section D.1.e or D.1.g offense should be treated with the utmost seriousness as they bear the greatest risk to tennis as a sport, since they induce others to commit breaches of the TACP and require the most serious sanctions to offer the required level of deterrence to any Covered Person who might consider match-fixing in the future.
44. The ITIA submits this position has been well settled since the first lifetime bans were awarded in the proceedings against Daniel Köellerer (2011) and David Savic (2011) and has continued into the present day with the proceedings against, for example, Youssef Hossam (2020 and 2022), Franco Feitt (2021 and 2022), Jules Okala (2022) and Mick Lescure (2022). The ITIA notes that to date, in total, there are over 25 Covered Persons who have received lifetime bans for making one or more corrupt approaches.
45. The ITIA submits that Mr. Khabibulin's actions in relation to the Charges also have a specific aggravating element which is that he corrupted a different individual in each of the matches which the section D.1.e and D.1.g charges relate to: ██████████ (Charge 4), ██████████ (Charges 5 and 6) and ██████████ and/or ██████████ (Charge 7). The ITIA submits that his conduct was indiscriminate – he was quite prepared to try and solicit and/or facilitate a variety of third parties and/or offer money to engage in a corrupt activity in a pre-meditated and well-planned manner. The ITIA relies on the extensive WhatsApp messages between Mr. Khabibulin and ██████████ ██████████ which refer to the arrangements for these matches as evidence of Mr. Khabibulin's involvement in a calculated and sophisticated operation to make financial profit from fixing professional tennis matches, with evidence of payment being seen in the Western Union transfers and WhatsApp messages.

Match-Fixing: Section D.1.d, D.1.e and D.1.g Offenses

46. The ITIA submits that match-fixing strikes at the very heart of the sport and poses a huge threat to the integrity of tennis. Relying on case law and various sports law practitioners' textbooks¹, the ITIA submits that it is no overstatement that the various match-fixing

¹ Savic; Kollerer; CAS 2010/A/2172, Oleg Oriekhov v UEFA; Sport: Law and Practice, 4th Edition, 2021, Adam Lewis QC and Jonathan Taylor QC, Chapter B4.1, page 487.

offenses for which Mr. Khabibulin has been found liable represent extremely serious Corruption Offenses are a severe risk to the sport of tennis and must be sanctioned accordingly.

Facilitating Betting: Section D.1.b Offenses/Non-Cooperation: Section F.2.b Offense

47. While the ITIA recognizes that the offenses of facilitating others to wager and non-cooperation may not be as significant as match fixing, it submits that they are still serious offenses which carry the possibility of a lengthy sanction as here the facilitation offense derives from the act of match-fixing. The ITIA thus submits that it must be treated with a similar level of seriousness.

48. As for the non-cooperation offense, as the ITIA explains that it relies on Covered Persons to understand the TACP, as they are required to do, and to cooperate with the ITIA in their efforts to uphold the rules in the TACP. Therefore, any sanction imposed by the AHO must also reflect the necessary deterrent effect that this sanction can, and should, have towards all Covered Persons to ensure that they cooperate with the ITIA.

Non-Reporting: Section D.2.a.i and/or Section D.2.a.ii Offenses

49. The ITIA submits that it relies on Covered Persons to understand the TACP and to make a confidential report to the ITIA about any issues that concern them as potentially being some kind of corrupt approach that is in breach of the TACP and too many Covered Persons prefer to ignore their concerns and let breaches of the TACP continue on unchallenged.

50. As a result, the ITIA submits that the sanction awarded to Mr. Khabibulin must reflect the necessary deterrent effect that this sanction can, and should, have towards all Covered Persons to ensure that they report their concerns to the ITIA and do so promptly.

The Application of the Guidelines to Mr. Khabibulin's offenses

Step 1 : Category of Offense

51. The ITIA explains that under the Guidelines, the category for an offense is split into two parts. The first is the level of culpability which is determined by "*weighing up all the factors of the case*" and then ranked against various criteria in categories A to C. The second is the level of impact that a Covered Person's actions have had which are then ranked against various criteria in categories 1 to 3.

52. As to culpability, recounting the facts and evidence of the case as outlined in the Ruling on Liability, the ITIA submits that Mr. Khabibulin falls comfortably in Category A as each of the factors set out therein are relevant to him:

- He clearly displayed a “high degree of planning or premeditation”;
- He proactively initiated the commission of TACP offenses and led others to commit offenses;
- He committed multiple offenses over a protracted period of time; committing twenty-one separate breaches of the TACP involving seven different matches between 2014 and 2019.

53. As to impact, recounting the facts and evidence of the case as outlined in the Ruling on Liability, the ITIA submits that Mr. Khabibulin falls comfortably within Category 1 on the basis that:

- Mr. Khabibulin’s conduct involved “Major TACP Offenses”;
- Mr. Khabibulin’s conduct resulted in a “significant, material impact on the reputation and/or integrity of the sport”;
- There was clearly a “relatively high value of illicit gain” for Mr. Khabibulin personally.

54. On this last point, the ITIA does concede that there is no direct evidence of payment to Mr. Khabibulin in respect of the Corruption Offenses. However, this is only because Mr. Khabibulin refused to provide his bank account statements to the ITIA (which to the ITIA is conduct in itself which constitutes a breach of Section F.2.b of the TACP). The ITIA does underline however that there is strong evidence indicating links between Mr. Khabibulin, ██████████ and that Mr. Khabibulin was well paid for his involvement in fixing the matches that were the subject of the established Charges.

Step 2: Starting Point and Range including aggravating or mitigating factors.

55. The ITIA notes that the appropriate starting point for Mr. Khabibulin under the Guidelines is a lifetime ban as he falls within Category A1. The ITIA does concede that the lifetime ban can be amended depending on aggravating or mitigating factors. Here, the ITIA identifies no mitigating elements and includes impeding or hindering and failing to cooperate with the investigation and disciplinary process and Mr. Khabibulin’s multiple completions of TIPP training as aggravating factors.

Step 3: Consideration for early admissions

56. Although Mr. Khabibulin did make admissions these were made at a very late hour (the day before the hearing) and were later partly recanted. To the ITIA no such considerations may apply to Mr. Khabibulin in order to benefit from any leniency in sanctioning.

Step 4: Other factors that merit a reduction such as Substantial Assistance.

57. Although he has offered Substantial Assistance in a submission to the AHO on 17 August 2023, the ITIA is not clear whether this now amounts to a full admission but does welcome Mr. Khabibulin’s offer to assist. However, the ITIA submits that this offer of cooperation

should have no impact upon the sanction to be imposed at this stage. The proper procedure under the TACP is for Mr. Khabibulin to receive the appropriate sanction, arrange to speak with the ITIA, provide a full and frank admission of all aspects of his match-fixing conduct, answer any questions the ITIA have and commit to assisting in ITIA prosecutions where appropriate. Once he has done so, and the test for Substantial Assistance is met, Mr. Khabibulin should make an application to AHO Soublière under TACP Rule H.6 to explain that he has provided Substantial Assistance and why that justifies a reduction in his sanction.

58. Therefore the ITIA submits that the entry point of a lifetime ban should remain, and no reduction to that sanction should apply at this juncture in the proceedings.

Step 5 : Determining the Appropriate Fine

59. The ITIA considers that a fine is appropriate and that such a fine would reflect the key aims of the TACP in reaching a reasonable and proportionate sanction which acts as an effective deterrent. The Guidelines provide broad discretion to AHOs in relation to the applicable fine and state:

“Section H.1.a(i) of the TACP allows for fines of up to \$250,000 to be imposed alongside bans and suspensions. The amount of any fine should ordinarily reflect the categorisation of the offense(s) such that, for example, offending categorised as A.1 in the table above may attract a fine at the higher end of the particular scale of the Fines Table . . .”

60. To the ITIA, as Mr. Khabibulin has been found liable for all 21 Major Corruption Offenses he was charged with, the Fines Table in the Guidelines suggests that the appropriate fine is a minimum of \$75,000.
61. If the ITIA’s proposed categorisation of Mr. Khabibulin’s alleged offending as being category A1 and the seriousness of the conduct reflected in that categorisation is accepted, then the ITIA submits that the appropriate fine would be in the range of \$75,000 to \$100,000, without any portion being suspended.
62. On the basis of these submissions, the ITIA submits that it is reasonable, proportionate and in keeping with the Guidelines that Mr. Khabibulin be ordered to serve a lifetime ban from the sport of tennis and pay a fine of between \$75,000 and \$100,000.

II. Mr. Khabibulin’s submissions

63. The Player has made brief submissions in response to the ITIAs’ recommended sanction, they are reproduced in their entirety as follows:

“The International Tennis Integrity Agency (“ITIA”) brought nine charges against me (along with [REDACTED] [REDACTED] and [REDACTED] with corruption offenses in contravention to the Tennis Anti-Corruption Program (“TACP”).

On August 22, 2023, ITIA issued submission on sanctions regarding the charges brought against me, seeking that I be ordered to serve a life ban from the sport of tennis and pay a fine of between \$75,000 and \$100,000

I believe that the ITIA's sanctions are quite harsh and can be changed taking into account the mitigating circumstances such as my full admission of the guilt and the offer of cooperation in future.

I am ready to cooperate and report any new information or suspicions of Corruption Offenses to the ITIA in the future. And also, to provide significant assistance to ITIA which, in future, will lead to the identification or establishment of facts of corruption offenses committed by other covered persons.

I agree with the charges brought against me and sincerely repent of what I did. and I am ready to fully acknowledge all aspects of my conduct in match fixing, answer any questions that ITIA has, and hereby accept an immediate obligation to assist, if necessary, in the prosecution of ITIA, in return I count on your objectivity and impartiality in mitigating of sanctions against me.

I urge you only to take into account all of the above and also my youthful age, emotional state and difficult financial situation in which I was.

Of course, it does not justify my behavior; tennis is my life's work, and therefore, I ask you to show leniency and allow me to work as a coach, to participate in tournaments as a coach, so by my personal example I can show how important is to make the right choice and have the right beliefs.”

DELIBERATIONS

64. As there are multiple Corruption Offenses involved, in the interests of efficiency, the AHO is proceeding with her assessment and determination based on the offense which carries the highest sanction as any other sanction would ordinarily run concurrently. The others confirmed Offenses are to be considered as “aggravating circumstances”.

65. Section H.1 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”.

66. 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.

67. As stated above, for the reasons outlined, the ITIA has recommended a fine in the range of \$75 000 – \$100 000 and a lifetime period of ineligibility. The Player seeks a reduction of the recommended sanctions.

68. In issuing this decision, the AHO reiterates that match fixing is a serious menace to tennis. Match fixing is 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 players approach and coerce others into further tarnishing and corrupting the sport and conspiracies are formed and perpetuated to this end. The imposition of lenient sanctions would defeat not only the TACP’s attempts and efforts to eradicate such corruption, but also the TACP’s efforts to circumvent recidivism and deter other players 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.

69. Conversely, 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.

70. Precedent 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, the AHO relies on recent ITIA case law including the PTIOs v. Alvarez-Guzman matter (2019),

the PTIOs v. De Souza matter (2020), the PTIOs v. Hossam matter (2020), the PTIOs v. Ikhlef matter (2020, hereinafter 'Ikhlef'), the ITIA v. Khabibulina matter (2021) and the ITIA v. Ismailov matter (2021), where all Covered Persons had committed similar or less Corruption Offenses and were all sanctioned with a lifetime ban. The AHO also relies on Köellerer and CAS 2011/A/2621 where lifetime bans were imposed.

71. In order to assist an AHO to determine the appropriate sanction to impose on a Player who has been found liable of Corruption Offenses, the ITIA has developed, relies on and refers to the Guidelines, to which the AHO is not bound but may nonetheless rely upon as a means of imposing sanctions that are consistent with other similar cases and proportional to the infractions committed.
72. In the end, the AHO must impose a sanction that is appropriate, just and proportional and in accordance with the TACP bearing in mind all of the particular circumstances of each individual case.

Substantial Assistance

73. Mr. Khabibulin has offered to provide Substantial Assistance in exchange for a more lenient sanction, in order for him to continue to coach tennis and earn a livelihood.
74. Substantial Assistance is defined under the 2022 TACP as "*assistance given by a Covered Person to the ITIA that results in the discovery or establishing of a corruption offense by another Covered Person.*"
75. While he has offered to do so, Mr. Khabibulin has not provided Substantial Assistance at this juncture of the proceedings. Therefore he is to be sanctioned and further to the same, he may benefit from the Substantial Assistance provisions of the TACP, further to (i) a formal process being undertaken, (ii) the evidence he provides being scrutinized, (iii) the confirmation that this evidence has resulted in the discovery or establishment of a corruption offenses having been committed by another Covered Person etc. The AHO reserves the right to assess whether the information and evidence provided by Mr. Khabibulin amounts to Mr. Khabibulin effectively providing Substantial Assistance and the extent thereof. The AHO also reserves the right to make a finding on what lenience may be afforded to the sanction imposed on Mr. Khabibulin herein at that time.

Applicable Participation Ban

76. All the past cases relied upon by the ITIAs where lifetime bans have been imposed involve a player committing numerous fixing offenses including a Section D.1.e. offense, e.g. making a corrupt approach to a third party. Therefore, *inter alia* the ITIAs have submitted

that a lifetime ban is entirely appropriate for Mr. Khabibulin relying on the Guidelines and on the basis of the well-established legal precedent for section D.1.e offenses.

77. The AHO thus deems it imperative to point out that many other cases cited and relied upon by the ITIA support their request for a lifetime period of ineligibility, many of which consisted of less TACP breaches than those Mr. Khabibulin committed, should cause Mr. Khabibulin to appreciate the seriousness of the circumstances in which he finds himself, acknowledge the gravity of the offenses he has committed on a repeated and retracted basis and of the sanctions that usually derive from such offenses. Mr. Khabibulin should understand that under the circumstances, a lengthy sanction must be imposed to protect the integrity of the sport, to deter other players from getting involved in match fixing, and to ensure that Mr. Khabibulin is adequately admonished for the Major Corruption Offenses he has committed.
78. The AHO has little flexibility in terms of the applicable sanction both in terms of applicable jurisprudence and in terms of the applicable regulations.
79. The AHO also refers to the new ITIA Sanctioning Guidelines under which the Offenses committed by Mr. Khabibulin are classified as Category A offenses: offenses displaying a high level of culpability. *Viz*, a high degree of planning or premeditation, initiating or leading other to commit offenses, multiple offense over a protracted period of time. The ITIA have categorised Mr. Khabibulin's offenses as High Culpability (A) Category 1 offenses and the Player has not offered any rebuttal to this assertion.
80. This A1 categorisation is based on objective elements and factors provided in the Sanctioning Guidelines' tables. It reflects the impact that Mr. Khabibulin's repeated corruption offenses and actions have had on the integrity of the sport most notably considering that he sought out the involvement of Messieurs ██████ and ██████ in his match fixing scheme. The fact that Mr. Khabibulin has been found liable for bringing other Covered Persons like (at least) Messieurs ██████ and ██████ into his web of match fixing cannot and must not be disregarded nor diminished. On this point, the AHO strictly abides by the finding in the Ikhlef matter relied upon by the ITIAs when the AHO stated:

“ Finding others to add to the web of fixers by putting them into the corruption net is a more serious form of breach of the TACP provision”.

81. The AHO also echoes the reasons of the CAS Panel in Köellerer (CAS 2011/A/2490) in making its determination, and expressly cites the following passage:

*“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. **This 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**”.*

82. The presumptive sanction for Category A1 offenses (as defined in the Sanctioning Guidelines) remains that of a lifetime ban. It is only where a Player is able to demonstrate with compelling objective and subjective evidence that his or her circumstances warrant a reduction in this presumptive sanction that some flexibility may be afforded to such Player.
83. The evidence here does not establish that any of the mitigating factors listed in the Guidelines apply to Mr. Khabibulin. In his initial admission, Mr. Khabibulin claimed that he was “not conscious” and that his mind was “clouded” when he committed the offenses. He stated: “...I deeply regret what I did. At the same time, I believe that admitting of own mistakes is the path of correction.”. Although he now appears remorseful, and did make last minute admissions on the eve of the hearing, this admission was later recanted in half. As provided in the Guidelines, *such an admission has had little influence on the AHO’s determination of sanction given investigation and legal resources that have been committed to this case.*
84. As a limited mitigating factor, Mr. Khabibulin does not have the benefit of legal counsel, however he did confirm at the hearing that he sought advice on both his admission and his recanting of the same. And, the aggravating factors are significant, including that he premeditated all his match fixing, that he coerced many athletes to join his match fixing enterprise over a long period of time, etc..
85. Applying the table from the Sanctioning Guidelines, relying on prior AHO and CAS decisions and weighing up all the evidence and factors of this case, given the many aggravating factors outlined above *viz.* the repeated intentional, deliberate, premeditated and coercive acts of corruption the Player committed at the time of his twenty one (21) offenses, and the limited mitigating elements, e.g. that some breaches of the TACP were admitted to by the unrepresented Player prior to adjudication, the only appropriate sanction to be imposed on Mr. Khabibulin as a result of his many TACP offenses is a lifetime ban from participation.

The Applicable Fine

86. The AHO is mindful that in issuing her decision on sanction, she must respect the approach of the TACP regulators. Given the evidence before the AHO, a fine can and should be imposed on Mr. Khabibulin in addition to the lifetime ineligibility as it was clearly intended by the TACP regulators when they drafted Section H.1. In this regard the AHO relies on this passage from CAS 2016/A/4388:

“Tennis, an individual sport subject to many variances, is an obvious target for those who want to fix matches and may be particularly vulnerable since the approach to only one participant appears sufficient to obtain the illegal result. Players must be reinforced in their resistance to such corrupt approaches, or at least deterred from yielding to them. CAS must, applying considerations of legality and proportionality, respect in its awards the approaches of such regulators devoted to such virtuous ends.” (Emphasis is the AHO’s)

87. Additionally, imposing a fine on top of a lifetime ban is clearly provided for in Section H.1 of the TACP and, is supported by AHO and CAS case law. On this, in the AHO v Hossam case, relying on two previous CAS awards (CAS 2020/A/7129 & 7130, hereinafter ‘Alekseenko cases’) the Panel held that:

“Sanctions need to have an effective deterrent effect to prevent any corrupt conduct in tennis” and that “CAS panels have acknowledged that a fine can be reasonable and proportionate with regard to the objective of a corruption-free sport in addition to permanent ineligibility sanction, cf. CAS 2016/A/4388, CAS 2018/A/5999 and CAS 2018/A/6000. In particular, the last two decisions mentioned are the latest CAS decisions on the imposition of a financial penalty within cases in which the Players were banned for life from the sport of tennis. Both players in CAS 2018/A/5999 and CAS 2018/A/6000 received a USD 25,000 fine”.

88. The AHO also considered the Alekseenko cases where the Players made similar allegations in their defence and, ultimately adding a 25 000 USD fine to their lifetime ban, the Panel found that:

“The financial profit of the Player from his illegal activities may not have been insignificant, however, there is also no indication that the Player made major profits from fixing tennis matches. In view of the Player’s uncontested allegation that he has no other profession besides being a professional tennis player and occasionally providing tennis training to children, the Panel considers it important that the Player will probably encounter significant difficulties in making a living for himself because of the permanent ineligibility imposed on him, which does not only prevent him from gaining an income as a professional tennis player, but also as a tennis coach for the rest of his life.”

89. The Parties' submissions are at polar opposites. On the one hand, Mr. Khabibulin has requested that little or no fine be imposed as he has no real way to make a living other than tennis. On this the Ikhlef matter (where the player was fined 100 000 USD), provides additional insightful and clarifying commentary on the role and appropriateness of fines in addition to lifetime bans under the TACP:

“The role of the fine in the TACP is not well understood or appreciated particularly when it comes occasionally to review by the CAS. The early CAS cases were not receptive to fines apparently thinking that a lifetime ban meant a person was unable to play tennis. The sanction of ineligibility under the TACP is limited to the inability to participation in eligible tournaments and Events set out in the Appendix 1 to the TACP. *A lifetime ban does not mean a complete inability to play or coach tennis* (...).

90. On the other hand, the ITIA seeks the imposition of a fine between \$ 75 000 -\$100 000 and argues that such a fine is vital to the interests of the sport of tennis and that it would account both for the monies Mr. Khabibulin earned from fixing the Matches and the monies that ██████████ and other associates would also have made from their part in the fixes. The AHO notes that little in terms of reliable and verifiable evidence has been adduced by the ITIA to confirm how much money Mr. Khabibulin effectively earned as a result of his match fixing activities therefore it is hard to compute the monies he must repay. The Guidelines do provide that the fine should be in the realm of \$ 75 000 and the AHO notes that this reflects recent fines that have been imposed on players in addition to lifetime bans².

91. The TACP and legal precedent all provide that imposing a fine in addition to a lifetime ban is entirely appropriate, keeping in mind all the evidence, or lack thereof, and the circumstances of this case as discussed in the AHO's Ruling on Liability, and the fines proposed by the Guidelines. Here, there is no evidence related to provide an accounting of the monies Mr. Khabibulin actually received, the AHO thus finds that in addition to the lifetime participation ban that is being imposed upon him, the total fine to be paid by Mr. Khabibulin is to be set at sixty thousand dollars (60 000 USD).

² See for example ITIA v. Ikhlef, ITIA v. Rachidi, ITIA v. Musialek, ITIA v. Kolar, ITIA v. Riley

ORDER

92. In a previous Ruling on Liability, the Player, Temur Khabibulin, a Covered Person as defined in Section B.10 of the TACP, was found liable for twenty-one (21) Corruption Offenses under the TACP.
93. Pursuant to the TACP, the sanctions imposed upon Mr. Khabibulin as a result of these Corruption Offenses are:
- i. As prescribed in TACP Section H1a(iii), a lifetime ban from “Participation in any Sanctioned Event”, as defined in Section B.26, effective on the date of this Decision with any period of provisional suspension served credited.
 - ii. A 60 000 USD fine as prescribed in TACP section H1a(i).
94. Pursuant to TACP Section G.4.e., this Decision on Sanction along with the AHO’s reasoned Ruling on Liability are to be publicly reported.
95. Pursuant to TACP Section G.4.d. this Decision on Sanction, read in conjunction with the AHO’s full Ruling on Liability, is a full, final, and complete disposition of this matter and is binding on all parties.
96. The AHO retains jurisdiction to deal with matters ancillary to this dispute, notably to make determinations on Substantial Assistance
97. 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 4th day of October 2023



Janie Soublière C. Arb.
Anti-Corruption Hearing Officer

In the matter of alleged Corruption Offences under the Tennis Anti-Corruption Program

The International Tennis Integrity Agency

-and-

Timur Khabibulin

Before Anti-Corruption Hearing Officer : Janie Soublière

Representing the International Tennis Integrity Agency : George Cottle

Ross Brown

Julia Lewis

Timur Khabibulin: Self-represented

RULING ON LIABILITY

SUMMARY

The International Tennis Integrity Agency (hereinafter the 'ITIA') charged Timur Khabibulin (along with [REDACTED] and [REDACTED] with corruption offences in contravention to the Tennis Anti-Corruption Program (hereinafter 'the Program' or the 'TACP').

The nine charges brought against Timur Khabibulin encompass the following TACP breaches and relate to the alleged fixing of various matches in violation of the TACP from 2014 to 2018, as detailed herein.

Charge 1

- One alleged breach of Section D.1.b of the 2014 TACP by directly or indirectly soliciting or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition;

- One alleged breach of Section D.1.d of the 2014 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event.

Charge 2

- One alleged breach of Section D.1.b of the 2016 TACP by directly or indirectly soliciting or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition;
- One alleged breach of Section D.1.d of the 2016 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event.

Charge 3

- One alleged breach of Section D.1.b of the 2016 TACP by directly or indirectly soliciting or facilitating any other person to wager on the outcome or any other aspect of any Event or any other tennis competition;
- One alleged breach of Section D.1.d of the 2016 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event.

Charge 4

- One alleged breach of Section D.1.d of the 2018 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event;
- One alleged breach of Section D.1.e of the 2018 TACP by directly or indirectly soliciting or facilitating any Player to not use his or her best efforts in any Event.

Charge 5

- One alleged breach of Section D.1.d of the 2018 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event;
- One alleged breach of Section D.1.e of the 2018 TACP by directly or indirectly soliciting or facilitating any Player to not use his or her best efforts in any Event;
- One alleged breach of Section D.1.g of the 2018 TACP by directly or indirectly offering or providing money, benefit or Consideration to any other Covered Person with the intention of negatively influencing a Player's best efforts in any Event.

Charge 6

- One alleged breach of Section D.1.d of the 2018 TACP by directly or indirectly contriving or attempting to contrive the outcome or any other aspect of any Event;

- One alleged breach of Section D.1.e of the 2018 TACP by directly or indirectly soliciting or facilitating any Player to not use his or her best efforts in any Event;
- One alleged breach of Section D.1.g of the 2018 TACP by directly or indirectly offering or providing money, benefit or Consideration to any other Covered Person with the intention of negatively influencing a Player's best efforts in any Event.

Charge 7

- One alleged breach of Section D.1.d of the 2019 TACP by directly or indirectly contriving, attempting to contrive, agreeing to contrive, or conspiring to contrive the outcome or any other aspect of any Event;
- One alleged breach of Section D.1.e of the 2019 TACP by directly or indirectly soliciting, facilitating or conspiring to solicit or facilitate any Player to not use his or her best efforts in any Event.

Charge 8

- One alleged breach of Section F.2.b of the 2020 TACP by failing to co-operate fully with investigations conducted by the ITIA (then known as the Tennis Integrity Unit); and;

Charge 9

- Additionally or alternatively, Mr. Khabibulin is also charged with an alleged breach of Section D.2.a.i and/or D.2.a.ii of the 2018 and/or 2019 TACP by failing to report a corrupt approach and/or knowledge of corrupt activities.

Further to the conclusion of a disciplinary and adjudication process conducted to his satisfaction, Timur Khabibulin has been found liable on a balance of probabilities for all above enumerated TACP breaches.

Mr. Khabibulin is to be sanctioned by the Anti-Corruption Hearing Officer (hereinafter the 'AHO') in a forthcoming decision once written Submissions on Sanction have been made and the AHO has carefully considered the same.

INTRODUCTION

1. This dispute involves the ('ITIA') and Timur Khabibulin, a professional tennis player.
2. On 13 December 2022, the ITIA charged Mr. Timur Khabibulin, Mr. [REDACTED] [REDACTED] and Mr. [REDACTED] [REDACTED] (all 'Covered Persons' or individually 'the Player' herein) with TACP Corruption Offences.
3. As outlined throughout this ruling, the nine (9) Charges Mr. Khabibulin , relate to his involvement in the fixing of various professional tennis matches played by him or others in tournaments in the period ranging from 2014 to 2018.
4. Mr. Khabibulin denied the charges and requested a hearing before an AHO.
5. Janie Soublière holds an appointment as an AHO per Section F.1 of the TACP. The AHO was appointed without objection by any party to these proceedings as the independent and impartial adjudicator to determine this matter as set out in the 2022 TACP, which governs all procedural aspects of this dispute.
6. This case has been consolidated pursuant to Section G.1.c.iii of the TACP because all charges being faced by the three Covered Persons pertain to the same alleged conspiracy, common scheme or plan. Thus, the procedure for all Covered Persons has been joined, with a sole hearing being held. However, a separate ruling is issued for each Player.
7. This is the AHO's ruling on liability.

THE PARTIES

8. The ITIA is appointed by the Governing Bodies who participate in the TACP, namely the ATP Tour Inc., the Grand Slam Board, the International Tennis Federation (ITF) and the Women's Tennis Association (WTA) Tour Inc., to administer the TACP. 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. The ITIA is empowered to investigate potential breaches of the TACP and to later bring charges against Covered Persons where they conclude that there are sufficient grounds to do so.
9. Mr. Khabibulin is a 27-year-old Kazakhstani national and a professional tennis player. He reached his career-high [REDACTED] ranking of 154 in October 2018. All players who wish to play in professional tennis tournaments must register for an ITF International Player Identification Number ('IPIN'). Mr. Khabibulin first registered in April 2007 and received

the IPIN KHA1209914. Professional tennis players are required to endorse the ITF Player Welfare Statement ('PWS') expressly on an annual basis which requires compliance with the TACP and the Tennis Anti-Doping Programme. The PWS contains clear wording that the relevant player is bound by the terms of the TACP, and the player acknowledges and accepts this by confirming their agreement to the content of the PWS. Mr. Khabibulin has endorsed the PWS every year from 2010 to 2021 but did not do so in 2022. He is, therefore, a Covered Person under the TACP. The mandatory Tennis Integrity Protection Programme ('TIPP') is an online educational tool to assist a Covered Person with understanding their responsibilities under the TACP and how to spot when other individuals are breaching the terms of the TACP (including match-fixing and corrupt approaches). Mr. Khabibulin completed the mandatory TIPP on several occasions, most recently on 22 March 2019.

THE NOTICE OF CHARGE

10. The alleged Corruption Offences that Mr. Khabibulin has been charged with are outlined in the ITIA's 13 December 2022 *Notice of Major Offence under the 2022 Tennis Anti-Corruption Program and referral to Anti-Corruption Hearing Officer* ('Notice of Charge').
11. Nine (9) charges have been brought against Mr. Khabibulin consisting of roughly seventeen (17) TACP Offences. Some of the Charges brought against Mr. Khabibulin are also being brought against ██████████ or/and ██████████ for their involvement in fixing the same relevant match(es).
12. Schedule 1 of the Notice of Charge sent to Mr. Khabibulin outlines the factual background giving rise to the Corruption Offences brought against him and provides as follows:

"Former Greek professional tennis player, ██████████ ██████████ was investigated for match fixing and betting on tennis by the ITIA (then known as the Tennis Integrity Unit) in 2014 and 2015. In May 2017, ██████████ was issued with a life ban by the ITIA for, amongst other things, making corrupt approaches to other Covered Persons. ██████████ later contacted the ITIA in January 2020 to provide a considerable amount of information to assist the ITIA in its match-fixing investigations (the "Investigation") so that he could benefit from Substantial Assistance. ██████████ was interviewed by the ITIA on several occasions during 2020 and subsequently, including in 2022 (the "Interviews"). The content of ██████████ personal mobile phone was also forensically downloaded and reviewed by the ITIA as part of the Investigation. ██████████ provided, during the course of the Interviews, extensive details of his relationship and corrupt match fixing and betting activities with various individuals over the course of several years, one of which he alleges was you. The messages and files contained on ██████████ personal mobile phone

further demonstrate the extensive discussions ██████████ had with you regarding the fixing of multiple professional tennis matches. The evidence of ██████████ or provided by him, is relevant to many of the Charges against you. (...)"

13. The Charges against Mr. Khabibulin relate to the fixing of various matches, his and others, and allege he worked directly with ██████████ or as his intermediary to fix those matches, some of which involve ██████████ and ██████████. The remaining Charges relate to Mr. Khabibulin's failure to report the match-fixing approaches and to cooperate with the ITIA.
14. Mr. Khabibulin initially denied all Charges and requested a hearing before an AHO.

APPLICABLE LAW AND JURISDICTION

15. Mr. Khabibulin and the ITIA agree that the substantive allegations of this dispute are governed by the TACP in force when the alleged Corruption Offences brought against him occurred and that he is considered a Covered Person under each respective TACP.
16. Mr. Khabibulin and the ITIA agree that the procedural rules applicable to the resolution of this dispute are the 2022 TACP and that he is considered a Covered Person under the same.
17. Mr. Khabibulin has not objected to the appointment of the AHO, undersigned, to hear this matter. She has been properly appointed and seized of the matters in dispute.
18. No other matters relating to jurisdiction or the arbitrability of these matters have been raised by Mr. Khabibulin.

BURDEN AND STANDARD OF PROOF

19. Section G.3.a of the TACP provides that *the ITIA shall have the burden of establishing that a Corruption Offense has been committed. The standard of proof shall be whether the ITIA has established the commission of the alleged Corruption Offense by a preponderance of the evidence.*
20. Section G.3.c. of the TACP provides that *the AHO shall not be bound by any jurisdiction's judicial rules governing the admissibility of evidence. Instead, facts relating to a Corruption Offense may be established by any reliable means, as determined in the sole discretion of the AHO.*
21. Thus, as expressly provided in the TACP, the ITIA bears the burden of proof and the standard of proof to establish the corruption offences on a *preponderance of the evidence*

which is the equivalent of the English law's "balance of probabilities"; they can be satisfied by any reliable means.

PROCEDURAL BACKGROUND

22. On 13 December 2022, the ITIA sent the Notice of Charge to Messrs. Khabibulin, [REDACTED] and [REDACTED] outlining the allegations and charges against the three Covered Persons, 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 were to proceed on a consolidated basis, without objection from any party. In the Notice of Charge, the Covered Persons were given ten (10) Business Days to respond, either by requesting a hearing, making submissions, or other.
23. All three Covered Persons requested a hearing and a Conference Call was convened with all Parties, their Counsel and the AHO in order to set a Procedural Calendar. Directions were discussed and agreed upon by all Parties.
24. Further to this call, and after giving the Parties an opportunity to comment on the same, Procedural Order 1 ('PO1') was formally issued reflecting the directions agreed upon.
25. As agreed and ordered, all parties submitted a full and complete production of all documents and information which they intended to rely upon during the hearing and such other document(s) and other information in their possession and control which are or may be arguably relevant in these proceedings on 27 February 2023, except for Mr. Khabibulin who elected not to do so.
26. On 3 April 2023, Counsel for the ITIA requested an extension to file its written submissions further to which the AHO invited the other parties to make submissions. Although Mr. Khabibulin did not respond, on 5 April 2023 the AHO denied the request and ruled *inter alia* as follows:

"(...) Nonetheless, considering the various other procedural requests, objections raised and ruled on to date, the AHO hereby denies the ITIA's request for a one-week extension to 18 April 2023 to file its written submissions.

Given the Easter break, the AHO does extend the ITIA's deadline to file its submissions by two days to 13 April 2023 5 pm GMT.

Without needing to alter the rest of PO1's procedural calendar, the AHO also extends by two days [REDACTED] [REDACTED] and Mr. Khabibulin's deadline to file their submissions to 25 May 2023 5 pm GMT."

27. The ITIA later filed its written submissions in a timely manner.
28. On 24 May 2023, Counsel for Mr. Fayzeiv requested an extension of seven (7) days to file her submissions, without objection from any Party. The AHO granted an extension to all Covered Persons to 30 May 2023 to file their Response submissions and modified the rest of the Procedural Calendar accordingly.
29. Although the other Covered Persons filed their Responses within the deadline provided Mr. Khabibulin did not file a Response on 30 May 2023.
30. On 5 June 2023, the AHO wrote to the Parties (i) asking Mr. Khabibulin to confirm his intention to participate in the hearing, and asking him to file submissions by 7 June 2023, if he wished to do so, and (ii) asking Counsel for ██████████ to confirm if ██████████ intended to give evidence and be cross examined at the hearing and if so, to file a will-say statement by 8 June 2023 (ii) asking Counsels for ██████████ and ██████████ to inform the AHO if the respective Players would agree to waive confidentiality.
31. On 6 June 2023, Mr. Khabibulin confirmed that he intended to participate in the hearing. In a separate correspondence, the AHO reminded him to confirm if he intended to file submissions on his behalf in anticipation of the hearing. He responded on 7 May 2023 to the effect that:
- “I hereby confirm that I am ready to speak / testify at the hearing, in turn, my position and evidence will be provided by me at the hearing itself, scheduled for June 29, 2023, due to the fact that I was only able to apply for legal assistance today and my involved lawyers need time to familiarize themselves with the charges against me, analyze all available materials and build a line of defense.”*
32. On the same day, the AHO requested that Mr. Khabibulin’s email be sent to the other Parties for comment by 8 May 2023.
33. The ITIA agreed to grant Mr. Khabibulin an extension to find and confirm the identity of his legal counsel and to file evidence. The AHO then sent Mr. Khabibulin directions with a deadline to identify his legal counsel and a separate deadline to file written submissions in anticipation of the hearing. Mr. Khabibulin failed to meet either deadline. The AHO then advised by Mr. Khabibulin on 22 June 2023 that for the purposes of the hearing, his interview transcripts would be considered his will-say statement and also advised him that if he was to give evidence at the hearing, he would be cross-examined on the same. Mr. Khabibulin was also directed to advise the ITIA Case Secretariat of any Legal Counsel with

a Power of Attorney that might be acting on his behalf at the hearing, prior to the start of the hearing.

34. As Mr. Khabibulin failed to file any written submissions in answer to the ITIA Charge, no Rejoinders were necessary.
35. On 27 June 2023, the ITIA filed an application with the AHO under TACP Section G.1.i. to make a minor amendment to its initial Charge 6 in relation to Mr. Khabibulin. The AHO sought out Mr. Khabibulin's comments and/or objections to the same and none were received. Considering that the TACP expressly provides for such an application to be made, that Mr. Khabibulin did not object to the same, that the TACP provisions relied upon and underlying evidence related to the same remained unchanged and that Mr. Khabibulin chose not to object, the AHO granted the ITIA's request.
36. On 28 June 2023, Mr. Khabibulin made a full admission to the AHO admitting to all the Charges brought against him.
37. Later that day, he recanted part of his admission to exclude Charges related to any matches involving other Covered Persons.
38. The hearing was held via video conference, as scheduled, on 29 and 30 June 2023.
39. Attending the hearing were:

AHO	Janie Soublière
For the ITIA	Julia Lewis – Counsel George Cottle – Counsel Ross Brown - Counsel Denise Bain – Witness
For [REDACTED]	[REDACTED] – Covered Person [REDACTED] – Counsel [REDACTED] - Witness
For [REDACTED]	[REDACTED] – Covered Person [REDACTED] – Counsel
For Mr. Khabibulin	Timur Khabibulin – Covered Person
Case Secretariat	Jodie Cox, ITIA

40. Prior to the closing of the hearing, Mr. Khabibulin confirmed that he was satisfied that the hearing had been conducted in respect of his right to natural justice.

PARTIES' SUBMISSIONS ON LIABILITY

41. The AHO has carefully considered the totality of the Parties' written submissions. They are summarised below. Additional facts and allegations found in the Parties' submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. The AHO refers in its award only to the submissions and evidence she considers necessary to explain her reasoning.

I. ITIA'S SUBMISSIONS AND EVIDENCE

42. The ITIA submits that, on the preponderance of the evidence, Mr. Khabibulin is liable for the Charges. There is strong evidence of Mr. Khabibulin's involvement in match-fixing activities during the relevant period, both in respect of his own matches and matches of other professional tennis players. When taken together, the evidence demonstrates Mr. Khabibulin's repeated, proactive involvement in these activities across a sustained period of time and paints a clear picture of an individual who was content to regularly corrupt the sport of tennis for his own financial gain. That is the most logical conclusion to draw from the available evidence. It is also supported by admissions made in the course of ITIA investigative interviews. The ITIA submits that there is no credible alternative explanation for the evidence available.

The Charges

43. The Charges the ITIA has brought against Mr. Khabibulin are outlined in the above Summary.

The Evidence

44. The evidence the ITIA relies upon is varied. The sources of evidence are outlined as follows:

Evidence from Betting Operators

45. The ITIA works closely with betting operators and related organisations to target corruption in tennis. This relationship is mutually beneficial: the ITIA is able to locate and sanction individuals who seek to corrupt the sport of tennis to the detriment of all those

who play it, and the betting organisations protect their members and customers from being negatively impacted by corruption and those who profit from illegal activity.

46. The ITIA will therefore receive reports of suspicious betting patterns either directly from betting operators or from organisations like the [REDACTED] (formerly known as [REDACTED] or [REDACTED]).
47. Information received by the ITIA from betting operators is relevant to Charges 1, 2, 3, 4 and 7.

Admissions in Interview

48. Admissions were made by [REDACTED] [REDACTED] and [REDACTED] [REDACTED] in the course of interviews with the ITIA between 2020 and 2022. Notably, the ITIA interviewed [REDACTED] on six separate occasions between February 2020 and July 2022. During the course of those interviews, [REDACTED] explained how he, Mr. Khabibulin and [REDACTED] fixed (at least) two separate matches in 2016 and 2018.
49. The information obtained by the ITIA in its interviews with Messrs. [REDACTED] and [REDACTED] relates to Charges 1, 2, 4, 5 and 7.

Forensic Mobile Phone Download

50. The forensic download of [REDACTED] phone produced a significant amount of WhatsApp exchanges between [REDACTED] and Mr. Khabibulin between 2017 and 2019 and other relevant documentary evidence, such as screenshots of betting odds for relevant matches which included:
- Copies of Western Union transfer confirmations;
 - Screenshots of betting odds for relevant matches; and
 - Contacts saved on [REDACTED] phone.
51. The content of [REDACTED] forensic phone download relates to Charges 4, 5, 6 and 7.

ITIA Documents

52. The ITIA relies on documents produced internally and by tennis governing bodies to provide documents such as match scorecards. Charges 1, 4 and 9 relate to evidence of this nature.

The ITIAs basis for the Charges

53. On the basis of the available evidence, the ITIA submits that Mr. Khabibulin should be found liable for all of the alleged breaches of the TACP that are the subject of the Charges below:

Charges 1-3

54. These Charges relate to three separate matches in which Mr. Khabibulin competed between 2014 and 2016. The relevant evidence in respect of these charges are admissions in interviews by [REDACTED] and [REDACTED] and evidence from betting operators, with the sources of evidence complimenting each other.

55. Charge 1 relates to a [REDACTED] match between Mr. Khabibulin & [REDACTED] and [REDACTED] & [REDACTED] [REDACTED] which took place on [REDACTED] April 2014 at [REDACTED] [REDACTED] tournament in [REDACTED] Kazakhstan. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] this match [REDACTED] [REDACTED] [REDACTED]. The ITIA submits that Mr. Khabibulin directly facilitated betting on the outcome, or an aspect of, this Event (or “match” hereinafter) and that he also directly contrived the outcome, or an aspect of, this Event in breach of Sections D.1.b and D.1.d of the 2014 TACP respectively.

56. The evidence the ITIA relies upon includes:

- The admission of [REDACTED] in interview with the ITIA confirming that Mr. Khabibulin approached him about deliberately losing this match and that he was paid USD 1,000 in cash having accepted Mr. Khabibulin’s offer and performing the fix.
- This admission can be relied upon and is probative because [REDACTED] would not be expected to have admitted to fixing a match that he did not fix, particularly when doing so led to a lengthy suspension for him.
- The Gambling Commission reported, in particular, suspicious bets having been reported to it by a betting operator which saw bets being placed on Mr. Aliyev and [REDACTED] [REDACTED] to win the match.
- The bets were being placed at the exact moment when the odds of them winning the match were the most favourable for bettors. Although the underlying betting data is not available, the ITIA submits that what is available is sufficient to justify the conclusions that this match was fixed.
- A particular feature of the match was the deciding match tiebreak, which Mr. Khabibulin and [REDACTED] had to lose for the bet to be successful, so they served four double faults in a row to ensure they lost.
- Mr. Khabibulin’s explanation for the loss of the match, e.g. that he was playing with a broken arm, is not credible.

57. Charge 2 relates to a [REDACTED] match between Mr. Khabibulin and [REDACTED] [REDACTED] which took place on [REDACTED] February 2016 at an [REDACTED] [REDACTED] tournament in [REDACTED] Azerbaijan. Mr. Khabibulin [REDACTED] this match [REDACTED] [REDACTED]. The ITIA submits that Mr. Khabibulin facilitated betting on the outcome or an aspect of this match and that he also contrived the outcome or an aspect of this match in breach of Sections D.1.b and D.1.d of the 2016 TACP respectively.

58. The evidence the ITIA relies upon includes:

- [REDACTED] raised an alert around betting on this match by an account registered to [REDACTED] [REDACTED]. During a later part of the ITIA's investigation, a second account registered to [REDACTED] was uncovered by [REDACTED] and reported to the ITIA – this account bet on this match.
- [REDACTED] admitted in an interview that he fixed this match and has also admitted that [REDACTED] was an associate of his and someone who would bet on [REDACTED] [REDACTED] behalf.
- Both accounts registered in [REDACTED] name placed the same eight bets. There were two bets on [REDACTED] to [REDACTED] the [REDACTED] another two on him to [REDACTED] the [REDACTED], two on him to [REDACTED] the match and then two bets on the winners of specific games. The total sum of all bets was €4,404 and a return of €5,824. The two accounts bet in the exact same way – right down to the exact same sums placed for the same bets which were then placed at the exact same time. In addition, one of the accounts placed further bets on [REDACTED] Exchange with a profit of £1,705.

59. Charge 3 relates to a [REDACTED] match on [REDACTED] October 2016 between Mr. Khabibulin and [REDACTED] [REDACTED] in the [REDACTED] tournament in [REDACTED] Uzbekistan. Mr. Khabibulin [REDACTED] this match [REDACTED] [REDACTED]. The ITIA submits that Mr. Khabibulin facilitated betting on the outcome or an aspect of this match and that he also contrived the outcome or an aspect of this match in breach of Sections D.1.b and D.1.d of the 2016 TACP respectively.

60. The evidence the ITIA relies upon is based entirely on information provided by four separate betting operators:

- Each of those betting operators independently reached the view that the outcome of this match was suspicious and of concern to them.
- In each of the cases of [REDACTED] Ladbrokes and Stoiximan, it was the same bets raising those concerns and the bets were made on Mr. Khabibulin to lose this match – i.e., to lose the match itself rather than specific points, sets or games.
- Those concerns were exacerbated with [REDACTED] as it reported three bettors placed these bets, and are supported by Ms. Bain's testimony that it is unusual to see alerts

on a particular match from so many betting operators with multiple bettors being observed by more than one operator. That suggests a more sophisticated operation, possibly involving several individuals on the betting side.

- The logical explanation for irregular betting of this nature is that the bettors knew in advance that the bets would be successful in order to have the confidence to place the significant sums that they did. The only basis upon which they could have that confidence was if Mr. Khabibulin had agreed to lose this match.

Charges 4-7

61. The ITIA explains it obtained a significant amount of data from the forensic download of ██████████ personal mobile phone and submits that the WhatsApp messages are particularly important. They represent contemporaneous exchanges that evidence how Mr. Khabibulin acted as a middleman between ██████████ as the match-fixer, and professional tennis players. Their communications were substantial and always focused on fixing tennis matches – they were not discussing anything else. Match-fixing was clearly the basis of their relationship.

62. Charge 4 concerns the ██████████ match between ██████████ and ██████████ which took place on ██████████ November 2018 as part of an ██████████ tournament in ██████████ Thailand. The ITIA submits that Mr. Khabibulin indirectly contrived the outcome or an aspect of this match in breach of Section D.1.d of the 2018 TACP and solicited and/or facilitated ██████████ ██████████ to not use his best efforts in the match, in breach of Section D.1.e of the 2018 TACP.

63. The evidence the ITIA relies upon includes:

- The WhatsApp messages between Messrs. ██████████ and Khabibulin which to the ITIA are very clear and can only be explained by match fixing.
- ██████████ was referred to either by diminutive or by full surname in the exchanges on nine occasions making it abundantly clear that he is the person of focus and who Mr. Khabibulin was liaising with to arrange the fix.
- There is no basis for suggesting that ██████████ would have engaged with this process in such detail if he did not think that he stood to make significant sums of money from it.
- ██████████ admission that the match was fixed.
- Mr. Khabibulin's active part in the fix by delivering crucial messages to and from ██████████ that he is available and willing to fix the match.

- The nature of the bets themselves. The account that placed the [REDACTED] bets was linked to [REDACTED] either through the individual being an associate or through it being an account [REDACTED] had control over.
- The profit of a little under €8,000 that was made on the successful bets also encapsulates just how much money was bet, given there were also two lost bets which could not derail the profits completely. It instead shows how big the winnings would have been if there had been no mistakes.
- The betting observed by [REDACTED] and [REDACTED] was the same, and the bets were placed were on [REDACTED] to [REDACTED] the [REDACTED]

64. Charge 5 concerns the [REDACTED] match between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] which took place on [REDACTED] November 2018 as part of an [REDACTED] [REDACTED] tournament in [REDACTED] Thailand. [REDACTED] [REDACTED] that match [REDACTED] [REDACTED]. This match also took place only three days prior to the match that is the subject of Charge 4. The ITIA submits that Mr. Khabibulin indirectly contrived the outcome or an aspect of this Event in breach of section D.1.d of the 2018 TACP and solicited and/or facilitated [REDACTED] to not use his best efforts in the match, in breach of Section D.1.e of the 2018 TACP. In addition, the ITIA further submits that there is sufficient evidence that Mr. Khabibulin offered [REDACTED] money with the intention of influencing [REDACTED] to not use his best efforts in the match, in breach of Section D.1.g of the 2018 TACP.

65. The evidence the ITIA relies upon is very similar to Charge 4 and includes:

- The WhatsApp exchanges between Messrs. [REDACTED] and Khabibulin.
- The various references to [REDACTED] in relation to the match, to “6000” being available for this match, to the [REDACTED] scoreline being of interest, to the fact that rain stopped play and that Mr. Khabibulin and [REDACTED] agreed that [REDACTED] should be paid for that match, with [REDACTED] committing to make the payment to [REDACTED]
- Although something appears to have gone wrong with the fix ([REDACTED] [REDACTED] [REDACTED] [REDACTED]), [REDACTED] and Mr. Khabibulin then immediately discussed when [REDACTED] could fix another match. The ongoing and sustained nature of these exchanges, with the next fix being sought immediately, clearly demonstrates the business nature of the relationship between [REDACTED] and Mr. Khabibulin.

66. Charge 6 (which was slightly amended further to the ITIA’s June 27 application under Section G.1.i of the 2022 TACP) relates to an unknown match played by [REDACTED] at some point after his match against Mr. [REDACTED] which is the subject of Charge 5. The ITIA

submits that, based on the WhatsApp exchanges between Mr. Khabibulin and [REDACTED] and the Western Union money transfer documentation, Mr. Khabibulin contrived the outcome and/or an aspect of an unknown Event in breach of Section D.1.d of the 2018 Program and that he also solicited and/or facilitated [REDACTED] and/or another Player to not use his/their best efforts during an Event in breach of Section D.1.e of the 2018 Program. Finally, the ITIA also submits that Mr. Khabibulin provided money, benefit or consideration directly or indirectly to [REDACTED] and/or another Player with the intention of negatively influencing his/their best efforts in an Event in breach of Section D.1.g of the 2018 Program. In doing so, Mr. Khabibulin breached Sections D.1.d, D.1.e and D.1.g of the 2018 TACP.

67. The evidence the ITIA relies upon includes:

- The WhatsApp messages refer to such an arrangement and the nature of the relationship between the three protagonists to establish that Mr. Khabibulin, again, acted as a middleman to procure the relevant fix through an offer and promise of payment.
- The subsequent payment made to [REDACTED] [REDACTED] and [REDACTED] [REDACTED] in the same amounts provided for in the WhatsApp exchanges through Western Union money transfers.

68. Charge 7 concerns a [REDACTED] match between [REDACTED] [REDACTED] & [REDACTED] [REDACTED] and [REDACTED] [REDACTED] & [REDACTED] [REDACTED] which took place on [REDACTED] April 2019 as part of a [REDACTED] tournament in [REDACTED] Mexico. Ms. [REDACTED] and Ms. [REDACTED] [REDACTED] that match [REDACTED] [REDACTED]. The ITIA submits that Mr. Khabibulin indirectly contrived the outcome or an aspect of this Event, in breach of Section D.1.d of the 2019 TACP, and that he directly solicited and/or facilitated Ms. [REDACTED] and/or Ms. [REDACTED] [REDACTED] not to use their best efforts during the match, in breach of Section D.1.e of the 2019 TACP.

69. The evidence the ITIA relies upon is:

- The exchange of WhatsApp messages between Mr. Khabibulin and [REDACTED]. The ITIA submits there can be no doubt that their exchanges refer to this match given the screenshots of the SofaScore website and tournament schedule that were sent by [REDACTED] to Mr. Khabibulin.
- The WhatsApp exchanges also clearly demonstrate that all parties were proactively and willingly involved in this fix.
- [REDACTED] admission when interviewed confirms the fix was agreed to and carried out and also confirms how lucrative this fix was with total earnings of €47,000 to

be split between ██████████ Mr. Khabibulin, one or both of Ms. ██████████ and Ms. ██████████ and any of ██████████ betting associates.

- The available betting evidence which shows there are five suspicious betting accounts identified by ██████████ (although the ITIA can only identify one of those as being related to ██████████ which is the account he has admitted being associated with that has the username ‘██████████’
- Five bets were placed totalling over £19,000 in a two-minute period, with each bet being successful. The ITIA submits that such confident betting in such a short period for such significant sums can only be explained because the bettor was aware in advance that the bets would be successful, as of course ██████████ has admitted.
- The remaining four accounts are, the ITIA submits, also likely to be associated with ██████████ given his admissions of earnings of €47,000 and the five accounts together saw a total profit of £48,000.
- The overlap in the bets placed is also obvious with the same bets placed on ██████████ ██████████ and ██████████ ██████████ to win the match as well as a limited number of others which all were in favour of ██████████ ██████████ and ██████████ ██████████. It is plainly unlikely that five accounts, all betting independently, should bet similar sums, at similar times, on the same betting market and all be successful.

Charge 8

70. In addition, or in the alternative, to Charges 1 to 7 above, the ITIA submits that Mr. Khabibulin failed to report corrupt approaches made to him, per Section D.2.a.i and/or failed to report the knowledge or suspicion he had of Corrupt Offences under Section D.2.a.ii.

71. The ITIA’s position in this regard is simple. As described in the above instances, the ITIA alleges that Mr. Khabibulin was party to discussions regarding corruption offences with ██████████ ██████████ in relation to, as a minimum, Charges 4 to 7. In relation to the other Charges, it may be inferred that he was in contact with ██████████ or with other third parties. It is inconceivable that Mr. Khabibulin did not have knowledge of the corrupt practices of ██████████ ██████████ (and the Greek organised betting syndicate of which ██████████ was a part) given their relationship, with the same inference being applied to any third-party relationships. Mr. Khabibulin was therefore required to report that information to the ITIA at the relevant time. However, he elected not to do so and that failure was a clear breach of Section D.2.a.i and/or D.2.a.ii of the relevant TACPs.

Charge 9

72. The ITIA alleges that Mr. Khabibulin has committed a breach of Section F.2.b of the 2020 TACP, which reads: *“All Covered Persons must cooperate fully with investigations conducted by the TIU including giving evidence at hearings, if requested . . .”*.

73. In this regard, the ITIA relies on Ms. Bain’s statement and testimony that:

- she sought the relevant bank account information with Mr. Khabibulin in order to check for evidence around the possible deposit of funds into bank accounts in Mr. Khabibulin’s name that may demonstrate payments relating to match-fixing.
- That this request was reasonable in order to assist the investigation.
- That Mr. Khabibulin was clearly aware of the request, having initially taken some steps to comply.
- Mr. Khabibulin provided no substantive response despite being chased to do so, despite confirming he would do so.

Conclusion

74. On the basis of the evidence set out by the ITIA’s witness evidence and these submissions, the ITIA submits that Mr. Khabibulin should be found liable for all of the offences that are the subject of the Charges.

II. MR. KHABIBULIN’S SUBMISSIONS

75. Although he was given the opportunity to do so on the same timelines as the other Covered Persons, and then invited on three other occasions to do so after his deadline had lapsed, submissions were not filed by Mr. Khabibulin until 28 June 2023, when he filed a statement providing the following:

“I fully agree with the accusations brought against me and I deeply regret what I did. At the same time, I believe that admitting of own mistakes is the path of correction.

I ask you to show leniency and allow me to work as a coach, to participate in tournaments as a coach, so by my personal example I can show how important is to make the right choice and have the right beliefs.

I urge you only to take into account my youthful age, emotional state and the difficult financial situation in which I was.

I am ready to cooperate and report any new information or suspicion of a corruption offense to ITIA in the future.”

76. Then, later in the day, Mr. Khabibulin recanted part of his admission by filling out and submitting the following form that had been provided to him by the ITIA to this end.

77. Mr. Khabibulin confirmed at the hearing that he had been assisted by an unnamed legal advisor to draft his admission and later to fill out the chart.

Charge	Match	Alleged Offence	Do you admit? (Yes/No)
1	Timur Khabibulin & ██████████ v ██████████ & ██████████ ██████ April 2014	(2014) D.1.b – facilitation (2014) D.1.d – contriving	Yes
			No
2	Timur Khabibulin v ██████████ ██████ February 2016	(2016) D.1.b – facilitation (2016) D.1.d - contriving	Yes
			No
3	Timur Khabibulin v ██████████ ██████ October 2016	(2016) D.1.b – facilitation (2016) D.1.d – contriving	Yes
			No
4	██████████ v ██████████ ██████ November 2018	(2018) D.1.d – contriving (2018) D.1.e – solicitation/facilitation	No
			No
5	██████████ v ██████████ ██████ November 2018	(2018) D.1.d – contriving (2018) D.1.e – solicitation/facilitation (2018) D.1.g – offering	No
			No
			No
6	Precise match details unknown, but believed to involve ██████████ (and other another Player)	(2018) D.1.d – contriving (2018) D.1.e – solicitation/facilitation (2018) D.1.g – providing	No
			No
			No
7	██████████ & ██████████ v ██████████ & ██████████	(2019) D.1.d – contriving	No
			No

	■ April 2019	(2019) D.1.e – solicitation/facilitation	
8	N/A	(2018) D.2.a.i – non-reporting (2018) D.2.a.ii – non-reporting (2019) D.2.a.i – non-reporting (2019) D.2.a.ii – non-reporting	Yes
9	N/A	(2020) F.2.b – non-cooperation	Yes

78. At the hearing, Mr. Khabibulin adamantly denied having ever fixed matches with ■■■■■ or ■■■■■. He also adamantly denied having received or written any of the WhatsApp messages pulled from ■■■■■ phone that the ITIA tendered as evidence and asserted time and time again rather that someone must have hacked or taken his phone.

DELIBERATIONS

79. Before assessment of the merits of each Charge, the AHO deems it imperative to address the ITIA’s submission on the significance of ■■■■■ admissions as they relate to the Charges brought against Mr. Khabibulin.

Mr. Khabibulin’s relationship with ■■■■■

80. The ITIA submits that ■■■■■ admissions are significant. For several years ■■■■■ was a professional gambler and match-fixer. He made substantial profits from his corrupt activity. One of ■■■■■ principal contacts was Mr. Khabibulin. They were close and their relationship was at times a strong one as they worked together for significant financial return. In one interview, ■■■■■ referred to having made *“more than \$200,000 or maybe \$300,000...between March and June of 2016, only from Khabibulin.”*

81. In his interviews with ITIA investigator Denise Bain, ■■■■■ described his relationship with Mr. Khabibulin as *“something like friends”* which reflects the fact that the basis of the relationship was the business of match-fixing for profit. The ITIA submits that *“the extent of the relationship is portrayed across the available WhatsApp messages as they speak in detail about the possibility of fixing many matches and can be seen in the language used*

and references to the shared experiences. The messages are of course contemporaneous and speak for themselves. They are of significant evidential value in these proceedings". The AHO agrees. Even if untested because he was not available for cross-examination and when considered alongside the other persuasive evidence tendered by the ITIA, [REDACTED] admissions are considered probative in relation to all the Charges brought against Mr. Khabibulin.

82. As clearly displayed and evidenced from their WhatsApp messages, Mr. Khabibulin and [REDACTED] maintained a detailed level of engagement with each other. They would often communicate; daily and in depth. The AHO finds the ITIA evidence in this regard quite compelling and far more convincing than Mr. Khabibulin's blanket assertion that none of the many pages of spreadsheets of WhatsApp messages were written or received by him and that the possibility exists that someone hacked his phone. The latter, to the AHO, is an implausible proposition.
83. Mr. Khabibulin first admitted to committing all corruption offences for which he was charged, before recanting on this to exclude the involvement of other players. This is not unsurprising; facing a significant sanction under the TACP for his admitted offences, there is no need for him to bring the others down with him.
84. In the end, Mr. Khabibulin admits to all the Charges related to three matches he himself fixed, all the while refusing to offer any details on the individuals with whom he dealt with to arrange the fixed matches and profit from them. He denies that [REDACTED] was involved in those, just as he denies that [REDACTED] was involved in all the matches in relation to which he has been charged with corruption offences.
85. Mr. Khabibulin's claim that he has no recollection of any of his dealings with [REDACTED] considering the relationship they clearly had, significantly hinders his credibility. His lack of explanations for the detailed WhatsApp messages, Facebook messages, betting operator evidence and Mr. [REDACTED] recollection of events, which he says has been wholly fabricated, are not convincing.
86. Conversely, as the ITIA submits, Mr. Khabibulin's line of defense is not logical:

"None of it works and the narrative does not make sense. His relationship with [REDACTED] is based upon trust, one that ensures betting is done, ensures that players are ready and that is founded on a team effort. That's the only way it can work, the only way to make the business work, and that a plain reading of the WhatsApp messages allows anyone who reads them to understand what's happening".

87. To the AHO, there is no doubt that the messages between ██████████ and Mr. Khabibulin's phone were in fact sent and received by Mr. Khabibulin. These messages were forensically downloaded and verified. There is no reason to believe they were made up and, given the sheer volume of messages and their detailed content, the suggestion that they were both "made up" by ██████████ and never seen by Mr. Khabibulin, considering they were sent and received to his phone number(s) is preposterous. The messages all clearly related to match-fixing and render Mr. Khabibulin liable for all the TACP offences outlined herein.
88. While the inability to cross-examine ██████████ on his evidence remains a thorn at the ITIA's side, there is little doubt that the clarity and detail in which ██████████ recalls certain elements, read alongside the WhatsApp messages and factual circumstances of each alleged fix, together provide evidence with sufficient evidentiary weight to surpass the preponderance of evidence threshold with ease. As submitted by the ITIA, the exchanges between ██████████ and Mr. Khabibulin are detailed and purposeful. ██████████ was in the business of fixing matches. On the evidence, so too was Mr. Khabibulin.
89. In order of weight, the WhatsApp evidence (audio, video and written) forensically downloaded from ██████████ phone, Facebook evidence, the betting syndicate evidence, Mr. Khabibulin's admission, even if half of it was later retracted, Mr. Khabibulin's interview transcripts, and ██████████ recollection and explanations in interview as recounted by Ms. Denise Bain at the hearing, all allow the AHO to draw logical inferences and find on a balance of probabilities that, in addition to his matches that he has admitted fixing and for which he is liable, Mr. Khabibulin also contrived to fix all the other matches, involving ██████████ and ██████████ and other Covered Persons, which are the basis of the rest of the Charges against him. He is thus also liable for those.
90. The ITIA has thus succeeded in proving all charges, including the failure to report and to cooperate with the investigation. On a balance of probabilities, Mr. Khabibulin is found liable for all Charges brought against him.
91. The AHO's succinct reasons for her findings of liability are offered below.

Charge 1: Timur Khabibulin & ██████████, ██████████ v ██████████, ██████████ & ██████████, ██████████ April 2014

92. Mr. Khabibulin admitted to facilitating this match in contravention to Section D.1.b of the 2014 TACP, therefore that Charge is established and he is liable for the same.
93. Although he first admitted this Charge along with Charges 2 and 3, Mr. Khabibulin retracted his admission of contriving to fix matches when he submitted the Chart. However, at the hearing, he expressly admitted to deliberately fixing this match. The Oxford English dictionary defines contriving as "*creating or bringing about a situation by deliberate use of*

skill and artifice". On his admission, which is supported by compelling documentary and betting syndicate evidence, the AHO is satisfied that Mr. Khabibulin has also contrived this match in breach of Section D.1.d of the 2014 TACP.

Charge 2: Timur Khabibulin v [REDACTED] [REDACTED] [REDACTED] February 2016

94. The AHO adopts an identical reasoning to Charge 1 for Charge 2 and finds that Mr. Khabibulin is liable for facilitating and contriving this match in contravention to Sections D.1.b and D.1.d of the 2016 TACP.

Charge 3: Timur Khabibulin v [REDACTED] [REDACTED] [REDACTED] October 2016

95. The AHO adopts an identical reasoning to Charges 1 and 2 for Charge 3, and finds that Mr. Khabibulin is liable for facilitating and contriving this match in contravention to Sections D.1.b and D.1.d of the 2016 TACP.

Charge 4 [REDACTED] [REDACTED] v [REDACTED] [REDACTED] November 2018

96. The compelling evidence tendered by the ITIA, most significantly the WhatsApp messages and the betting evidence, lead the AHO to find that Mr. Khabibulin is liable for contriving and either soliciting or facilitating or both the fixing of this match in contravention to Sections D.1.d and D.1.e of the 2018 TACP.

Charge 5 [REDACTED] [REDACTED] v [REDACTED] [REDACTED] [REDACTED] November 2018

97. The compelling evidence tendered by the ITIA, most significantly the WhatsApp messages, lead the AHO to find that Mr. Khabibulin both attempted and or effectively contrived and either solicited or facilitated or both the fixing of this match in contravention to Sections D.1.d and D.1.e of the 2018 TACP.

98. The WhatsApp evidence is sufficient and allows the ITIA to succeed in proving on a balance of probabilities that Mr. Khabibulin contacted [REDACTED] prior to this match and offered to pay him for fixing it, thereby breaching Section D.1.g of the 2018 TACP.

Charge 6 Precise match details unknown, but believed to involve [REDACTED] [REDACTED] (and other another Player)

99. The compelling evidence tendered by the ITIA (and discussed in greater detail in the parallel Ruling in the [REDACTED] matter), significantly the WhatsApp messages and the

corroborating documentary evidence in the form of Western Union Wire Transfer confirmations which substantiates the content of the WhatsApp messages, together lead the AHO to find that Mr. Khabibulin both contrived and either solicited or facilitated or both the fixing of this match in contravention to Sections D.1.d and D.1.e of the 2018 TACP.

100. As it appears the wire transfers were sent to Messrs. █████ and █████ by █████ and his Greek betting syndicate, Mr. Khabibulin did not “provide” anything to █████ However, the WhatsApp messages signal that he “offered” this money to █████ in payment for fixing a future match. Therefore, the ITIA succeeds in establishing that Mr. Khabibulin directly or indirectly offered benefit or consideration to █████ with the intention of negatively influencing this Player’s best efforts.

Charge 7 █████ & █████ v █████ & █████ 3 April 2019

101. As explained above, the compelling evidence tendered by the ITIA, most significantly the WhatsApp messages and the very compelling betting evidence which corroborate the WhatsApp messages together allow the AHO to find that Mr. Khabibulin both contrived and either solicited or facilitated or both the fixing of this match in contravention to Sections D.1.d and D.1.e of the 2019 TACP.

Charge 8 Non-Reporting

102. The logical conclusion to be drawn from the 7 established Charges is that Mr. Khabibulin failed to report █████ and all his associates’ corrupt activities to the ITIA (or TIU at the time).

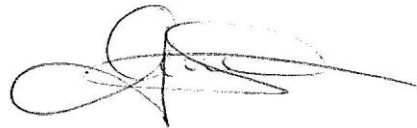
Charge 9 Non-Cooperation

103. As Mr. Khabibulin failed to provide his bank statements to the ITIA, and although he claims that he did not do so because he was nervous, on the evidence and by his admission, the ITIA has also established that Mr. Khabibulin breached Section F.2.b of the 2020 TACP.

RULING

104. The Covered Person, Timur Khabibulin, is liable for all the Charges laid out in the ITIA's Schedule 1 to the 13 December 2022 Notice of Major Offense and its 28 June 2023 amendments.
105. As provided in paragraph 40 of Procedural Order 1 and Section G.4.a of the TACP, a provisional suspension is to be immediately imposed on Mr. Khabibulin pending the AHO's Decision on Sanction.
106. As agreed by all Parties at the hearing, Submissions on Sanction are to be filed by the ITIA within four weeks of the issuance of this Ruling on Liability and Mr. Khabibulin's Submissions on Sanction are to be filed within four weeks of the ITIA's Submissions. The AHO will then issue a Decision on Sanction in accordance with the TACP, which will be appealable to the Court of Arbitration for Sport.

Dated at Beaconsfield, Quebec this 25th day of July 2023



Janie Soublière C. Arb.
Anti-Corruption Hearing Officer