
Media Coverage in 2016

Published with the Interim Report on 25 April 2018

This Record of Evidence and Analysis has not been updated for the purposes of preparing the Final Report. In the event of any conflict, the Final Report reflects the most contemporaneous record and therefore prevails over this chapter.

**Independent
Review
of Integrity
in Tennis**

11

1. The Independent Review Panel (the “Panel”) describes below the 2016 media investigations and the principal assertions made by the media. This chapter is purely factual. The media’s assertions so far as they relate to the period before the adoption of the TACP and the creation of the TIU are dealt with in Chapters 7, 8, and 9, and so far as they relate to the period thereafter in Chapter 10.
2. In January 2016, during the Australian Open, there were a number of stories in the media addressing the adequacy of the response of the International Governing Bodies to match-fixing by players. There were further stories in the weeks that followed. While some of those stories addressed new matters, many of them added little new to the content of the original stories.
3. The account below distils the principal assertions made, by reference to the principal original stories and the principal later stories raising new matters. The media’s assertions fall into broadly two classes: assertions of fact, and assertions (express or implicit) of the conclusions to be drawn from the assertions of fact.
4. In the account below, references are given to where in this Record of Evidence and Analysis each of the media’s assertions is dealt with.

Q 11.1 Are there other media investigations or stories that should be addressed in the body of the Final Report, and if so which, and why?

Q 11.2 Are there other assertions by the media of fact, or of the conclusions to be drawn, that should be addressed in the Final Report, and if so what are they and where are they to be found?

Q 11.3 Are any of the assertions by the media of fact, or of the conclusions to be drawn, inaccurately described below, and if so which, and why?

A 17-18 JANUARY 2016, BUZZFEED NEWS/BBC, “THE TENNIS RACKET” AND RELATED STORIES

5. The first story was published on 17 January 2016, by BuzzFeed News and the BBC, and was entitled “*The Tennis Racket*”. It was a lengthy story following a joint investigation over some time, “*based on a cache of leaked documents from inside the sport*”, on “*an algorithm*” that had been used “*to analyse gambling on professional tennis matches over the past seven years*”, and on various interviews. In addition to “*The Tennis Racket*” itself, BuzzFeed News and the BBC published a number of other accompanying related stories at the same time or shortly afterwards.

(1) “THE TENNIS RACKET”

Principal matters addressed

6. The principal matters addressed in “*The Tennis Racket*”² were as follows:
- 6.1 Richard Ings’ concern in the period up to 2005 about tanking and the growth of match-fixing.
 - 6.2 The Vassallo Arguello v Davydenko match on 2 August 2007 in Sopot. There was an account of the match, the betting on it by a number of Russian bettors, and of the ATP’s reaction at the time. There was an account of the yearlong investigation into the match undertaken on behalf of the ATP by Paul Scotney, Paul Beeby, Albert Kirby, Dave Nutten, John Gardner and Mark Phillips and of the contents of the 2008 Sopot Report, including its conclusion that they had been unable to find any evidence of corrupt action by either player in relation to the match. The story did not suggest that disciplinary action against Nikolay Davydenko or Martin Vassallo Arguello in respect of the Sopot match should have been taken against either player at the time, or subsequently by the TIU, but did suggest that the rules and the process were inadequate.
 - 6.3 The Vassallo Arguello texts and contact details obtained from his mobile telephone during the course of that investigation. Two or more of the Sopot investigators were said to have told the journalists that the Vassallo Arguello texts and contacts and the betting on another match involving the player by a number of Sicilian gamblers, constituted “*a smoking gun*”. The story suggested that either the ATP or the TIU ought to have taken disciplinary action against the player on the basis of the material found, or at least to have undertaken further investigations of him, but instead each did neither³.
 - 6.4 The existence of “*three suspected gambling syndicates*” in Russia, Sicily, and Northern Italy, and their betting on 72 matches of particular players, reported by Mark Philips in 2008. Mark Phillips was reported as informing the journalists that “*there were 28 players whom [he] suspected of rigging the outcome of those matches, with a core of 10 against whom he felt the case was overwhelming*”. The story suggested that either the ATP or the TIU ought to have taken disciplinary action against those ten players on the basis of the material found, and to have undertaken further investigations of the others, but instead “*all of them have been allowed to continue playing*”⁴.

¹ Statement of Heidi Blake (BuzzFeed News) & Simon Cox (BBC).

² Heidi Blake & John Templon, ‘The Tennis Racket’ (BuzzFeed News, 17 January 2016), available at: https://www.buzzfeed.com/heidiblake/the-tennis-racket?utm_term=.epvJ47bVp#.vxbIAAGoj [accessed 9 April 2018].

³ Chapter 8, Section C addresses the suggestion that the ATP ought to have so acted. Chapter 9, Section C addresses the suggestion that the TIU ought to have so acted.

⁴ Ibid.

- 6.5 The 2008 Environmental Review undertaken by Ben Gunn and Jeff Rees. The story suggested that the TIU, once established, ought to have acted on the Environmental Review's conclusion that 45 of Mark Phillips' 72 matches "warranted further investigation", but did not⁵. The story also suggested that the International Governing Bodies wrongly chose an inadequate form of investigatory unit recommended in the Review by Jeff Rees, instead of a better one recommended in the Review by Ben Gunn⁶.
- 6.6 The failure of the TIU to act on betting alerts or on "Nine lists of suspected fixers handed to the world tennis authorities over the past decade, comprising more than 70 names". The story asserted that "the sport's governing bodies have been repeatedly warned about a core group of 16 players – all of whom have ranked in the top 50 – but none have faced any sanctions and more than half of them will begin playing at the Australian Open". That group of 16 was said to include "winners of singles and doubles titles at Grand Slam tournaments". The names of the players were not however revealed by BuzzFeed News "because without access to phone, bank or computer records it is not possible to prove a link between the players and the gamblers". The story suggested that disciplinary action ought to have been taken by the tennis authorities or the TIU against at least the core group of 16 players⁷.
- 6.7 The story asserted that the application of an algorithm devised by BuzzFeed News to 26,000 matches had separately "identified 15 players who regularly lost matches" with suspicious odds that constituted "a red flag for possible match-fixing", of which "four players showed particularly unusual patterns, losing almost all of these red-flag matches"⁸.
- 6.8 The absence of any action by the TIU against the Italian players Potito Starace and Daniele Bracciali, despite Italian national federation disciplinary proceedings and Italian criminal investigation⁹.
- 6.9 The approach of the TIU to the provision of information, and to liaison with police forces. The story suggested that that approach was insufficiently transparent and that the TIU was inappropriately unwilling to discuss matters with police forces, investigators, betting regulators and bookmakers¹⁰.

Conclusions invited to be drawn

7. The conclusions that "The Tennis Racket" expressly or implicitly asserted should be drawn from the assertions of fact are that:
- 7.1 Insufficient has been done in the past and is being done now, and the TIU and its approach are inadequate, to deal with the serious issue faced: "World tennis is failing to confront a serious problem with match fixing".
- 7.2 Tennis has in the past turned, and is now turning, a blind eye to match-fixing: "Tennis hasn't got a problem because they don't want to have a problem".
- 7.3 Tennis has in the past deliberately suppressed, and is now deliberately suppressing, the extent of the problem: "leaked files expose match-fixing evidence that tennis authorities have kept secret for years".

⁵ Chapter 9, Section B addresses the TIU's approach to the material in relation to the 45 matches mentioned in the Environmental Review. Chapter 8, Section B(2) addresses the content of the Environmental Review, including the fact that 73, rather than 72, matches had been identified.

⁶ Chapter 8, Section D addresses the decision as to the form of the TIU. Chapter 14, Section B addresses the appropriate structure for dealing with integrity issues going forward.

⁷ Chapter 7, Section A addressed the general approach of the International Governing Bodies to reports of unusual or suspicious betting patterns up to 2008, including whether proceedings ought or to have been brought. Chapter 10, Part 2 addresses the operation of the TACP by the TIU from 2009.

⁸ Paragraphs 13-16 below: This was explained in more detail in the BuzzFeed methodology stories published at the same time.

⁹ Paragraphs 31-34 below: This was revisited in the second BuzzFeed / BBC story on 15 March 2016, entitled "The Italian Job".

¹⁰ Chapter 10, Part 2, Section D addresses respectively the questions of the TIU's relationships with other bodies and transparency.

8. In their evidence to the Panel, Heidi Blake and Simon Cox stated that *“on the basis of our [i]nvestigation, it is clear that the tennis authorities and the TIU have suppressed evidence suggesting that widespread match fixing ought to be investigated and made misleading statements to the public as to the size of the integrity problem facing the sport. We do not make accusations against individual players but consider the issue to be a failure to investigate matters which lie with the tennis authorities and the TIU”*¹¹.
 9. On 18 January 2016, the International Governing Bodies issued a media release¹² *“reject[ing the] suggestion that evidence of match fixing [had been] suppressed”*. The media release stated that the TIU could only proceed on the basis of sufficient available evidence as opposed to *“information, suspicion or hearsay”*. It asserted that the sport had *“a zero tolerance approach to all aspects of corruption”*. It stated that *“a year-long investigation into the Sopot match found insufficient evidence”* of wrongdoing. It described the background that had led to the creation of the TIU, and what the TIU does, and set out that the TIU had at that point achieved 18 successful disciplinary convictions, and that none of the appeals to CAS that had occurred had led to a reduction in the suspension originally imposed. It also asserted the need for the TIU to *“work... on a confidential basis and [to] make... no public comment on its work”* and that the TIU *“is operationally independent from the governing bodies of tennis”*.
 10. The validity of the conclusions that *“The Tennis Racket”* expressly or implicitly asserted should be drawn is addressed in Chapters 7, 8, 9, and 10.
- (2) “THE TENNIS FILES: HAVE TOP PLAYERS BEEN PAID TO LOSE?” AND “TENNIS MATCH-FIXING ALLEGATIONS EXPLAINED”**
11. On 18 January 2016 the BBC published a story entitled *“The Tennis Files: Have top players been paid to lose?”*¹³. There was also a news story entitled *“Tennis match-fixing allegations explained”*¹⁴. The stories were published online and included video footage. There was also a BBC radio broadcast on File on 4 at 20.00 on 19 January 2016¹⁵.
 12. The main BBC story was a condensed version of *“The Tennis Racket”* and the principal matters addressed were broadly the same, as were the conclusions that the story expressly or implicitly asserted should be drawn from the assertions of fact, and so too therefore the extent of the validity of those conclusions. The BBC, like BuzzFeed, decided not to reveal player names *“as it is not possible to determine if they have personally been taking part in match fixing”*. The BBC supported the assertion that the conclusion to be drawn is that tennis has in the past deliberately suppressed, and is now deliberately suppressing, the extent of the problem, by setting out quotations:
 - 12.1 From a *“senior betting source”* that *“you would share information (with the Tennis Integrity Unit) and the same players were in the frame on a regular basis... They sat on it and from up on high, they don’t want it out there”*.
 - 12.2 From a *“senior police source in the Australian state of Victoria”* that *“They are just big-brand protectors. They try to bury stuff as much as they can”*.

¹¹ Statement of Heidi Blake (BuzzFeed News) and Simon Cox (BBC).

¹² Press Release, ‘Tennis rejects suggestion evidence of match fixing suppressed’ (Tennis Integrity Unit, 18 January 2016), available at: <http://www.tennisintegrityunit.com/media-releases/tennis-rejects-suggestion-evidence-match-fixing-suppressed> [accessed on 9 April 2018].

¹³ Simon Cox, ‘The Tennis Files: Have top players been paid to lose?’ (BBC News, 18 January 2016), available at: <http://www.bbc.co.uk/news/magazine-35325473> [accessed 9 April 2018].

¹⁴ ‘Tennis match-fixing allegations explained’, (BBC News, 18 January 2018), available at: <http://www.bbc.co.uk/news/uk-35343063> [accessed 9 April 2018].

¹⁵ Simon Cox, ‘File on 4: Tennis: Game, Set and Fix?’ (BBC Radio 4, 19 January 2016), available at: <http://www.bbc.co.uk/programmes/b06wd7f0> [accessed 9 April 2018].

(3) BUZZFEED'S STORIES EXPLAINING ITS METHODOLOGY IN ANALYSING 26,000 MATCHES

13. Also on 17/18 January 2016, BuzzFeed News published two related stories setting out its methodology in analysing 26,000 matches: one entitled "*How BuzzFeed News used betting data to investigate match-fixing in tennis*"¹⁶ and another entitled "*Methodology and code: detecting match-fixing patterns in tennis*"¹⁷.

Principal matter addressed

14. The principal matter addressed by the two stories was the methodology used by John Templon, including the application of algorithms, to arrive at some of the assertions in "*The Tennis Racket*". In summary, values for the "*opening and closing odds*" offered by seven betting operators for 26,000 professional tennis matches between 2009 and 2015 were obtained from public sources. The "*implied chances that each player would win*" were calculated by algorithm from the opening and closing odds. Then about 11% of those matches were identified as ones where the "*player's chance of winning... implied by the opening and final odds*", or "*the odds movement*", reported by at least one betting operator was more than ten percentage points. Then 39 players were identified as having "*lost more than 10 such 'high movement' matches*". A simulation based on the opening odds on each relevant player going on to lose each relevant match was then run a million times to arrive at "*the estimated chance that the player would have lost as many (or more) high movement matches as the player did, if the chances implied by the opening odds were correct*". The results in relation to the 39 players were then subjected to a Bonferroni statistical significance correction. Of the 39, four players' results achieved significance at the 95% Bonferroni confidence level, and 11 more while "*not significant at the Bonferroni level... would still have been expected to occur less than 5% of the time*". The four and the 11 players constitute together the 15 players referred to in "*The Tennis Racket*".

Conclusions invited to be drawn

15. The conclusions that the story asserted (expressly or implicitly) should be drawn from the assertions of fact are that:
- 15.1 While a player losing a single ten percentage point movement match could be attributable to "*all sorts of reasons – injury, fatigue, bad luck*" and could coincide with betting against him or her, it is "*extremely unlikely for a player to underperform repeatedly in matches on which people just happen to be betting massive sums against him*".
- 15.2 It is very likely that at least four players were deliberately losing matches and likely that at least 15 players were doing so.
16. While BuzzFeed News deliberately anonymised the 15 players, and indeed all others not previously identified in the media, again because "*it is impossible to know with a sufficient degree of certainty whether these suspicious patterns are indeed the result of match fixing*", others chose to "*de-anonymise*" them online by purporting to deconstruct and repeat BuzzFeed's methodology, while still asserting that a player's presence on the list did not mean that he had match-fixed¹⁸. That de-anonymisation prompted media and online criticism of the methodology; particularly of the inclusion of certain names (especially regarding high-profile players) in the results based on it. The criticism focused first on the sheer number of matches as being likely to reveal a number of false positives, secondly on the starting point being pre match odds rather than the more important in play odds, thirdly on the inclusion in the calculation of matches where only one betting operator had reported a ten percentage point movement in odds, as opposed to taking a median of betting operators, and fourthly on the robustness of the inclusion in the calculation of a match whenever there had been a tenpercentage point movement in odds, which was often attributable to the specific circumstances of those matches¹⁹.

¹⁶ John Templon, 'How BuzzFeed News Used Betting Data To Investigate Match-Fixing In Tennis' (BuzzFeed News, 17 January 2016), available at: https://www.buzzfeed.com/johntemplon/how-we-used-data-to-investigate-match-fixing-in-tennis?utm_term=.qu1PPwiz70#vnbvbyB18k7 [accessed 9 April 2018].

¹⁷ John Templon, 'Methodology and Code: Detecting Match-Fixing Patterns in Tennis' (GitHub, 17 January 2016), available at: <https://github.com/BuzzFeedNews/2016-01-tennis-betting-analysis> [accessed 9 April 2018].

¹⁸ Links to the original online sources have since become broken. For a summary: Carl Bialik, 'Why Betting Data Alone Can't Identify Match Fixers in Tennis' (FiveThirtyEight, 21 January 2016), available at: <http://fivethirtyeight.com/features/why-betting-data-alone-cant-identify-match-fixers-in-tennis/> [accessed 9 April 2018].

¹⁹ Ibid.

B 1 FEBRUARY 2016, ABC FOUR CORNERS BROADCAST

17. On 1 February 2016, the Australian Broadcasting Company's Four Corners broadcast a television programme with the strap *"On day one of the Australian Open, claims emerged that match fixing is rife in the tennis world. Tennis authorities have denied there was a systemic problem but then ordered a review of the claims"*²⁰.

Principal matters addressed

18. The principal matters addressed by the television programme were as follows:
- 18.1 The propositions that the low level of facilities and prize money at ITF men's pro-circuit events creates an opportunity for corruption to flourish, and that tennis is ideally suited for match-fixing and in particular spot fixing because it involves only two players and the line between winning and losing is small²¹.
- 18.2 The existence of a *"blacklist obtained by Four Corners from a European bookmaker [naming] more than 350 professional players"*, which identified *"some of the players [as] too risky for the bookmaker to take bets on at all, while others are marked to be closely watched"*. Mark Phillips was reported as stating that most betting operators have a list of players on whom they have decided not to offer odds, *"because they don't trust the integrity of the game"*²². Four Corners had commissioned Mark Phillips to monitor and report on the betting patterns at an ITF men's pro-circuit event at the Happy Valley Tennis Centre in Adelaide, Australia. Four Corners, while confirming that there was no available evidence that he had manipulated any match, alleged that a player *"...appears on [the] secret blacklist maintained by bookmakers"* with the result that most betting operators were not offering odds on his match at the event. The presence *"on the secret blacklist obtained by Four Corners"*, of another player David Marrero who played in a mixed doubles match at the 2016 Australian Open, the betting in respect of which was suspended by a betting operator, and who denied any wrongdoing²³, was also referred to.
- 18.3 A betting operator's experience that they *"tend to see more activity around match-fixing... in some of the lower levels of tennis, where [players] may not be playing for much prize money"*²⁴.
- 18.4 Nick Lindahl's criminal conviction for fixing a match at an ITF men's pro circuit event in Toowoomba, Australia²⁵, and the opinion of Jay Salter that *"match fixing is a major part of tennis"* and *"a big problem"*.
- 18.5 Richard Ings' statement that he *"would not be surprised at all if there were many, many, many, dozens of matches across all levels of tennis which have suspicious betting patterns every year"* and that *"there is a suspect fixture in tennis", "multiple times every week"*²⁶. Four Corners also reported Richard Ings' evaluation of the problem in his 2005 Report, including his identification of 37 suspicious matches prior to that point, and asserted that *"tennis buried his report"*²⁷.
- 18.6 The identification in the 2008 Environmental Review of 45 suspect matches that warranted further investigation, and the provision of the details and *"files to tennis's world governing bodies"*. Four Corners reported Mark Phillips as asserting that they *"believed the evidence to be very strong"*, but that Ben Gunn did not *"think there was any action taken"*²⁸.

²⁰ Compered by Sarah Ferguson, 'Four Corners: Bad Sport' (ABC, 1 February 2016), available at: <http://www.abc.net.au/4corners/bad-sport-promo/7120372> [accessed 9 April 2018]. The programme interviewed amongst others Richard Ings, formerly of the ATP; Ben Gunn, one of the authors of the Environmental Review; and Mark Phillips, an analyst involved in the investigation of the betting patterns arising out of the Sopot investigation.

²¹ Chapter 4, Section A(5) addresses the player incentive structure at different levels and its unintended consequences and the vulnerability of the sport to match-fixing and other breaches of integrity due to its format and the number of players involved. Chapter 13 addresses the nature and extent of the problem faced by tennis.

²² Chapter 13, Section 10 addresses betting operators' maintenance of lists of players in respect of whose matches caution should be exercised in setting or offering odds.

²³ Chapter 10 Part 2, Section D(2) addresses the mixed doubles match at the 2016 Australian Open. The match was the subject of further media stories later in February 2016, dealt with in paragraphs 25-29 below.

²⁴ Chapter 4, Section A(5) addresses the player incentive structure at different levels and its unintended consequences. Chapter 13 addresses the nature and extent of the problem faced by tennis.

²⁵ Chapter 10, Part 3, Section C(5) addresses the Lindahl match.

²⁶ Chapter 3, Section F(2) addresses the concept of suspicious betting patterns. Chapter 13 addresses the nature and extent of the problem faced by tennis.

²⁷ Chapter 7, Section A(4) addresses Richard Ings' 2005 Report and the reaction to it.

²⁸ Chapter 8, Section C addresses the identification of 45 matches in the Environmental Review. Chapter 9, Section B addresses the ATP's and TIU's reaction to it.

- 18.7 The disagreement between Ben Gunn and Jeff Rees, co-authors of the Environmental Review, as to the appropriate structure for the new tennis integrity unit proposed²⁹. Ben Gunn is reported as stating that he recommended “8 or 9 people” but “tennis authorities ended up with one or two”.
- 18.8 The proposition that the TIU is not sufficiently transparent³⁰.

Conclusions invited to be drawn

19. The conclusions that the television programme expressly or implicitly asserted should be drawn from the assertions of fact are that:
- 19.1 For over ten years tennis has ignored widespread systemic match-fixing: “claims emerged that match fixing is rife”; “our investigations confirm the problem in tennis has been systemic for over a decade, and until last week largely ignored by tennis authorities”.
- 19.2 The ATP had deliberately suppressed the extent of the problem in 2005: “[Richard] Ings found that [match-fixing] was already rife... Ings recommended a top-flight integrity unit, but instead tennis buried his report”.
- 19.3 Tennis had turned a blind eye to match-fixing by adopting too small an integrity unit and by failing to investigate the 45 matches raised in the Environmental Review: “We believed the evidence to be very strong... I don’t think there was any action taken”.
20. The validity of the conclusions that the television programme expressly or implicitly asserted should be drawn is addressed in Chapters 7, 8, 9, 10 and 13.

²⁹ Chapter 8, Section B(2) addresses the question of the disagreement as to the appropriate structure for the TIU.

³⁰ Chapter 10 Part 2, Section D addresses the question of the transparency of the TIU.

C 9-12 FEBRUARY 2016, GUARDIAN, “TENNIS UMPIRES SECRETLY BANNED” AND RELATED STORIES

21. In a series of stories over 9 to 12 February 2016³¹, entitled “*Revealed: tennis umpires secretly banned over gambling scam*”; “*Tennis betting scandal: how a culture of secrecy aids corruption*”; “*Tennis is asking for trouble if you allow betting on Futures matches*” and “*Tennis umpire, suspended for corruption worked at US Open: do not credential*”, the Guardian addressed the ITF’s approach to disciplinary actions in relation to a number of umpires, the fact that a suspended umpire had nevertheless been able to officiate at the US Open, and the alleged inadvertent creation by the ITF of the conditions for corruption to thrive by its sale of official live scoring data to its low level pro-circuit tournaments.

Principal matters addressed

22. The principal matters addressed by the stories were as follows:
- 22.1 The assertion that the ITF had itself “*secretly banned*” two umpires (Denis Pitner for 12 months for betting on tennis and Kirill Parfenov for life for contacting another official to persuade him to manipulate live scores) and had charged four more for manipulating live scores at low level pro-circuit ITF tournaments³², under the Code of Conduct for Officials. The story drew the contrast with the previous ban for life of the umpire Morgan Lamri, which had been dealt with by the TIU under the TACP, and which had been published³³.
- 22.2 The fact that Denis Pitner had officiated at the US Open in September 2015 notwithstanding that he had been suspended for a year in August 2015, because the USTA had not realised that he had been placed on the no credentials list³⁴.
- 22.3 The assertion that the ITF had itself “*inadvertently created the conditions for corruption to thrive*” by signing “*a lucrative five-year deal worth \$70 million with the data company Sportradar to distribute live scores from very small tournaments around the globe*”³⁵, at which “*there was little or no television coverage or security, and the poorly paid or volunteer umpires were more susceptible to taking bribes*”, and which involved “*small prize pools, a lesser degree of oversight, and negligible media attention*”. One of the 9 February 2016 stories asserted that “*it is far lower down the ladder, on the Futures and Challenger tours that slog their way through the more remote fringes of eastern Europe, that the problem festers and grows like a cancer*”. The 10 February 2016 story also described the views of a player James Cluskey that when the prize money is low, players will be tempted to bet.
- 22.4 The proposition that “*partly due to the explosion in the number of events that can be gambled on during play, the number of suspicious incidents flagged up by bookmakers has risen sharply in the last three years*”³⁶.
- 22.5 The assertion that while the TIU had “*helped stem the flow of new cases at the very top of the game*”, the TIU “*does not have the resources or power to tackle widespread abuse at the lower rungs of the tennis ladder*”³⁷.
- 22.6 The assertion that the live scoring system allowed corrupt umpires to delay entering the score, while either themselves informing, or allowing others to inform, bettors of the score, on which the bettors could bet before the score was known to betting operators.

³¹ Owen Gibson, ‘Tennis betting scandal: how a culture of secrecy aids corruption’ (The Guardian, 9 February 2016), available at: <https://www.theguardian.com/sport/2016/feb/09/tennis-betting-scandal-transparency-corruption> [accessed 9 April 2018]; Sean Ingle, ‘Revealed: tennis umpires secretly banned over gambling scam’ (The Guardian, 9 February 2016), available at: <https://www.theguardian.com/sport/2016/feb/09/revealed-tennis-umpires-secretly-banned-gambling-scam> [accessed 9 April 2018]; James Cluskey, ‘Tennis is asking for trouble if you allow betting on Futures matches’ (The Guardian, 10 February 2016), available at: <https://www.theguardian.com/sport/2016/feb/10/james-cluskey-tennis-futures-betting> [accessed 9 April 2018]; Christopher Clarey, ‘Tennis Umpire Suspended for Corruption Worked at U.S. Open’ (The Guardian, 12 February 2018), available at: <https://www.nytimes.com/2016/02/13/sports/tennis/tennis-umpire-suspended-for-corruption-worked-at-us-open.html> [accessed 9 April 2018].

³² Chapter 10 Part 5, Sections A(10) and A(11) address the actions of umpires and the ITF’s reaction to them.

³³ Chapter 10 Part 5, Sections A(10) and A(11) address the TIU’s disciplinary action against Morgan Lamri.

³⁴ Chapter 10 Part 5, Sections A(10) and A(11) address the USTA’s actions in allowing Denis Pitner to officiate at the US Open although he was on the no credentials list.

³⁵ Chapter 3 Section D(6) addresses the sale of official live scoring data from ITF pro-circuit events. Chapter 13 Part 2, Section K addresses the consequences of that sale.

³⁶ Chapter 13, Section B(1) addresses the effect of the sale of official live scoring data in relation to low-level ITF events on the incidence of reports by betting operators.

³⁷ Chapter 10 Part 2, Sections C and E address the question of the TIU’s performance in relation to higher and lower levels of events. Chapter 10 Part 2, Sections A and E address the questions of the TIU’s ability and resources to deal with the position at lower levels of events.

Conclusions invited to be drawn

23. The conclusions that the stories expressly or implicitly asserted should be drawn from the assertions of fact are that:
- 23.1 The ITF had acted inadequately or recklessly by selling the official live scoring data to its low level pro-circuit tournaments notwithstanding that to do so created the conditions for competition to thrive: *"it calls into question whether the ITF's \$14m-per-annum contract with Sportradar has acted as an inadvertent facilitator of corruption"; "Once the ITF had signed a multi-million dollar deal with a data company... that allows scores from the most minor matches and tournaments to be syndicated worldwide to betting sites, it was incumbent on it to also make sure its integrity unit was fit for purpose. If it could not ensure those tournaments were not at risk, and spend a small proportion of the \$14m a year it brings in from the Sportradar deal on doing so, then it should not have made that data available"*.
- 23.2 The ITF had improperly dealt with umpires itself and under its own rules which did not require publication of sanctions, instead of allowing them to be dealt with by the TIU under the TACP which did require publication, and had deliberately suppressed information about the manipulation by umpires of live scores at its low level pro-circuit tournaments, in order to prevent criticism of its lucrative deal to sell official live scoring data to those tournaments, and to protect the reputation of the sport: *"umpires have been secretly banned"; "the tennis authorities never publicly released details"; "the revelations raise the question as to whether the ITF decided not to release the fact Parfenov and Pitner had been suspended because it feared the embarrassment"; "the idea that investigations should be conducted in the dark, shrouded in secrecy and accompanied by an air of paranoia and unease, can only add to the impression that the ITF is more concerned about the image of the sport than being seen to root out corruption without fear or favour"; "our sources strongly hinted at an atmosphere of fear and intimidation that suggested a culture of cover-up"*.
- 23.3 The ITF had acted with inadequate transparency in not publishing the names of officials banned for betting offences, resulting amongst other things in a banned official still being able to officiate at the US Open: *"the... investigation will raise fresh concerns about the extent of corruption in tennis and the lack of transparency at the ITF"*.
- 23.4 The USTA had acted inadequately in failing to check whether officials allowed to officiate at the US Open had been placed on the no credentials list.
24. The validity of the conclusions that the stories expressly or implicitly asserted should be drawn is addressed in Chapters 3, 10 Part 2, 10 Part 5 and 13.

D 24 JANUARY 2016, NEW YORK TIMES / 24 FEBRUARY 2016, THE AGE, AUSTRALIAN OPEN MIXED DOUBLES MATCH

25. On 24 January 2016, the New York Times published a story headed “*Match fixing suspicions raised at Australian Open after site stops bets on match*”³⁸. A month later on 24 February 2016 The Age published a follow up story in relation to the handling of the investigation into the Australian Open mixed doubles alert, entitled “*Australian Open 2016 match fixing probe ‘bungled’ by tennis authorities*”³⁹.

Principal matters addressed

26. The principal matters addressed by the two stories are as follows:
- 26.1 The suspension of betting by Pinnacle Sports on the 24 January 2016 Australian Open first round mixed doubles match, David Marrero (ESP)/Lara Arruabarrena (ESP) v Lukasz Kubot (CZE)/Andrea Hlavackova (POL), 0-6, 3-6. The New York Times story set out that Pinnacle had suspended betting on the match in response to unusual betting in the form of a small number of people placing much larger amounts of money than usual for mixed doubles, and doing so solely on Kubot/Hlavackova despite an odds shift to make their opponents a more attractive bet. On the face of the story, Pinnacle was asserted to have notified the Victoria Police when it suspended the market: “*about 13 hours before the match was set to begin, Pinnacle’s traders suspended betting on it, Blume said. He then notified the police in Victoria, the Australian state where the tournament takes place, of possible irregularities*”. It was asserted that similar patterns had been observed in betting on the match on other websites, including Betfair. The New York Times story then described how the match progressed in a manner that was alleged to be suspicious. It was asserted that a betting expert called Stefano Berlincioni had identified four men’s doubles matches involving Marrero in 2015 that had “*included suspicious betting movements*”, and that Marrero had lost his last ten men’s doubles matches. The New York Times story stated that Marrero and Arruabarrena denied fixing, and set out Marrero’s explanation that he could not play his hardest against a woman and that he had played cautiously in order to protect an inflamed knee. The players denied that they had told anyone of the injury apart from “*their coaches, tournament doctors and another pair of Spanish players*”, but that “*it was possible that a spectator could have noticed that Marrero was affected by the injury in practice Saturday*”.
- 26.2 The failure of the TIU to interview David Marrero or Lara Arruabarrena or to seize their mobile telephones before they left Australia⁴⁰. The Age story asserted that the TIU “*allowed Marrero to leave Melbourne – after he met the coach of another player at the coach’s hotel – for his native Spain, and then sent him an email several days later requesting a meeting*” and telling him “*not to delete any information from his phone as it could be seized*”. The story recorded criticism by the Victoria Police that the TIU’s approach was “*almost comical*”, and “*could mean that it is impossible to gather evidence that may substantiate suspicions about betting on the match*”. The story stated that “*Pinnacle was accused of a publicity stunt after... Marco Blume told the New York Times he had suspended betting. Mr Blume declined to comment further on why the markets were suspended... or when tennis authorities were informed of the decision*”.

³⁸ Ben Rothenberg and James Glanz, ‘Match-Fixing Suspicions Raised at Australian Open After Site Stops Bets on Match’ (New York Times, 24 January 2018), available at: <https://www.nytimes.com/2016/01/25/sports/tennis/match-fixing-australian-open-mixed-doubles-betting.html> [accessed 9 April 2018].

³⁹ Nino Bucci, ‘Australian Open 2016 match-fixing probe ‘bungled’ by tennis authorities’ (The Age, 24 February 2016), available at: <https://www.theage.com.au/national/victoria/australian-open-2016-match-fixing-probe-bungled-by-tennis-authorities-20160224-gn24jc.html> [accessed 9 April 2018].

⁴⁰ Chapter 10 Part 2, Section D(2) addresses the actions taken by the TIU in relation to the match.

Conclusion invited to be drawn

27. The conclusion that The Age's story expressly or implicitly asserted should be drawn from the assertions of fact is that the TIU's approach in relation to the mixed doubles match was incompetent: *"bungled"*; *"allowed Marrero to leave"*; *"almost comical"*; and *"could mean that it is impossible to gather evidence that may substantiate suspicions about betting on the match"*.
28. The TIU has subsequently publicly stated that its investigation into the match has ended and that it is satisfied that there was no wrongdoing by either David Marrero or Lara Arruabarrena. The TIU's position is that the players had already left Australia by the time that the TIU was informed of Pinnacle's suspension of the betting market, because neither Pinnacle nor the Victoria Police informed it in advance⁴¹.
29. The validity of the conclusion that the story expressly or implicitly asserted should be drawn is addressed in Chapter 10 Part 2⁴².

⁴¹ Chapter 10 Part 2, Section D(2).

⁴² Chapter 10 Part 2, Section D(2).

E 15 MARCH 2016, BUZZFEED NEWS / BBC, “THE ITALIAN JOB” AND RELATED STORIES

30. On 15 March 2016 BuzzFeed News and the BBC published further stories, addressing in more detail the current criminal investigation and prosecution in Cremona, Italy (also referred to in “*The Tennis Racket*”), the ATP’s response in 2007 to information received in relation to players holding betting accounts, and approaches made to female players before 2013.

(1) “THE ITALIAN JOB”

Principal matters addressed

31. The principal matters addressed in BuzzFeed’s and the BBC’s story entitled “*The Italian Job*”⁴³ are as follows:
- 31.1 Evidence of match-fixing by Starace and Bracciali first discovered by chance and as a part of an investigation into football match-fixing rather than by the TIU.
- 31.2 The absence of any action by the TIU against Potito Starace or Daniele Bracciali, notwithstanding that they had been disciplined by the ATP in 2007 for themselves placing bets on tennis, that they had been among the 28 players named to the TIU in 2008 as being involved in suspicious matches as a result of the Sopot investigation, that the Italian Tennis Federation had taken disciplinary action against them resulting in life bans⁴⁴, and that they have been the subject of an Italian criminal police prosecution in Cremona since 2015, the documents in relation to which had been provided to the TIU⁴⁵. The story described the prosecutor’s case against Starace and Bracciali, the validity of which the players deny.
- 31.3 The absence of any action by the TIU against any other of the 28 players identified to the TIU in 2008 as being involved in suspicious matches as a result of the Sopot investigation⁴⁶.
- 31.4 The absence of any action by the TIU following the provision to it by the Italian prosecutor in Cremona of documents said by him to amount to “*evidence of ‘worldwide’ fixing*” of tennis matches and referring “*to at least 37 players, only 8 of whom are Italian and 29 of whom have ranked in the top 50*” and including “*two top-20 players*”. The Italian prosecutor asserted that the TIU was uninterested in and has ignored the information, notwithstanding that the prosecutor had limited powers to investigate non-Italians, and that the TIU could be expected on the basis of the documents to “*identify, possibly hit, many foreign players who are definitely part of this system... and these are not so-called second-tier tennis players, but also players of some importance*”⁴⁷.
- 31.5 The proposition that the Italian prosecutors’ documents “*cast doubt on the tennis authorities’ claim that match-fixing is not systemic and that evidence is ‘historical’*” and rather suggest that “*fixing is a ‘worldwide problem’ that happens ‘very frequently’ at ‘all tournaments’*”⁴⁸.

⁴³ Heidi Blake & John Templon, ‘The Italian Job’ (BuzzFeed News, 15 March 2016), available at: <http://www.buzzfeed.com/heidiblake/heres-the-evidence-of-worldwide-match-fixing-prosecutors-say#yyW6QDB8D> [accessed on 9 April 2018]; Sean Ingle, ‘Tennis authorities deny Italian claims over match-fixing evidence’ (The Guardian, 15 March 2016), available at: <https://www.theguardian.com/sport/2016/mar/15/tennis-integrity-unit-match-fixing-allegations> [accessed on 9 April 2018].

⁴⁴ The story reported that the players had first been banned for life, then on appeal Starace had been cleared and Bracciali’s ban had been reduced to a year, but then the life bans had been reinstated.

⁴⁵ Chapter 10 Part 2, Section D(2) includes a factual account and assessment of the TIU’s approach to the Italian prosecution of Starace and Bracciali.

⁴⁶ This was raised in “The Tennis Racket” and it is dealt with above in relation to that story.

⁴⁷ Chapter 10 Part 2, Section D(2) addresses the TIU’s approach to the information provided by the Italian prosecutor in relation to other players.

⁴⁸ Chapter 13 addresses the nature and extent of the threat faced by Tennis is evaluated in Chapter 13.

- 31.6 The failure of the TIU “to act on hundreds of alerts... about suspicious betting on tennis matches – including those that are now at the centre of [the Italian] investigation” or to undertake any “real initiative... to establish if there was something dirty behind this”⁴⁹.
- 31.7 The suggestion that when the ATP disciplined players in 2007 for betting, including five Italians, it “cover[ed] up evidence about 95 players who were allegedly caught gambling on tennis matches” and instead “decided to scapegoat the Italians and ignored the rest of the evidence”⁵⁰.

Conclusions invited to be drawn

32. The conclusions that the “*The Italian Job*” expressly or implicitly asserted should be drawn from the assertions of fact are that:
- 32.1 The TIU had acted inadequately in failing to investigate Bracciali and Starace or any other of the 28 players when they were identified to it following the Sopot investigation in 2008 and in failing to pursue any investigation into other players the subject of evidence in the Italian prosecutors’ files: “*tennis authorities were urged to launch a full disciplinary investigation into the two Italian players... in 2008... but... the [TIU]... closed the file and allowed them both to carry on playing*”.
- 32.2 There is “*worldwide*” and “*frequent*” match-fixing at “*all*” levels of tournament, not only by second tier players but also by “*players of some importance*”.
- 32.3 The TIU has insufficient appetite to deal with and turns a blind eye to match-fixing: “*prosecutors... say they handed [the TIU] evidence of ‘worldwide’ fixing... but claim it has been ignored*”.
33. On 15 March 2016, the TIU issued a media release⁵¹ refuting the claims of the Italian prosecutor. The media release stated that the TIU had been seeking to obtain evidence in relation to Bracciali and Starace from the Italian prosecutor since October 2014 and had been joined as an injured party to the criminal prosecution, but was unable to make further comment as the matter was sub judice. It also stated that “*all information received from the [Italian] prosecutor is being fully and thoroughly assessed, verified, and where appropriate, investigated under the powers of the [TACP]*”.
34. The validity of the conclusions that “*The Italian Job*” expressly or implicitly asserted should be drawn is addressed in Chapters 8, 9, 10 Part 2 and 13.

⁴⁹ This was raised in “the Tennis Racket” and it is dealt with above in relation to that story.

⁵⁰ This was dealt with in more detail in other BuzzFeed News and BBC stories on 15 March 2016, and it is dealt with below in relation to those stories.

⁵¹ Press Release, Tennis Integrity Unit Refuses Claims By Italian Prosecutor Over Match-Fixing Information’ (Tennis Integrity Unit, 15 March 2016), available at: <http://www.tennisintegrityunit.com/media/42/tennis-integrity-unit-refutes-claims-by-italian-prosecutor-over-match-fixing-information/> [accessed 9 April 2018].

(2) “THE GAMBLER AND THE TOP-50 PLAYERS” AND “TENNIS MATCH-FIXING: MORE PLAYERS SHOULD BE INVESTIGATED”

35. On 15 March 2016, the BBC published a story entitled “*The Gambler and the top-50 tennis players*”⁵² and a story entitled “*Tennis match-fixing: more players should be investigated*”⁵³. The stories were published online and included video footage. There was also a BBC radio broadcast on File on 4 at 20.00 on 15 March 2016⁵⁴.
36. The stories were condensed versions of “*The Italian Job*” and the principal matters addressed were broadly the same, as were the conclusions that the stories expressly or implicitly asserted should be drawn from the assertions of fact, and so too therefore the extent of the validity of those conclusions. The second BBC story appeared to go further and to suggest that Tennis has in the past deliberately suppressed, and is now deliberately suppressing, the extent of the problem. Cross-referring to the BBC stories on 17/18 January 2106, the BBC stated that “*Tennis has been accused of covering up evidence about widespread gambling on matches by players*”.

(3) “TENNIS COVERED UP FOR 95 GAMBLERS, SAYS FAMILY OF SUSPENDED PLAYER”

37. On 15 March 2016, BuzzFeed News published a story entitled “*Tennis covered up for 95 gamblers, says family of suspended player*”⁵⁵, and the BBC published a story called “*Paola Cesaroni: ‘They had to protect some names we think because they were high-ranked players’*”⁵⁶.

Principal matters addressed

38. The principal matters addressed in the two stories were as follows:
- 38.1 The ATP’s receipt in 2007 from a betting operator of a list of accounts in the name of tennis players. The stories asserted that it was “*a list of 100 players caught gambling on tennis*” that included “*high-ranked players*” and “*includ[ed] one global star*”⁵⁷.
- 38.2 The ATP’s commencement of disciplinary proceedings against, and suspension of, some players, and sending of letters to others. The stories asserted that the ATP had brought disciplinary proceedings against five lower ranked Italian Players, but “*instead of taking action against the others... took steps to protect them, warning them to shut down their accounts*” in letters. It was asserted that a legal action had been brought against the ATP in Florida by the five Italian players claiming breach of “*its ‘fiduciary duty’ to them by... ‘discriminately targeting them as low-ranked, less prominent professional tennis players’*”, and alleging “*that the ATP had ignored ‘more serious violations’ committed ‘by high-ranked, more prominent professional tennis players in order to avoid negatively impacting its revenue and reputation’*”. The stories asserted that the ATP’s evidence and depositions were placed under seal by the court in Florida, which “*ultimately upheld the players’ suspensions in a sealed judgment that prevented any details of the case becoming public*”. The stories recorded the mother of one of the five Italian players as accusing “*world tennis authorities of covering up evidence against 95 other... players*”, accusing the ATP of “*alerting*” all those players because among them there were “*one or two big names to protect*” and accusing the ATP of deciding to punish only “*the 5 Italian players... because they were the lowest ranked players*” and because “*maybe at the ATP they decided it was not good publicity to show all the names*”⁵⁸.

⁵² Simon Cox, ‘The gambler and the top-50 tennis players’ (BBC News, 15 March 2016), available at: <http://www.bbc.co.uk/news/magazine-35802893> [accessed 9 April 2018].

⁵³ ‘Tennis match-fixing: More players should be investigated’ (BBC Sport, 15 March 2016), available at: <http://www.bbc.co.uk/sport/tennis/35808571> [accessed 9 April 2018].

⁵⁴ File on 4, ‘Tennis: The Italian Files’ (BBC Radio 4, March 2016), available at: <http://www.bbc.co.uk/programmes/b07378dc> [accessed 9 April 2018].

⁵⁵ Heidi Blake & John Templon, ‘Tennis covered up for 95 gamblers, says family of suspended player’ (BuzzFeed News, 15 March 2016), available at: https://www.buzzfeed.com/heidiblake/tennis-accused-of-covering-up-for-95-gamblers?utm_term=.yriXXEYDqZ#.oIWxx9vEX7 [accessed on 9 April 2018].

⁵⁶ Simon Cox, ‘The gambler and the top-50 tennis players’ (BBC News, 15 March 2016).

⁵⁷ Chapter 7, Section B addresses the ATP’s receipt in 2007 of a list of betting accounts in the name of tennis players and its reaction to it.

⁵⁸ Ibid.

Conclusions invited to be drawn

39. The conclusions that the stories expressly or implicitly asserted should be drawn from the assertions of fact are that:
- 39.1 The ATP discriminated between players guilty of the same breach of the ATP's then rules, bringing disciplinary proceedings against, and scapegoating, only guilty low ranked players and protecting guilty high ranked players, in order to protect its revenue and reputation.
- 39.2 The ATP was guilty of a cover up of its discriminatory actions by burying the list of 100 players.
40. The validity of those conclusions is addressed in Chapter 7.

(4) "MATCH FIXERS TARGETED HALF MY PLAYERS SAYS TENNIS MANAGER"

41. On 15 March 2016, BuzzFeed News published a story entitled "*Match fixers targeted half my players says tennis manager*"⁵⁹.

Principal matters addressed

42. The principal matters addressed are as follows:
- 42.1 The statements of a retired tennis manager named Alan Moore that half of his 40 Russian female tennis player clients had been approached to fix tennis matches, that "*players were often afraid to blow the whistle because of an 'omerta' across the sport*", that "*match fixing is [not] only a 'historical problem' [but] ...is happening regularly and consistently*" and that "*tennis itself, the ITF, is overloaded at the moment and it's impossible to police it efficiently or correctly*"⁶⁰.
- 42.2 A specific example was given of approaches made to one of his players to spot fix in return for a "*four-figure sum*" at a tournament in Barnstaple, Devon, England, first by someone who approached her in her hotel, and secondly by a coach at the tournament. The "*approaches were reported to tournament officials, and the coach was asked to leave the venue*". Alan Moore is reported as stating that "*no action was taken to discipline or stop this fixer*", no sanctions were imposed "*on the coach, who is still working in the sport*", and that the tennis authorities similarly appeared not to have taken any action when other approaches had been reported by his players.

Conclusions invited to be drawn

43. The conclusions that the story expressly or implicitly asserted should be drawn from the assertions of fact are that:
- 43.1 The TIU and its approach are inadequate to deal with the serious issue faced: "*World tennis authorities did not respond to rampant corruption*" and "*tennis is overloaded*".
- 43.2 Tennis is turning a blind eye to match-fixing, ignoring reports of approaches to match-fix even when the fixer is an identified coach.
44. The validity of the conclusions that the story expressly or implicitly asserted should be drawn is addressed in Chapters 10 and 13.

⁵⁹ Heidi Blake & John Templon, 'Match-fixers targeted half my players, says tennis manager' (BuzzFeed News, 15 March 2016), available at: https://www.buzzfeed.com/heidiblake/match-fixers-targeted-half-my-players-says-tennis-manager?utm_term=.oxWAA0xB3v#.bfmBBZWybE [accessed 9 April 2018].

⁶⁰ Aside from one example, the story does not identify who the Russian female players were or at what level they played, where or when the approaches were made or whether they were all reported and to whom. Chapter 13 addresses the nature and extent of the problem faced by tennis, including the incidence of approaches to players at different levels and in different countries and reluctance to report.