



25 July 2022

DECISION OF THE ITF ETHICS COMMISSION

This is the decision of the independent Ethics Commission of the International Tennis Federation (the ***Ethics Commission***) concerning a complaint raised by the Tennis Europe Board of Management about the conduct of Mr Evgeniy Zukin on 25 February 2022.

1. Procedural history

On 13 April 2022, the Ethics Commission received a letter from Tennis Europe Board of Management dated 11 April 2022 and signed by the President of Tennis Europe, Mr Ivo Kaderka, raising a complaint concerning the conduct of Mr Evgeniy Zukin, the Chief Executive Officer of the Ukrainian Tennis Federation on 25 February 2022 in Antalya, Turkey (the ***Complaint***).

On 24 April 2022, the Ethics Commission commenced an investigation into the Complaint, pursuant to Article 2.5 of Appendix 1 of the Code and Article 3.1 of Appendix 5 of the International Tennis Federation Code of Ethics (the ***Code***). The investigation was led by a member of the Ethics Commission, Professor Jack Anderson, University of Melbourne (the ***Investigator***).

On 28 April 2022, the Investigator contacted Mr Ivo Kaderka, pursuant to Articles 3.2 and 3.3 of Appendix 5 of the Code, requesting additional information from the Board of Tennis Europe relating to the Complaint, which was received on 1 June 2022.

Having consulted with the Ethics Commission, on 20 June 2022, the Investigator wrote to Mr Zukin, pursuant to Articles 3.6 and 3.7 of Appendix 5 of the Code, requesting a statement on the matters raised in the Complaint. Mr Zukin provided his statement, along with accompanying documents, on 22 June 2022.

Between 8 and 11 July 2022, the Ethics Commission was provided with fresh allegations concerning Mr Zukin and deliberated on whether those allegations were relevant to the Complaint. Having decided that those allegations are not relevant to the Complaint, the investigation was closed.

This is the decision of the Ethics Commission on the Complaint.

2. The Complaint

The Complaint concerns the behaviour of Mr Zukin during preparations for the Davis Cup tie between Ukraine and Barbados in Turkey in February 2022. According to the Complaint, around 19h50 hours on 25 February 2022, Tennis Europe's Chief Executive Officer,

Mr Thomas Hammerl, was having dinner with members of the ITF in the restaurant of the Hotel Mega Saray in Belek, Turkey.

Earlier that day, Tennis Europe released a press statement concerning Tennis Europe's response to the war in Ukraine. The statement, which was published on 25 February 2022, stated as follows:

The Board of Management of the European Tennis Federation has unanimously decided to suspend all Tennis Europe Junior Tour events due to be held in Russia, Belarus and Ukraine until further notice.

The safety and well-being of junior players, officials, and all persons attending our events is of paramount importance. Given the rapidly changing security situation and travel restrictions, international tennis events in these nations are currently not feasible.

The decision has been taken in alignment with the sport's governing body, the International Tennis Federation. Tennis Europe regrets that it is necessary to implement these measures as all three nations are valued members of the European tennis family.

Tennis Europe also urges the international tennis community to show solidarity to players from the nations concerned, none of whom should be punished or blamed for the actions taken by the regimes in their home nations.

On the evening in question, Mr Zukin approached Mr Hammerl at his table where he was eating and proceeded to voice his disagreement with the statement. According to the Complaint, Mr Zukin "verbally assaulted" Mr Hammerl and then "hit the Tennis Europe CEO strongly on the head" before disappearing. According to the Complaint, the hotel security took Mr Hammerl and others sitting at his table to the local police station to file a report. The Complaint also states that "Mr. Hammerl was checked at a hospital."

The Board of Tennis Europe described the incident as "disgraceful" and "in direct breach of all the ethical values of our organization and our sport," stating further that the Board "under no circumstances [. . .] tolerates violent behaviour." The Board of Tennis Europe asked that the Ethics Commission investigate this matter and ban Mr Zukin from his position on the ITF Davis Cup Committee and other committees for five years.

The Board's letter stated that a "Police Report and Medical Statement" would be available on request. Following a request from the Investigator for the police report and medical statement, Mr Kaderka provided the Ethics Commission with an English translation of a statement given by Mr Hammerl to the Turkish police on 25 February 2022 at 23h35. In that statement, Mr Hammerl said that he was "slapped ... hard on the back of my head" by Mr Zukin.

In response to the Investigator's question about the status of any ongoing police investigation into the matter, Mr Kaderka stated that he was unsure if there was any ongoing police investigation. The Ethics Commission has not been provided with any statements given to the police by others attending the meal at which the incident in question took place.

3. Mr Zukin's response

Mr Zukin was asked to respond to the allegations made by Tennis Europe and provided the Investigator with the following statement. Mr Zukin stated that "The incident that happened in Turkey was a mistake from my side. I have clearly overreacted to the arrogant response from Mr Hammerl. But it wasn't as bad as Mr Kaderka wanted to present it. I have immediately apologised and Thomas Hammerl accepted those apologies."

Mr Zukin provided the Investigator with a copy of an email that he sent to Mr Hammerl on 25 February 2022 at 20h25, shortly after the incident, extending an apology for what had taken place earlier that evening. In his email, Mr Zukin explained:

As you perfectly know Ukraine and me personally are going through the toughest times in it's [sic] modern history due to a full scale Russian invasion.

I am in Turkey with part of my family as refugees. The other part of my family (parents and grandma) are in shelters under constant bombings from the Russian Federation's armed forces in Kyiv, Ukraine.

Emotions had taken over when I read a statement that Tennis Europe has issued mentioning Ukraine alongside aggressors – Russia and Belarus. I lost my temper and did clearly wrong.

Anyhow I am really sorry for my action.

Hope you understand and forgive me, Thomas. [. . .]

Mr Zukin provided the Investigator with a copy of an email from Mr Hammerl sent in response, on 25 September at 22h07, in which Mr Hammerl appears to try to distance himself from the Tennis Europe statement by explaining that his role on the Board is "more in the background than it used to be" and that he "didn't even have a saying [sic] in this." Mr Hammerl also responded to the incident stating "I am tired and exhausted now, but I accept your apologies."

Mr Zukin also provided the Investigator with his statement to the Turkish police, which he gave on 26 September 2022 at 01h37. The Investigator was provided with a police report stating that Mr Zukin was released without charge.

In his response to the Investigator, Mr Zukin claimed that the Complaint by Tennis Europe comes "[m]ore than 40 days after the incident has happened" and that it was motivated by an ongoing disagreement between and among members of the Board of Tennis Europe. I note a letter that Mr Zukin provided to the Investigator, which was sent by Mr Kaderka to the President of the Ukrainian Tennis Federation on 10 March 2022, in which Mr Kaderka described the incident on 25 February as involving "[a] fist to the face, a physical attack. [. . .] The incident ended up with the police, the assaulted CEO of Tennis Europe Thomas Hammerl had to go to the hospital."

The Investigator provided the Ethics Commission with his report on the Complaint, which has been taken into consideration in writing this decision.

4. Applicable provisions of the ITF Code of Ethics

The Ethics Commission's jurisdiction extends to resolving claims that an ITF Official has acted contrary to its obligations under the Code. Article 1.3 of the Code defines ITF Officials as being, *inter alia*, "each person serving as a member of a committee, commission, taskforce or working party of the ITF [. . .]." Mr Zukin is an ITF Official, by virtue of the fact that he is a member of the ITF's Davis Cup Committee. However, neither Tennis Europe nor Mr Kaderka identified the relevant provision(s) of the Code engaged by Mr Zukin's alleged conduct.

The Ethics Commission considers the relevant provisions of the Code to be the following:

2.1 Basic obligations

Officials must: [. . .]

2.1.2 respect human rights that may be impacted in their actions as Officials, including: [. . .]

2.1.2.3 not committing any form of harassment or abuse of any person, whether physical, professional, sexual, psychological or otherwise; [. . .]

2.1.4 refrain at all times (i.e., whether acting in a personal capacity, in their capacity as an Official, or in any other capacity) from any fraudulent or corrupt act, or that brings or risks bringing the ITF or the sport of tennis into disrepute.

5. Decision of the Ethics Commission

As to the facts that took place, I find the following:

1. Mr Zukin was in Turkey at the time of the incident in question, in order to attend the Davis Cup play-off tie between Ukraine and Barbados in his role as a CEO of the Ukrainian Tennis Federation, as well as his role as a member of the ITF's Davis Cup Committee. I therefore find that Mr Zukin was in Turkey in his capacity as an ITF Official and consider his actions on the night of 25 February 2022 to have been taken in that capacity. I note that, whether Mr Zukin was acting in his capacity as an ITF Official is not relevant to Article 2.1.4 of the Code, which requires ITF Officials to "refrain *at all times*" from conduct that risks bringing the ITF or the sport of tennis into disrepute.
2. I find that an altercation did take place between Mr Zukin and Mr Hammerl, at approximately 20h00 on the evening of 25 February 2022 at a restaurant in a hotel in Turkey. Mr Zukin approached Mr Hammerl while the latter was dining with other tennis officials and publicly challenged him about the contents of a press statement issued by Tennis Europe earlier that day, which Mr Zukin considered inappropriate in light of the Russian invasion into Ukraine.
3. As to the nature of the altercation, there are conflicting accounts by Mr Zukin, Mr Hammerl, Mr Kaderka and Tennis Europe.

- a. In my view, the statements given by Mr Zukin and Mr Hammerl to the Turkish police are the most accurate accounts of the events that took place, because they are contemporaneous and stated by individuals who were involved in the altercation. I therefore find that Mr Zukin “slapped” Mr Hammerl on the head.
 - b. I consider the account of Mr Kaderka and Tennis Europe (in a letter signed by Mr Kaderka) to be less credible, both because the accounts post-date the event in question by several weeks, but also because I understand Mr Kaderka was not present when the altercation took place. Contrary to Mr Kaderka’s account, there is no evidence of a “fist to the face.”
4. *Fourth*, despite requesting hospital records or reports from Mr Kaderka and Tennis Europe, the Ethics Commission did not receive any. There is, accordingly, no evidence before me to support the contention in the Complaint that Mr Hammerl was “checked at the hospital” and no evidence supporting Mr Kaderka’s statement that “Thomas Hammerl had to go to the hospital.” I note that in the contemporaneous police statements provided by Mr Hammerl and Mr Zukin, neither refers to Mr Hammerl needing or seeking hospital treatment. I therefore do not consider this to be a particularly violent incident.
5. *Fifth*, shortly after the incident took place, Mr Zukin accepted responsibility and apologised for his actions, explaining he lost his temper and his actions were due to difficult personal and family circumstances he faced as a result of the Russian invasion in Ukraine, his belief that the official statement of Tennis Europe on the Russian war against Ukraine was out of hatred of him personally and the official statement mixed the aggressors and a victim into one pool. Mr Hammerl accepted that apology.

I now turn to whether a breach of the Code took place. It is undisputed that Mr Zukin physically assaulted Mr Hammerl, albeit that, as noted above, I consider this was a slap on the head and do not consider it to have been a particularly violent incident. In light of Mr Zukin’s conduct, the Ethics commission is compelled to make a finding of breach. In particular, Mr Zukin acted contrary to his obligations under Article 2.1.2.3 of the Code, which prohibits physical abuse by ITF Officials when acting in that capacity. Moreover, as this altercation took place in public and was reported in the press, I consider the facts amount to circumstances that risked bringing the ITF or the sport of tennis into disrepute, contrary to Article 2.1.4 of the Code.

The Ethics Commission does not condone Mr Zukin’s conduct, however it is sympathetic to Mr Zukin’s personal circumstances and the stress he must have been under at the time that the incident took place. Having found Mr Zukin to have acted in breach of the Code and taking into consideration all the circumstances of the altercation as well as the nature of the incident in question, I am proceeding under Article 4.2 of Appendix 1 of the Code to impose on Mr Zukin a warning as to future conduct as well as a reprimand, further to Article 6.1.1 and 6.1.2 of Appendix 1 of the Code. Article 4.2 of Appendix 1 of the Code provides that Mr Zukin will be permitted 21 days to appeal this decision, should he wish to do so, absent which this decision will become final and binding and will be published on the ITF’s website.



Sandra Osborne, QC
Chair, ITF Ethics Commission