IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE EMIRATES CRICKET BOARD'S ("ECB") ANTI-CORRUPTION CODE FOR PARTICIPANTS

BETWEEN:

INTERNATIONAL CRICKET COUNCIL ("ICC")
(ACTING AS THE DESIGNATED ANTI-CORRUPTION OFFICIAL)

-and-

MR SUNNY DHILLON

ATTORNEYS
For the ICC: Ms Sally Clark, Attorney at Law
For Mr Dhillon: Advocate Pushkar Raj Khatana

ICC TRIBUNAL AWARD ON SANCTION, 27/11/2024

A. INTRODUCTION AND RANGE OF SANCTIONS

1. On 18 October 2024, this Anti-Corruption Tribunal issued its Liability Award which concluded that Mr Dhillon was guilty of the following three offences under the ECB Anti-Corruption (**Code**):[1]

   1.1 Code Article 2.1.1: "Fixing or contriving in any way or otherwise influencing improperly, or being a party to any agreement or effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any Domestic Match, including (without limitation) by deliberately underperforming therein."

   1.2 Code Article 2.4.4: "Failing to disclose to the Designated Anti-Corruption Official (without unnecessary delay) full details of any approaches or invitations received by the Participant to engage in Corrupt Conduct under this Anti-Corruption Code".

   1.3 Code Article 2.4.6: "failing or refusing, without compelling justification, to cooperate with any investigation carried out by the Designated Anti-Corruption Official in relation to possible Corrupt Conduct under this Anti-Corruption Code (by any Participant), including (without limitation) failing to provide accurately and

[1] Liability Award, paragraphs 6.2-6.12.

completely any information and/or documentation requested by the Designated Anti-Corruption Official (whether as part of a formal Demand pursuant to Article 4.3 or otherwise) as part of such investigation".

2. The range of Ineligibility for the above offences is prescribed by Code Article 6.2. For offences under Code Article 2.1.1 the minimum period of Ineligibility is five (5) years and a maximum of a lifetime, and for offences under Code Articles 2.4.4 and 2.4.6 the minimum period of Ineligibility is six (6) months and a maximum of five (5) years. Additionally, for each offence, the Anti-Corruption Tribunal has the discretion to impose a fine of such amount as it deems appropriate.

3. The parties were invited to make submissions on the appropriate sanctions to be imposed on Mr Dhillon. By communication dated 1 November 2024 Counsel for Mr Dhillon sought leniency in the imposition of sanctions. Firstly, Counsel repeated that his client had honestly disclosed to an ICC official person (though not an official in the Anti-Corruption Department) the approach that had been made to his client, Mr Dhillon, and contended that that disclosure was intended to seek advice a rather than to further corrupt purposes. The testimony of [Coach A] against Mr Dhillon may, he added, have been due to personal grudges or competitive rivalry. Secondly, Counsel argued that Mr Dhillon had refused to hand over his Mobile phone merely to ensure his confidentiality was not compromised and that, instead of asking for the device, the ICC could have sought sight of the contents of the phone through some more advanced methods such as screen recording or screen sharing. Thirdly, Counsel invited the Tribunal to consider that his Client had already suffered severely under the ICC imposed ban which had been in place for more than 3 years and requested that this time should be taken into account in any sanctions imposed. Counsel requested that the minimum sanctions be imposed so that his Client's professional career would not be ruined.

4. By communication dated 1st November 2024 the ICC outlined the factors relevant to the Tribunal's determination of sanctions, including the seriousness of the offences and the aggravating and mitigating factors; the application of breach of the Code to the facts of the case; and previous imposition of sanctions for similar breaches. The ICC concluded by inviting the Tribunal to impose such period(s) of ineligibility on Mr Dhillon as it saw fit and as it considered appropriate to meet the justice of the case in light of the factors which it had drawn to the Tribunal's attention. The ICC also invited the Tribunal to impose a fine in such amount on Mr Dhillon as it saw fit. However, (1) the ICC noted that in accordance with Code Article 6.4, Mr Dhillon's provisional suspension is to be credited against any period of Ineligibility to be served and (2) the ICC conceded that it did not seek an order for costs not because in principle it is not appropriate, but because it does not believe such an order against Mr Dhillon would serve any useful purpose.

B. FACTORS RELEVANT TO THE ANTI-CORRUPTION TRIBUNAL'S DETERMINATION OF SANCTION

5. In accordance with Code Article 6.1, where a breach of the Code is upheld by an Anti-Corruption Tribunal, it is necessary for the Anti-Corruption Tribunal to impose an appropriate sanction upon the Participant from the range of permissible sanctions set out in Code Article 6.2. The Anti-Corruption Tribunals in the cases of ICC v Zoysa[2] and ICC v Lokuhettige[3] considered in some detail the application of the sanctioning provisions of the Code.[4] In those cases it was concluded that in determining the appropriate sanction in an anti-corruption case, an Anti-Corruption Tribunal must undertake a qualitative assessment of the weight to be given to each element prescribed by the Code (i.e., Code Articles 6.1 and 6.2), while bearing in mind that the purpose of any sanction is to deter and to maintain public confidence in the sport. The present Tribunal also accepts that any sanction must be reasonable and proportionate in all the circumstances of the case.

B1. Seriousness of the offending

6. Mr Dhillon has been found by the Tribunal to have committed an offence under Code Article 2.1. The Article 2.1 offences are the most serious contemplated by the Code, going to the very core of the fundamental sporting imperatives that underpin it.[5] The commission of such

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2 Decision of the Anti-Corruption Tribunal dated 7 April 2021.

3 Decision of the Anti-Corruption Tribunal dated 7 April 2021.

4 See paragraph 33 in the Zoysa decision and paragraph 21 in the Lokuhettige decision.

5 See Code Articles 1.1.1 to 1.1.5: ('The Emirates Cricket Board has adopted this Anti-Corruption Code in recognition of the following fundamental sporting imperatives: 1.1.1 All cricket matches are to be contested on a level playing-field, with the outcome to be determined solely by the respective merits of the competing teams and to remain uncertain until the cricket match is completed. This is the essential characteristic that gives sport its unique appeal. 1.1.2 Public confidence in the authenticity and integrity of the sporting contest is therefore vital. If that confidence is undermined, then the very essence of cricket will be shaken to the core. 1.1.3 Advancing technology and increasing popularity have led to a substantial increase in the amount, and the sophistication, of betting on cricket matches. The development of new betting products, including spread-betting and betting exchanges, as well as internet and phone accounts that allow people to place a bet at any time and from any place, even after a cricket match has started, have all increased the potential for the development of corrupt betting practices. That, in turn, increases the risk that attempts will be made to involve participants in such practices. This can create a perception that the integrity of the sport is under threat. 1.1.4 Furthermore, it is of the nature of this type of misconduct is such that it is carried out under cover and in secret, thereby creating significant challenges for the Emirates Cricket Board in the enforcement of rules of conduct. As a consequence, the Emirates Cricket Board needs to be empowered to seek information from and share information with competent authorities and other relevant third parties, and to require Participants to cooperate fully with all investigations and requests for information. 1.1.5

offences by a Participant always attracts a period of ineligibility of at least five years and can, in appropriate circumstances, result in a ban up to and including a lifetime ban from the sport[6] - such cases can include those where (as here) a respondent has sought to corrupt others.[7]

7. In addition, Mr Dhillon has been found in breach of Articles 2.4.4 and 2.4.6, which are effectively procedural offences. The commission of such offences are also at odds with the fundamental sporting imperatives underpinning the Code (including at Code Article 1.1.4): 'It is the nature of this type of misconduct [i.e. corruption] that it is carried out under cover and in secret, thereby creating significant challenges for the ECB in the enforcement of rules of conduct'.[8] It is for this reason that the Code includes obligations on Participants to disclose such matters to the DACO and to fully cooperate with all investigations undertaken by the DACO.

8. The rationale behind the procedural offences, and Article 2.4.6 in particular, and the fundamental sporting imperatives underpinning the Code (including at Code Article 1.1.4) was addressed in ICC v Ansari[9]: 'It is the nature of this type of misconduct [i.e. corruption] that it is carried out under cover and in secret, thereby creating significant challenges for the ICC in the enforcement of rules of conduct. As a consequence, the ICC needs to be empowered … to require Participants to cooperate fully with all investigations and requests for information'. It is for this reason that the Code includes obligations on Participants to cooperate with the DACO in investigations of potential Corrupt Conduct.

9. Further, and as has been acknowledged and upheld by Anti-Corruption Tribunals in previous cases[10], the failure by a Participant to cooperate with an investigation under the Code, and to

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The Emirates Cricket Board is committed to taking every step in its power (a) to prevent corrupt practices undermining the integrity of the sport of cricket, including any efforts to influence improperly the outcome or any other aspect of any Match; and (b) to preserve public confidence in the readiness, willingness and ability of the Emirates Cricket Board, the ICC and all other National Cricket Federations to protect the sport from such corrupt practices').

6 See PTIOs v Lindhal CAS 2017/A/4956, paras 61-78, making clear (at paras 68-69) that '[A] severe sanction is required to punish and deter match-fixing and … permanent eligibility may be a proportionate sanction for players who are involved in such corruption offences … in order to be considered appropriate and proportionate, [permanent eligibility] must be based on the given circumstances in each case…'. (Lindhal is a tennis case concerning the Tennis Anti-Corruption Program, but the reasoning is applicable, *mutatis mutandis*, to the Code).

7 See, e.g., ICC v Ahmed, Ahmed and Amjad, Award dated 26 August 2019, para 19, quoting para 8.33 of Savic v PTIOs CAS 2011/A/2621 (Auth. 5), a tennis case concerning the proportionality of a lifetime ban (which quotation itself refers to various other previous CAS cases). In Ahmed, Ahmed and Amjad, the Ahmed brothers both received lifetime bans (the only such bans imposed to date under the Code), as specifically sought by the ICC in that case, having engaged in a prolonged and sophisticated campaign of corrupt conduct. In Savic, the tennis player David Savic received a lifetime ban for an attempt to corrupt one other player.

8 See ICC v Ansari, Award dated 19 February 2019, at paragraph 7.15.2.

9 See ICC v Ansari, Award dated 19 February 2019, at paragraph 7.15.2.

10 See ICC v Ansari, Award dated 19 February 2019, at paragraphs 8.16-8.19.

refuse to hand over a mobile phone in particular, constitutes one of the most serious forms of offending contemplated by the relevant Code Articles.

10. This is so for the following reasons:

10.1 An analogy can be drawn between Article 2.4.6 of the Code and the anti-doping rule violation of refusal and/or failure to submit to sample collection. The ICC submits that that analogy extends to the consideration of sanction.

10.2 In the doping context, an athlete who refuses and/or fails to provide a sample will receive the same sanction as an athlete who intended to cheat by using a prohibited substance i.e., the equivalent to the highest ban that would apply (which, in that context, is four years).[11]

10.3 The reason for this is simple: if an athlete could get a smaller ban when he/she has a prohibited substance in his/her system by simply failing and/or refusing to provide a sample, then cheaters could easily avoid proper punishment.[12]

10.4 In the same way, in the anti-corruption context, a failure and/or refusal without compelling justification by a Participant, following a valid Demand, to hand over requested documentation/information and/or their Mobile Device(s), gives rise to an obvious inference that a Participant has committed another serious anti-corruption offence that they are seeking to hide.

10.5 However, whereas in the anti-doping context there is only one possible relevant offence that can be inferred (namely, presence of a prohibited substance), in the context of the Code a Participant might have committed any one or more of a number of offences set out in the Code

10.5 For that reason, the Tribunal agrees with the ICC that the starting point in considering the appropriate sanction for an offence under Article 2.4.6, where a Participant has failed or refused to hand over a Mobile Device following a valid Demand, must be at the higher end of the range of sanctions, given that the maximum sanction of a period of 5 years Ineligibility is the minimum sanction for offences under Article 2.1 of the Code, i.e. the most serious primary corruption offences.[13] It is essential that Participants are offered no incentive not to cooperate with an ACU investigation.

11. The Tribunal notes that reported decisions in other sports support this position.[14]

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11 See Articles 2.3 and 10.3.1 of the World Anti-Doping Code 2021.

12 See e.g. Azevedo v FINA, CAS 2005/A/925, para 91

13 See Code Article 6.2.

14 See, in particular, PTIOs v Gaviria, Anti-Corruption Hearing Officer (Prof. Richard H. McLaren) decision dated 30 April 2018, in which a tennis player refused to provide his mobile phone to investigators upon demand (at para 80 *et seq*.) ('80. The idea behind TACP provisions on supplying information is based on a principle of those who are innocent have nothing to hide, and inversely by inference, that those who

12 In light of the inherent seriousness of Mr Dhillon's offending, the Tribunal agrees with the ICC submission that in determining the appropriate sanction the Tribunal must weigh very heavily the fundamental sporting imperatives that underpin the Code – including in particular (1) deterring others from similar wrongdoing (i.e., preventing corrupt practices from undermining the sport),[15] (2) maintaining public confidence in the sport,[16] and (3) preserving public

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appear to be hiding something possibly may have reasons for doing so ... 82. The gravity of the conduct in breaching F.2.b. and c. at the level of non-cooperation as an offense goes to the very heart of the TACP. The TIU has no coercive investigative powers. It is dependent upon the contractual agreement of the Player to cooperate fully with investigations conducted by the TIU. This principle must be rigorously observed and applied when a Player fails to cooperate. The conduct here is one of the most serious categories of breaches of the TACP that could occur. Furthermore, no justification for the Player's conduct has been proffered at all. 83. A Player who engages in the type of conduct exhibited in this case may well be engaged in a fallback position to receive a lighter charge of non-cooperation to avoid the more serious charges which the TACP provides for up to ineligibility for life. The TACP would be undermined if this is the case … 85. The gravity of the conduct in failing to make the phone available is aggravated by the failure to complete the interview process. These two matters combine to make this Player's conduct of the most serious nature. Therefore, a penalty at the maximum level is justified in this case. I set the period of ineligibility at three (3) years.') (emphasis added and note that 3 years was the maximum period of ineligibility under the applicable version of the TADP). See also PTIOs v Saez, Anti-Corruption Hearing Officer (Prof. Richard McLaren) decision dated 19 August 2019), in which a tennis player refused to provide his mobile phone to investigators upon demand (at para 30 *et seq.*) ('35. The failure to cooperate cannot be a back-door escape mechanism to facing a Corruption Offense prosecution proceeding. Therefore, the sanction must be a reasonably close approximation to what would be the sanction if the Player went through the dispute resolution process and was found to have committed a Corruption Offense.') Note that this decision was upheld by CAS (decision not yet published).

15 See, e.g., ICC v Butt, Asif and Amir, Anti-Corruption Tribunal decision dated 5 February 2011 (), para 217, ('We must take account of the greater interests of cricket which the Code itself is designed to preserve and protect. There must, we consider, be a deterrent aspect to our sanction'); ICC v Ahmed, Ahmed and Amjad, Award dated 26 August 2019 (), para 7 ('the Tribunal accepts that in determining the appropriate sanction against each of the Respondents it should weigh very heavily these fundamental sporting imperatives, including, in particular, the need (i) to deter others from similar wrongdoing (i.e., preventing corrupt practices from undermining the sport),3 and (ii) to maintain public confidence in the sport'); ICC v Ikope, Award dated 5 March 2019 at para 8.20 ('[I]n light of the inherent seriousness of the offences, the ICC submits that the Tribunal should weigh heavily the fundamental sporting imperatives undermining (sic) the Code (Code Article 1.1) in determining the appropriate sanction – including in particular (i) deterring others from similar wrongdoing (i.e., preventing corrupt practices from undermining the sport, and (ii) maintaining public confidence in the sport. The Tribunal would accept that submission too').

16 See e.g., in relation to the point of principle, Bolton v Law Society [1993] EWCA Civ 32 (), para 15 ('To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied readmission … A profession's most valuable asset is its collective reputation and the confidence which that inspires'). Also, in the sporting context, Bradley v Jockey Club [2005] EWCA Civ 1056 (), at para 24, ('Where an individual takes up a profession or occupation that depends critically upon the observance of certain rules, and then deliberately breaks those rules, he cannot be heard to contend that he has a vested right to continue to earn his living in his chosen profession or occupation. But a penalty which deprives him of that right may well be the only appropriate response to his offending'). See also ICC v Ahmed,

confidence in the readiness, willingness and ability of the ICC and its National Cricket Federations to protect the sport from such corrupt practices.[17]

B2. Aggravating and mitigating factors

13. Code Articles 6.1.1 and 6.1.2 set out lists of factors that may, respectively, aggravate or mitigate offending under the Code.

B.2.1 Aggravating factors

14. The following aggravating factors are relevant to this Anti-Corruption Tribunal's determination of the appropriate sanction in this case:

14.1 Code Article 6.1.1.4 (potential to damage substantially the commercial value and/or public interest in the relevant Domestic Matches): While Mr Dhillon did not succeed in getting [Coach A] to agree to be involved in Corrupt Conduct, had that not been the case, and had [Coach A] agreed to go ahead with the fix, such an agreement had the potential to substantially damage the commercial value and the public interest in the relevant Domestic Matches, i.e. matches in the Abu Dhabi T10 League.

14.2 Code Article 6.1.1.5 (potential to affect the result of the Domestic Match): The details of the specific fix were not disclosed, but it is likely that any such fix would have had the potential to affect the result of the relevant Domestic Matches, even if it was a spot fix. The relevant Domestic Matches in question were T10 matches meaning that, being a short-form format of the game, the result of each over could have an impact on the overall result.

14.3 Code Article 6.1.1.6 (where the welfare of a Participant or any other person has been endangered as a result of the offence): Through his approach to [Coach A], another Participant, Mr Dhillon clearly sought to corrupt others. This undoubtedly put the welfare of that other Participant at risk.

B.2.2 Mitigating factors

15. The Tribunal accepts that, during the course of his career prior to his offending, to the best of the ICC's knowledge, Mr Dhillon has not had any relevant previously disciplinary record (although this may count for little when weighed against the seriousness of his offending[18]).

Ahmed and Amjad, Award dated 26 August 2019 (Auth. 4), para 7 and ICC v Ikope, Award dated 5 March 2019 (at para 8.20 (both as quoted in the footnote immediately above).

17 See Code Article 1.1.5.

18 See ICC v Ansari, at paragraph 8.3 ("*The Tribunal appreciated that this is the maximum sanction in terms of ineligibility vouched for by the Code but the seriousness of the offences enhanced by substantial aggravating factors against which there is but a single and minor mitigating factor to be set off, justify the conclusion that it is appropriate. The fact that it is possible to envisage offences against each Article of even greater gravity than Mr Ansari's does not of itself compel a reduction below the maximum in his*

The Tribunal does not consider the suggestion that Mr Dhillon was merely "seeking advice" from [Coach A] or that [Coach A] reported to approach to the ICC out of personal grievances or competitive rivalry to be mitigating factors. If anything, such arguments tend to demonstrate a lack of appreciation of the seriousness of the offence and seeks to reargue substantive points already decided against Mr Dhillon. They also indicate a lack of remorse.

16. The Tribunal accepts that the concession by Counsel for Mr Dhillon that Mr Dhillon had failed to disclose to the Designated Anti-Corruption Official (without unnecessary delay) full details of any approaches or invitations received by the Participant to engage in Corrupt Conduct under this Anti-Corruption Code" (Code Article 2.4.4) is a mitigating factor that should be considered in the imposition of sanctions. This concession was made at the hearing of the liability phase of this matter and saved valuable time.

C. APPLICATION OF CODE ARTICLE 6.3.2

17. The Tribunal has found that Mr Dhillon committed three separate offences under the Code each. In such circumstances, Code Article 6.3.2 is engaged, which provides that 'where a Participant is found guilty of committing two offences under the Anti-Corruption Code in relation to the same incident or set of facts, then (save where ordered otherwise by the Anti-Corruption Tribunal for good cause shown) any multiple periods of Ineligibility imposed should run concurrently (and not cumulatively)'.

18. Previous Anti-Corruption Tribunals have noted that: (1) Code Article 6.3.2 does not define the degree of proximity for the requisite relationship to subsist between the offence and the relevant incident or set of facts; (2) under English law, which is the governing law of the ICC Anti-Corruption Code upon which the ECB Code is based,[19] proximity is dictated by context[20] - the relevant context here is of the exception to the general rule that would allow the Anti-Corruption Tribunal freedom to determine whether periods of Ineligibility should run cumulatively or concurrently; and (3) in principle therefore the phrase *'in relation to'* should be construed narrowly rather than broadly in the context of Code Article 6.3.2.[21] The Anti-Corruption Tribunal in ICC v Ansari took into account whether offences were 'intrinsically distinct'.

19. The Tribunal accepts the submission of the ICC that in Mr Dhillon's case the Article 2.1.1 and 2.4.4 offences effectively arise out of the same incident or set of facts (i.e. they relate to Mr Dhillon's attempt to approach [Coach A] on behalf of his team owner, and Mr Dhillon's failure to report the approach he received from his team owner). The Tribunal therefore accepts that

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case. Cricket would, in the Tribunal's view, be better off without Mr Ansari's participation for the period it has determined.")

19 Article 11.5 of the ICC Anti-Corruption Code.

20 See, for example, Svenska Petroleum Exploration AB v Lithuania [2006] EWCA Civ 1529 (), at para 137.

21 See ICC v Ansari, Award dated 19 February 2019, at paragraph 7.6 *et seq*. (ICC v Ahmed, Ahmed and Amjad, Award dated 26 August 2019, para 16.

any periods of Ineligibility to be imposed on Mr Dhillon in respect of the Articles 2.1.1 and 2.4.4 offences should run concurrently.

20. The Tribunal considers that Mr Dhillon's failure to cooperate with the DACO's investigation raises more acute questions of proximity for determining whether any periods of ineligibility ought to be concurrent or consecutive. The Tribunal understands the arguments put forward by the ICC for cumulative periods of ineligibility and has considered the decision in ICC v Chhayakar[22] in which the Anti-Corruption Tribunal held that the sanction imposed on Mr Chhayakar in respect of his Article 2.1 offences should run cumulatively with the sanction imposed in respect of his Article 2.4 offences in order to highlight their independent significance. However, in the particular circumstances of this case, and considering specifically the concession made by Mr Dhillon that he failed to disclose the corrupt approach that had been made to him, and the strenuous pleas in mitigation made by Counsel for Mr Dhillon, the Tribunal considers that it would not be appropriate for the Tribunal to adopt the ICC v Chhayakar approach in this case. This is the case without seeking to cast doubt upon the correctness of that decision on its own facts so as to make any periods of ineligibility run consecutively. A future case could well, on its own facts, attract a different conclusion from the one reached in this case.

D. PREVIOUS SANCTIONS

21. The ICC has very usefully produced an Appendix A containing a table that summarises the sanctions previously issued in cases under the ICC Code[23]. The ICC properly acknowledged that there is no express doctrine of precedent that applies under the Code, but the Tribunal found significant assistance in reviewing the sanctions that have been imposed in similar cases. The following cases were of particular interest to the Tribunal:

21.1 KPJ Warnaweera – Mr Warnaweera was charged with failing to cooperate with an ACU investigation. He also failed to engage in any way with the disciplinary process. He was therefore held to have committed a breach of Article 2.4.6 and a 3-year period of ineligibility was imposed on him in his absence.

21.2 Rajan Nayer – Mr Nayer accepted a 20-year period of ineligibility after admitting making a corrupt approach to a player (Art 2.1.1), offering money to a player in return for him getting involved in corrupt conduct (Art 2.1.3) and soliciting or enticing a player to engage in Corrupt Conduct (Art 2.1.4).

21.3 Enock Ikope – Mr Ikope was sanctioned with a 10-year period of ineligibility after being found guilty of (i) failing to cooperate with an ACU investigation, (ii) delaying an ACU investigation, and (iii) obstructing an ACU investigation by his delay and deletion of

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22 See ICC v Chhayakar Award dated 5 October 20222 at paragraph 31 ().

23 Copies of the sanction decisions can be viewed at International Cricket Council (icc-cricket.com)

information on his mobile phone. A 5-year period of ineligibility was imposed for each offence, with two of the periods held to run concurrently, and the other cumulatively.

21.4 Sanath Jayasuriya – Mr Jayasuriya accepted a 2-year period of ineligibility in respect of his admitted breaches of Article 2.4.6 and 2.4.7.

21.5 Shakib Al Hasan – Mr Hasan accepted a 2-year period of ineligibility (with the last 12 months suspended) in respect of his admitted failures to disclose details of approaches he had received to engage in Corrupt Conduct (i.e. Breaches of Article 2.4.4).

21.6 Yousef Al Balushi – Mr Al Balushi accepted a 7-year period of ineligibility after admitting (i) making a corrupt approach to a player (Art 2.1.1), (ii) soliciting or enticing a player to engage in Corrupt Conduct (Art 2.1.4), (iii) failing to disclose details of corrupt approaches he himself had received (Art 2.4.4), and (iv) obstructing or delaying an ACU investigation (Art 2.4.7).

21.7 Nuwan Zoysa – Mr Zoysa was sanctioned with a 6-year period of ineligibility after being found guilty of (i) making a corrupt approach to a player (Art 2.1.1), (ii) soliciting or encouraging a player to engage in Corrupt Conduct (Art 2.1.4), and (iii) failing to disclose details of approaches he had received (Art 2.4.4).

21.8 Dilhara Lokuhettige – Mr Lokuhettige was sanctioned with an 8-year period of ineligibility after being found guilty of (i) making a corrupt approach to a player (Art 2.1.1), (ii) soliciting or inducing another player to engage in Corrupt Conduct (Art 2.1.4), and (iii) failing to disclose corrupt approaches he received (Art 2.4.4).

21.9 Muhammed Naveed & Shaiman Anwar – Messrs Naveed and Anwar were sanctioned with 8-year periods of ineligibility after being found guilty of (i) attempting/contriving to fix alongside their teammate, and (ii) failing to disclose corrupt approaches they had received.

21.10 Mehar Chhayakar – Mr Chhayakar was sanctioned with a 14-year period of ineligibility for two separate corrupt approaches to other Participants (Art 2.1.1), two associated breaches of enticing another Participant to breach the Code (Art 2.1.4), one breach of failing to cooperate with an investigation (Art 2.4.6) and one breach of obstructing / delaying an investigation (Art 2.4.7).

21.11 Nasir Hossain – Mr Hossain accepted a 2-year period of ineligibility (with the last 6 months suspended) for (i) failing to disclose a gift (Art 2.4.3), (ii) failing to disclose a

corrupt approach (Art 2.4.4) and (iii) failing to cooperate with an investigation (Art 2.4.6).

21.12 Marlon Samuels – Mr Samuels was sanctioned with a 6-year period of ineligibility, consisting of 3-years ineligibility in respect of breaches of Articles 2.4.2 and 2.4.3 (failing to disclose receipts of gifts and hospitality), and an additional 3-years ineligibility for breaches of Articles 2.4.6 and 2.4.7 (failing to cooperate with or obstructing an investigation).

21.13 Devon Thomas – Mr Thomas accepted a 5-year period of ineligibility (of which the last 18 months were suspended) after he admitted a contriving to fix (Art 2.1.1), failing to disclose corrupt approaches (Art 2.4.4), failing to disclose receiving a potentially corrupt payment (Art 2.4.2), failing to cooperate with an investigation by virtue of failing to surrender his mobile phone (Art 2.4.6), and obstructing an investigation (Art 2.4.7).

E. CONCLUSION

22. The Tribunal, having considered all the foregoing, decides as follows:

22.1 to impose a period of 6 years ineligibility on Mr Dhillon for breach of Code Article 2.1.1.

22.2 to impose a period of 3 years ineligibility on Mr Dhillon for breach of Code Article 2.4.4.

22.3 to impose a period of 4 years ineligibility on Mr Dhillon for breach of Code Article 2.4.6.

22.4 that the periods of ineligibility listed above are to run concurrently and not consecutively.

22.4 to not impose a fine on Mr Dhillon, given all the circumstances of the facts of this case which mean that such imposition would serve no useful purpose.

22.5 to not impose costs on Mr Dhillon, for the self same reasons as set out in 22.4 above.

23. Mr Dhillon was provisionally suspended on 19 September 2023. The Tribunal notes that, in accordance with Code Article 6.4, Mr Dhillon's provisional suspension is to be credited against the periods of ineligibility herein ordered.

The Tribunal:
Hon Mr Justice Winston Anderson (Chair)
Mr John McNamara
Hon Mr Michael Beloff K.C.