

**IN THE MATTER OF PROCEEDINGS BROUGHT  
UNDER THE ICC ANTI-CORRUPTION CODE**

**Between:**

**THE INTERNATIONAL CRICKET COUNCIL**

**and**

**MR IRFAN AHMED**

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**DECISION**

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**Introduction**

1. The International Cricket Council (“**ICC**”) is the international governing body for the game of cricket and as such is responsible for the development, co-ordination, regulation and integrity of cricket worldwide.
2. As part of its continuing efforts to maintain the integrity, public image and popularity of cricket, the ICC has adopted and implemented the ICC Anti-Corruption Code for Participants (the “**Code**”), which sets out a framework of rules designed to provide: (a) a means to deter any participant from engaging in any form of corrupt conduct; and (b) a robust disciplinary procedure pursuant to which all allegations of corrupt conduct can be dealt with fairly, effectively and expeditiously.
3. Irfan Ahmed (“**IA**”) is a cricketer who has represented Hong Kong in 55 matches across First-Class, List A, and Twenty20 formats, including 6 One Day International and 8 Twenty20 International matches.

**Facts**

4. At all material times, as a result of his selection for and participation in International Matches for the Hong Kong Cricket Association on an ongoing basis since 2005, IA constituted a Participant for the purposes of the Code. As such, he was automatically bound by the Code and is deemed to have agreed to comply with the requirements of the Code and not to engage in conduct that would constitute a breach of the Code.
5. IA attended various anti-corruption education sessions conducted on behalf of the ICC, including on 22 June 2008, 9 January 2012, 12 March 2012, 14 November 2013, and 4 July 2015. These sessions contained a reminder of the obligations of Participants under the Code, including the duty of Participants to report, without delay, full details to the ICC’s ACSU (now renamed the Anti-Corruption Unit or “**ACU**”) of any approaches or invitations to engage in corrupt activity.

6. IA was interviewed by the ACU in Hong Kong on 28 and 31 October 2015 in relation to an ongoing ACU investigation into a possible breach or breaches of the Code, including but not limited to the activities of an individual known to the ACU and suspected of involvement in match-fixing and related activities, who is referred to in this decision as 'X'.
7. During these interviews, IA was cautioned that the answers and information provided by him could be used as evidence to support a charge or charges in relation to a breach of the Code, if they revealed that IA might have breached the Code, either by acting corruptly himself or by failing to report corrupt advances or corrupt actions by others. After receiving this caution, IA admitted various failures to report approaches made to him to fix matches.
8. IA stated in his interviews with the ACU that he was aware of his obligations under the Code, including, in particular, his obligation to report to the ACU any approaches or invitations he received to engage in conduct that would constitute a breach of the Code.
9. IA further confirmed that he was aware that failing to report to the ACU an approach or invitation to engage in conduct that would constitute a breach of the Code was itself a breach of the Code.

#### **Information provided**

10. In the course of his interviews with the ACU, IA provided the following information:
  - a) In early 2012, he was introduced to X for the first time whilst attending a batting training camp in Lahore, Pakistan.
  - b) Around six or seven months later, he returned to Lahore to play and train for a period of around two to three months.
  - c) X was often present at the facilities where IA was training and IA met him there on various occasions. IA became friendly with X, staying at his house in Lahore various times.
  - d) Whilst he was in Lahore in late 2012, IA met with X alone at or near to his office after X asked him to come round for lunch or coffee. During this meeting, X approached IA to help him with fixing cricket matches.
  - e) In particular, X asked IA to help him with fixing cricket matches played by the Hong Kong cricket team. X also asked IA whether he could ask other players from the Hong Kong cricket team if they would also help X to fix cricket matches.
11. IA told the ACU that he had refused to accept X's invitation to help him with fixing cricket matches and had told him so straightaway. Further, IA stated to the ACU that he had told X that no one else in the Hong Kong team would be prepared to help him fix cricket matches either.

12. IA further told the ACU that, at the end of 2012 or in early 2013, his former batting coach warned him to stay away from X because X was “a bad man”. IA told the ACU that he understood this to mean that X was involved in fixing cricket matches.
13. IA provided further information to the ACU as follows:
  - a) Despite the warnings from his former batting coach, he continued to communicate with X by way of phone calls and text messages until some point in early 2014.
  - b) X approached him to help in fixing cricket matches on at least another five or six occasions, between 2012 and January 2014. None of these approaches took place in person. Instead, X called IA on various occasions and from various telephone numbers and repeated his request for IA to help him fix cricket matches and to ask other players from the Hong Kong team to also be involved in fixing cricket matches.
14. IA told the ACU that he did not accept any of these invitations. However, he did not at any time report any of the approaches to the ACU or to any other relevant authority. IA stated to the ACU that the reason he did not report the approaches was because he considered X to be a friend.

#### **Relevant provisions of the Code**

15. As a Participant in international matches for Hong Kong as recently as July 2015, IA is bound by the 2014 version of the Code. However, the acts and omissions relating to the breaches of the Code covered by this decision occurred between 2012 and 2014. As such, the 2009 version of the Code and the amended 2012 version of the Code are also relevant. Acts or omissions taking place prior to 10 October 2012 are governed by the 2009 version of the Code (which was in effect from 6 October 2009 until 9 October 2012) and acts or omissions taking place from 10 October 2012 to 10 November 2014 are governed by the 2012 version of the Code (which was replaced by the current version of the Code on 11 November 2014). Therefore IA was charged by the ICC with various breaches of Article 2.4.2 of the 2012 version of the Code (and it is to this version of the Code that all references and defined terms in this decision relate). Under the principle of *lex mitior* set out in Article 11.3 of the Code, to the extent a relevant Code provision was changed in favour of IA in the current (2014) version of the Code, or to the extent that an act or omission of IA taking place between 6 October 2009 and 9 October 2012 would be treated differently under the 2009 version of the Code, IA is entitled to the benefit of the more favourable provision.
16. Article 2 of the Code states:

*The conduct described in Articles 2.1 – 2.4, if committed by a Participant, shall amount to an offence by such Participant under the Anti-Corruption Code:*
17. Article 2.4.2 specifies that one such breach is:

*Failing to disclose to the ACSU (without undue delay) full details of any approaches or invitations received by the Participant to engage in conduct that would amount to a breach of the Anti-Corruption Code.*

## Notice of Charge

18. On the basis of the admissions made by IA to the ACU and set out in paragraphs 10 to 14 above, on 4 November 2015 the ICC charged IA with breaching Article 2.4.2 of the Code (the “**Notice of Charge**”) on the basis of his failure to disclose to the ICC’s ACU, without undue delay, various approaches made to him by X in the period between January 2012 and January 2014, in which X had asked IA to assist him in fixing various cricket matches and to get other members of the Hong Kong team involved in fixing cricket matches as well.
19. The Notice of Charge stipulated that each of IA’s admitted failures to report the approaches from X was, on its own, a separate and independent breach of the Code. Further, the ICC informed IA in the Notice of Charge that it was exercising its discretion under Article 4.6.1 of the Code to provisionally suspend him with immediate effect pending the determination of the charges, a suspension that has remained in place to date and has been respected by IA.
20. The Notice of Charge also stated that the ICC reserved its right to bring further or alternative charges against IA based upon the same set of facts or circumstances, and/or based on further facts and circumstances, should ICC deem it appropriate to do so.

## Admission by IA

21. By way of an email from his legal representative on 27 November 2015, IA formally admitted that he had breached the Code in failing to report the approaches made to him by X.
22. In response, the ICC indicated to IA (by way of correspondence dated 30 November 2015) that, in light of IA’s admission that he had breached the Code as charged, it was willing to enter into without prejudice discussions under Article 5.1.12 of the 2014 version of the Code as to the appropriate sanction to be imposed upon him in order to avoid the need for a hearing before the Anti-Corruption Tribunal.
23. IA accepted this invitation, and expressed in the course of those discussions his sorrow and remorse for his failure to meet his obligations as a Participant under the Code.

## Sanction

24. Article 6.2 of the Code stipulates that the range of permissible sanctions for a breach of Article 2.4.2 of the Code is a period of Ineligibility of a minimum of one (1) year and a maximum of five (5) years.
25. The Notice of Charge stipulated that each of the six or seven admissions set out in paragraphs 10 to 14 above constituted a separate breach of the Code. However, Article 6.3.2 of the Code provides that where a Participant “*is found guilty of committing two Anti-Corruption Code offences in relation to the same incident or set of facts and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively)*”. It is the ICC’s view that IA’s admitted offences arise out of the same or substantially similar fact patterns and situations and

therefore the periods of Ineligibility imposed for those offences should be served concurrently rather than consecutively. In such circumstances, however, the fact that there are multiple offences may be treated as an aggravating factor in determining the length of ineligibility to be served.

26. Article 6.1 of the Code sets out the relevant factors that the Anti-Corruption Tribunal would be required to consider in determining the relative seriousness of the offence and thereby arriving at an appropriate sanction within the range described in paragraph 24 above<sup>1</sup>.
27. It is acknowledged by the ICC that any sanction imposed must be proportionate. In considering what is proportionate, the ICC is entitled to weigh against the impact of a ban on IA the importance of the objectives underlying the rules, the seriousness of the particular breaches of those rules by IA, the need to deter others from similar wrongdoing, the need to protect the image of the sport and, above all, the need to maintain public confidence in the determination of the sport of cricket to stamp out corruption.
28. The ICC notes that, whilst IA has not been charged with or made any admissions in respect of a breach of Article 2.1 of the Code ("**Corruption**"), in order to seek to adequately and effectively protect the sport of cricket against the threat of corruption it is of paramount importance that Participants promptly report any approaches to engage in corrupt activity to the ACU. It is for this reason that the non-reporting of such an approach is itself a serious offence under Article 2.4 of the Code.
29. Relevant aggravating factors in IA's case include the following:

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<sup>1</sup> Article 6.1.1 states the following (non-exhaustive) list of factors which shall aggravate the nature of the offence:

- 6.1.1.1 *a lack of remorse on the part of the Participant;*
- 6.1.1.2 *whether the Participant has previously been found guilty of any similar offence under the Anti-Corruption Code or any predecessor regulations, whether by the ICC, or by any National Cricket Federation;*
- 6.1.1.3 *where the amount of any profits, winnings or other Reward, directly or indirectly received by the Participant as a result of the offence(s), is substantial and/or where the sums of money otherwise involved in the offence(s) were substantial;*
- 6.1.1.4 *where the offence substantially damaged (or had the potential to damage substantially) the commercial value and/or the public interest in the relevant International Match(es) or ICC Event(s);*
- 6.1.1.5 *where the offence affected (or had the potential to affect) the result of the relevant International Match(es) or ICC Event(s);*
- 6.1.1.6 *where the welfare of a Participant has been endangered as a result of the offence;*
- 6.1.1.7 *where the offence involved more than one Participant; and/or*
- 6.1.1.8 *any other aggravating factor(s) that the Anti-Corruption Tribunal considers relevant and appropriate.*

Article 6.1.2 states the following (non-exhaustive) list of factors which shall mitigate the nature of the offence:

- 6.1.2.1 *any admission of guilt (the mitigating value of which may depend upon its timing);*
- 6.1.2.2 *the Participant's good previous disciplinary record;*
- 6.1.2.3 *the young age and/or lack of experience of the Participant;*
- 6.1.2.4 *where the Participant has cooperated with the ACSU and any investigation or Demand carried out by it;*
- 6.1.2.5 *where the offence did not substantially damage (or have the potential to substantially damage) the commercial value and/or the public interest in the relevant International Match(es) or ICC Event(s);*
- 6.1.2.6 *where the offence did not affect (or have the potential to affect) the result of the relevant International Match(es) or ICC Event(s);*

- a) IA failed to report not one but six or seven approaches from X to assist him in fixing cricket matches.
  - b) The approaches by X were not an isolated incident, but were instead made (and so IA's failures occurred) over an extended period of time.
  - c) The approaches made by X to IA were unambiguous in their content and intent; it was clear to IA that X's intention was to fix cricket matches and, further, that he intended to recruit other players to assist him in fixing cricket matches.
  - d) IA ignored a clear warning from his former batting coach that he should not be associating with X and continued to be in regular contact with him for over a year after his initial approach.
  - e) IA was an experienced international cricketer who had participated in several anti-corruption education sessions and was fully aware of his responsibilities under the Code.
30. Relevant mitigating factors in IA's case include the following:
- a) IA's voluntary admissions and cooperation during his interviews with the ACU.
  - b) IA's prompt admission of his breaches of the Code following receipt of the Notice of Charge.
  - c) IA's remorse and contrition, as expressed through his legal representative at the point at which he admitted his breaches of the Code.
  - d) IA's close friendship with X, which made appropriate disclosure of the approaches more difficult for him on a personal level.
31. The ICC has also given consideration to sanctions for comparable offences of non-reporting of corrupt match fixing approaches in other sports, and has particularly considered the following cases within cricket:
- a) In *Lokuarachchi*<sup>2</sup>, the Disciplinary Panel of the Bangladesh Cricket Board partially upheld an appeal against an 18 month period of ineligibility imposed under the Bangladesh Premier League Anti-Corruption Code (which mirrors the ICC Code in all parts relevant to this decision) for a failure to report an approach to fix a match (or aspects of a match), reducing that period of ineligibility to 12 months. This appeal, which was not opposed by the Bangladesh Cricket Board, was justified by the Chairman of the Disciplinary Panel on the basis of (i) the player's prompt admission of his breach; (ii) his sincerely expressed regret; and (iii) his provision of significant information to the ACU about the involvement of other individuals in corrupt activity.

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<sup>2</sup> Lokuarachchi v. BCB/ACSU, Disciplinary Appeal No. 01 of 2014

- b) In disciplinary proceedings against Lou Vincent, also under the Bangladesh Premier League Anti-Corruption Code in 2014, a period of ineligibility of 3 years was imposed by an Anti-Corruption Tribunal for the player's admitted failure to report several approaches to fix matches (or aspects of matches).
32. Having carefully considered the facts of the case in question, the nature of the breach of the Code by IA, the relevant aggravating and mitigating factors set out above, the importance of the objectives underlying the Code, the comparable cases relating to failures to report match-fixing approaches, the need to deter others from similar wrongdoing, the need to protect the image of cricket, and the need to maintain public confidence in the sport's approach towards fighting corruption, **the ICC has determined that a period of Ineligibility of two (2) years and six (6) months be imposed on IA for each of his six or seven breaches of Article 2.4.2 of the Code, with each such period of Ineligibility being served concurrently and taking effect from the date of his provisional suspension on 4 November 2016.**
33. During such period of Ineligibility, in accordance with Article 6.5 of the Code, IA is prohibited from playing, coaching, officiating or otherwise participating or being involved in any capacity in any Match or any other kind of function, event or activity (other than authorised anti-corruption education or rehabilitation programs) that is authorised, organised, sanctioned, recognised or supported in any way by the ICC, a National Cricket Federation, or any member under the jurisdiction of a National Cricket Federation.
34. The disposition of these proceedings on the terms set out above will be publicly announced by the ICC.
35. Under Article 7 of the Code, IA has a right to appeal against this decision and sanction to the Court of Arbitration for Sport, but has waived that right.

### Summary

36. For the reasons given above, and in accordance with the Code, the ICC has issued this decision which records that:
- a) IA has admitted six or seven breaches of Article 2.4.2 of the ICC Anti-Corruption Code;
  - b) a period of Ineligibility of two (2) years and six (6) months is imposed pursuant to Article 6.2 of the Code in respect of each breach, to be served concurrently and commencing on 4 November 2015;
  - c) IA's status during the period of Ineligibility is as detailed in Article 6.5 of the Code;
  - d) IA has waived his right of appeal against the decision and the sanction set out herein;

- e) as set out in the Notice of Charge, ICC reserves the right to bring further or alternative charges against IA relating to the facts or circumstances set out in this decision, should ICC deem such action appropriate in the light of further information coming to its attention; and
- f) the proceedings shall be discontinued on the terms set out above without the need for any further hearing.



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**David Richardson**  
Chief Executive  
International Cricket Council  
20 April 2016