

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

**Between:**

**THE INTERNATIONAL CRICKET  
COUNCIL ("ICC")**

**And**

**MR IRFAN AHMED  
MR NADEEM AHMED  
MR HASEEB AMJAD**

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**Award**

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## INTRODUCTION

1. On 8 October 2018 the ICC brought charges under the ICC Anti-Corruption Code for Participants (“Code”<sup>1</sup>) against each of Irfan Ahmed, Nadeem Ahmed and Haseeb Amjad (the “Players”) pursuant to an investigation carried out by its Anti-Corruption Unit (“ACU”).
2. The ICC is the international federation responsible for the global governance of the game of cricket. With the object of eliminating corruption in the sport, including match fixing and spot fixing, the ICC has adopted and implemented the Code which applies to all International Matches and sets out details of the conduct which, if committed by a Participant in relation to an International Match, will be considered an offence under the Code.
3. Each of the Players is of Pakistani origin and has represented Hong Kong in International Matches. Irfan Ahmed has represented Hong Kong on at least 46 occasions across the ODI and Twenty20 formats of the game. He is a right hand batsman and a right arm fast medium bowler. Nadeem Ahmed is Irfan Ahmed's brother. He has represented Hong Kong on at least 86 occasions across the ODI and Twenty20 formats of the game. He is a slow left arm bowler. Haseeb Amjad has represented Hong Kong on at least 57 occasions across the ODI and Twenty20 formats of the game. He is a right arm medium-fast bowler.
4. As international cricketers each of the Players was at all material times bound by the Code by virtue of being a 'Participant'<sup>2</sup>. In that capacity, each of the Players agreed, *inter alia*, that he is required to comply with the requirements of the Code, that he will not engage in conduct that would constitute a breach of the Code, and that he will submit to the exclusive jurisdiction of an Anti-Corruption Tribunal convened under the Code to hear and determine any charges brought against him for breach of the Code<sup>3</sup>.

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<sup>1</sup> The applicable version of the Code referred to in this Award shall depend on whether the conduct in question occurred before or after 11 November 2014. The charges against Haseeb Amjad are all to be considered under the 2012 Code, as the charges against Haseeb Amjad relate only to events in January 2014.

<sup>2</sup> Code Article 1.4: "This Anti-Corruption Code applies to all Participants. For these purposes, a "Participant" is ... any cricketer who is selected (or who has been selected in the preceding twenty-four (24) months) to participate in an International Match and/or Domestic Match for any playing or touring club, team or squad that is a member of, affiliated to, or otherwise falls within the jurisdiction of, a National Cricket Federation.

<sup>3</sup> See Code Article 1.5.

## THE CHARGES

5. The charges against the Players are as follows:

**Hong Kong v Scotland, ICC Cricket World Cup Qualifier, Queenstown, New Zealand, 13 January 2014**

5.1 Under Article 2.1.1 of the 2012 Code: Each of the Players is charged with 'Fixing or contriving in any way or otherwise influencing improperly, or being party to any effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any International Match of ICC Event', in that he fixed or contrived or otherwise influenced improperly the result, progress, conduct or any other aspect of the Hong Kong v Scotland match of 13 January 2014. Additionally or alternatively, that he was a party to an effort to fix or otherwise improperly influence that match alongside one or more of the other two Players, and individuals who will be referred to below as 'P' and 'R'.

5.2 Under Article 2.4.2 of the 2012 Code: Each of the Players is charged with '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', in that he failed to report to the ACSU (as the ACU was then known) approaches made to him, or invitations he received, to engage in conduct that would amount to a breach of the 2012 Code in respect of the Hong Kong v Scotland match of 13 January 2014'.

**Hong Kong v Canada, ICC Cricket World Cup Qualifier, Queenstown, New Zealand, 17 January 2014**

5.3 Under Article 2.1.1 of the 2012 Code: Each of the Players is charged with 'Fixing or contriving in any way or otherwise influencing improperly, or being party to any effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any International Match of ICC Event', in that he fixed or contrived or otherwise influenced improperly the result, progress, conduct or any other aspect of the Hong Kong v Canada match of 17 January 2014. Additionally, or alternatively, that he was a party to an effort to fix or otherwise improperly influence that match alongside one or more of the other two Players, P and R.

- 5.4 Under Article 2.1.3 of the 2012 Code: Irfan Ahmed and Haseeb Amjad are charged with 'Failing, for Reward, to perform to one's abilities in an International Match', in that each failed, for Reward, to perform to his abilities in the Hong Kong v Canada match of 17 January 2014.
- 5.5 Under Article 2.4.2 of the 2012 Code: Each of the Players is charged with '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', in that he failed to report to the ACSU approaches made to him, or invitations he received, to engage in conduct that would amount to a breach of the 2012 Code in respect of the Hong Kong v Canada match of 17 January 2014.

**Hong Kong v Zimbabwe, ICC World Twenty20, Chittagong, Bangladesh, 12 March 2014**

- 5.6 Under Article 2.1.2 of the 2012 Code: Irfan Ahmed is charged with 'Seeking, accepting, offering or agreeing to accept any bribe or other Reward to fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any International Match or ICC Event', in that, in dealings with one or more of an individual referred to as 'X' below, P and R, he sought, accepted, offered or agreed to accept a bribe or other reward to fix or contrive or otherwise influence improperly the result, progress, conduct or any other aspect of the Hong Kong v Zimbabwe match of 12 March 2014.

**2016 ICC World Twenty20 Qualifiers, July 2015**

- 5.7 Under Article 2.1.3 of the 2014 Code: Irfan Ahmed is charged with 'Seeking, accepting, offering or agreeing to accept any bribe or other Reward to: (a) fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any International Match; or (b) ensure for Betting or other corrupt purposes the occurrence of a particular incident in an International Match', in that in dealings with P and/or R he sought to accept, offered or agreed a bribe or other Reward to fix or contrive or otherwise improperly influence the result, progress, conduct or any other aspect of one or more of the Hong Kong ICC World Twenty20 Qualifiers in July 2015.
- 5.8 Under Article 2.4.4 of the 2014 Code: Irfan Ahmed is charged with 'Failing to disclose to the ACSU (without unnecessary delay) full details of any approaches

or invitations received by [him] to engage in Corrupt Conduct', in that he failed to report approaches made to him by, or invitations received from, P and/or R to engage in conduct that would amount to a breach of the 2014 Code in respect of one or more of the ICC World Twenty20 Qualifiers in July 2015.

#### **2016 ICC World Twenty20 matches, March/April 2016**

5.9 Under Article 2.1.3 of the 2014 Code: Each of Irfan Ahmed and Nadeem Ahmed is charged with 'Seeking, accepting, offering or agreeing to accept any bribe or other Reward to: (a) fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any International Match; or (b) ensure for Betting or other corrupt purposes the occurrence of a particular incident in an International Match', in that in dealings with an individual referred to below as 'S' in August 2015, each of them sought or offered to accept a bribe or other Reward from S to fix or contrive or otherwise improperly influence the result, progress, conduct or any other aspect of one or more of the 2016 ICC World Twenty20 matches.

#### **COURSE OF PROCEEDINGS**

6. On 24<sup>th</sup> January 2019 the Chairman of the Tribunal ("the **Chairman**"), with the consent of the Players, consolidated the proceedings and set dates for the provision of witness statements and documents by the parties; initially the deadline for the provision of such material was set for 14<sup>th</sup> March 2019 which was then extended by the Tribunal to the 4<sup>th</sup> April 2019.
7. On 31<sup>st</sup> January 2019 the ICC filed its brief together and supporting evidence.
8. On 14<sup>th</sup> May 2019 in the absence of any response by the Players other than denial of the charges, the Chairman made the following directions, *inter alia*:
  - 8.1 In the event that the Players wish to attend the hearing<sup>4</sup>, they would be permitted to do so either in person in London or by video link.
  - 8.2 In the event that any of the Players wish to attend in person, they would be responsible for their own costs of doing so in accordance with Article 5.2.4 of the ICC's Anti-Corruption Code.
  - 8.3 The Players were ordered to file a statement of their position in respect of the

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<sup>4</sup>Which had by then been fixed to take place in London on 14 June 2019.

charges by 5pm (Dubai time) on Friday 17<sup>th</sup> May 2019.

- 8.4 The Players should, in their statement of their position, set out in clear terms whether they wished to challenge any specific aspects of the ICC's witness evidence, and if so, whose evidence he/they seek to challenge. The ICC should then seek to ensure the attendance of any identified witness(es) by video link.
- 8.5 In the event that the (Players) did not indicate an intention to challenge any specific aspect(s) of the witness evidence, the ICC's witness evidence should be accepted by the Tribunal and the Players and the ICC would be at liberty to make any submissions as to the weight to be attached to the evidence."
9. On 23<sup>rd</sup> May 2015 the Chairman made the following direction:
- "In as much as none of the Players, pursuant to the Order dated 14<sup>th</sup> May 2019 ("the **Order**") and subsequent confirmatory and clarificatory correspondence sent to them on behalf of the ICC, have indicated within the time prescribed or at all, what specific aspects of the ICC's evidence they challenge, the hearing on 14<sup>th</sup> June 2019 (at either Blackstone Chambers or the London offices of Bird and Bird) will proceed on the basis set out in paragraph 2h of the Order i.e. that the Tribunal will accept the written statements of the ICC witnesses into evidence.
- Should any of the Players wish to make submissions as to the weight to be attached to such evidence, he is entitled to do so in person or by video link at the hearing. As to the latter option the Tribunal notes that the ICC is prepared to arrange for such video facility, if requested by any of the Players, at whichever of the two locations identified above are preferable for that purpose."
10. On 14<sup>th</sup> June 2019 the hearing took place at the offices of Bird and Bird in London ("London") before a Tribunal consisting of Michael J Beloff QC, the Chairman (in London), Simon Copleston (in Abu Dhabi) and Imtiaz U Ahmad Asif (in Dhaka); Mr Copleston and Mr Ahmad participated by video conference. The ICC was represented by Jonathan Taylor QC (in London) and Danielle Sharkey (in Dubai) who also participated by video conference. Mr Nadeem Ahmed participated by video conference from Hong Kong. The other two players did not participate.
11. The Tribunal was satisfied, upon review of the e-mail exchanges between the ICC and the Players that, at all material times, the Players had been aware both of the Chairman's directions and their obligations thereunder, and of their rights, within the

scope of the last of those directions, to participate in the hearing. The Tribunal was also satisfied that the Players' procedural rights had also been duly protected. Natural justice requires that Respondents to a disciplinary charge be given a fair opportunity to defend themselves, not that they exploit such opportunity.

## APPROACH

12. Each of the Players has denied all of the charges made against him. The Code therefore imposes the burden on the ICC to prove these charges<sup>5</sup>.
13. The ICC must prove the charges to the 'comfortable satisfaction' of the Tribunal, 'bearing in mind the seriousness of the allegation that is being made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.'<sup>6</sup>
14. Although, the directions as set out above applied to all of the Players, and a single hearing was held to deal with all of the charges, the Tribunal recognizes that the charges against each Player must be given separate consideration. Save where in point of fact the case against one is the same as the case against another, the charges do not stand or fall together.
15. In considering the evidence against the Players, according to the Code the Tribunal is 'not bound by the rules governing the admissibility of evidence in judicial or other proceedings. Instead, facts may be established by any reliable means, including admissions and circumstantial evidence'<sup>7</sup>. Circumstantial evidence may be sufficient to sustain a corruption charge<sup>8</sup>.
16. In the light of the directions, the ICC's written witness statements must be treated as if the maker had given his evidence orally. While in theory the Tribunal is not obliged to accept what is averred in those statements by way of fact, in practice the Tribunal determined to accept the evidence submitted (save where it might suffer from inherent incredibility) given the absence of any challenge by the Players to the veracity or accuracy of the evidence submitted by the ICC.

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<sup>5</sup> Article 3.1 of the Code.

<sup>6</sup> Ditto.

<sup>7</sup> Code Article 3.2

<sup>8</sup> ICC v Butt, Asif and Amir Tribunal decision 5 February 2011 para 30. ICC WADA v Bell chambers CAS 2015/A/4059 paras 107,108,113.

17. The Tribunal is also satisfied, by reference to settled English law (which governs the Code<sup>9</sup>) that:

17.1 Where there is independent evidence that persons were involved in a criminal conspiracy, then evidence against one conspirator may also be relied on as against all of them to establish the nature and scope of the conspiracy<sup>10</sup>.

17.2 Bad character evidence may tend to show a disposition towards misconduct<sup>11</sup>.

Mutatis mutandis, indeed a fortiori, such evidence should be admissible in the context of disciplinary proceedings before a sporting tribunal.

18. Guilt by association is not a principle of English law. The Tribunal considers that the relationship of a Respondent with a person involved in corrupt activities cannot of itself constitute evidence of the Respondent's own corruption which has to be substantiated, if at all, by other admissible evidence.

19. The evidence against each Player must be considered holistically. The Tribunal's function is to evaluate all relevant and credible items of evidence and to determine whether, considered cumulatively, the evidence presented satisfies the test of comfortable satisfaction<sup>12</sup>.

## THE PLAYERS

20. The Players were all subject to recorded interviews carried out by ACU Investigators, Steve Richardson and Colin Tennant, on the following dates; Irfan Ahmed on 6 December 2016 and 6 July 2017, Nadeem Ahmed on 5 December 2016 and 14 March 2017 and Haseeb Amjad on 15 March 2017. Reference will be made to these interviews as is appropriate below. The Tribunal has taken appropriate account of any exculpatory

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<sup>9</sup> Article 11.5.

<sup>10</sup> See *R v Hayter* [2005] UKHL 6, per Lord Steyn at paragraph 25 (quoting with approval Keane, *The Modern Law of Evidence* 5th ed., (2000) p 385-386), '[I]n the case of conspiracy: statements (or acts) of one conspirator which the jury is satisfied were said (or done) in the execution or furtherance of the common design are admissible in evidence against another conspirator, even though he was not present at the time, to prove the nature and scope of the conspiracy, provided that there is some independent evidence to show the existence of the conspiracy and that the other conspirator was a party to it.' See also *ICC v Butt, Asif & Amir*, Anti-Corruption Tribunal decision dated 5 February 2011 (at footnote 17)

<sup>11</sup> Section 98 of the Criminal Justice Act 2003 defines evidence of a person's "bad character" as 'evidence of, or of a disposition towards, misconduct on his part, other than evidence which – (a) has to do with the alleged facts of the offence with which the defendant is charged, or (b) is evidence of misconduct in connection with the investigation or prosecution of that offence.' Under section 101 of that Act, such evidence is admissible in such proceedings if it is "relevant to an important matter in issue between the Defendant and prosecution"

<sup>12</sup> Bell chambers cited above sup para 113



remarks made by the Players in the course of such interviews in reaching its own conclusions on the charges, whether or not express reference is made to them in this Award.

21. In the ICC's own phrase "the backbone of the evidence against the Players in respect of to the International Matches taking place in January 2014, March 2014 and July 2015" is contained in telephone/WhatsApp messages between P and R.
22. P, also interviewed by the ACU investigators on 7 December 2016 is an Indian-born Hong Kong resident whose telephone records<sup>13</sup> reveal that he was in extensive contact with both Irfan and Nadeem Ahmed during the period in question<sup>14</sup>), having been in contact with both of them hundreds of times. He claims to be a small businessman based in Hong Kong dealing mostly in jewellery<sup>15</sup> which is corroborated by Irfan and Nadeem Ahmed<sup>16</sup>. Irrespective of P's declared occupation, evidence obtained from his phone, in the Tribunal's view, clearly demonstrates that he is involved in match-fixing. P's phone also shows that P had X (who is identified below<sup>17</sup>) in his telephone contacts despite P denying he knew X<sup>18</sup>. The Tribunal also notes that, in a WhatsApp exchange on 12 March 2014, P states "just now talking to [...]" (i.e. X).

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<sup>13</sup> They were exhibited to the Witness Statement ("W/S") of Mr Richardson, one of the ACU investigators.

<sup>14</sup> See paragraph 24 below

<sup>15</sup> See transcript of interview with P with ICC investigators (Steve Richardson and Colin Tennant) dated 7 December 2016 ('P: Yeah, my name is P and I am just a small businessman in Hong Kong. Like I am dealing in mostly the jewellery. COLIN TENNANT: Jewellery? P: Ah yeah. I am the manufacturer of jewellery products.'

<sup>16</sup> See transcript of interview with Irfan Ahmed on 6 July 2017, 'STEVE RICHARDSON: ... Then moving on to other things, there's a telephone number for P which ended 4989. It's a Hong Kong number, and this is P who is in the precious stones jewelry trade. IRFAN AHMED: Yeah, jewelry, diamond, whatever. STEVE RICHARDSON: Diamonds, yeah. And P used to play for [...]. IRFAN AHMED: Yeah, where I played [...]. See transcript of interview with Nadeem Ahmed on 14 March 2017, p.10, 'COLIN TENNANT: ... P, P: what's your relationship with P? NADEEM AHMED: As a friend? COLIN TENNANT: What's your relationship with him? NADEEM AHMED: Friend. COLIN TENNANT: A friend, how long have you known him? NADEEM AHMED: For a long time. COLIN TENNANT: How long's a long time? NADEEM AHMED: Can't remember like, it's been a very long time. COLIN TENNANT: Is a long time a year, two years, five years? NADEEM AHMED: Six, seven. COLIN TENNANT: So, that long. NADEEM AHMED: Maybe more. COLIN TENNANT: And do you know what job he does? NADEEM AHMED: Diamonds, trading. COLIN TENNANT: Diamond trader. NADEEM AHMED: Yeah and jewelleryes.'

<sup>17</sup> See paragraph 24

<sup>18</sup> See transcript of interview with P dated 7 December 2016 (part 1), pp24- 27, e.g., 'P: I don't know any name X. COLIN TENNANT: But you've got his number and you've got [X] Bhai meaning [X] brother on your telephone?'

23. Those telephone records show that P exchanged a large volume of WhatsApp messages with an individual referred to (in those messages) as 'R' (aka '[...]' and short for [...])<sup>19</sup>. Those messages refer to each of the Players at various points, and the discussions between P and R are, in the Tribunal's view, clearly about involving the Players in the fixing of matches. Irfan Ahmed says that he knows 'R' as someone who is engaged in the diamond trade<sup>20</sup>. The other two Players disclaim any knowledge of him.<sup>21</sup>
24. X is a Pakistani National who, the Tribunal is satisfied, is a known match-fixer. Irfan Ahmed has previously admitted to, and been sanctioned for, failing to report various approaches made to him by X between January 2012 and January 2014 - see the decision of the ICC in the matter of the ICC v Irfan Ahmed<sup>22</sup>, in which X is referred to as 'X' (per paragraph 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

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19 See transcript of interview with P dated 7 December 2016 (part 1), pp.74- 75, e.g., 'COLIN TENNANT: Let me tell you one very important thing OK, this guy that you are talking to here, [...], whose telephone number comes out to R... P: Yes. COLIN TENNANT: R has been in contact with Irfan. P: The chat have the R name, this R have the contact with the [...] and Irfan. COLIN TENNANT: I've got no idea but I've got this guy that's talking on here that you agree that whole conversation, everything, is about match fixing, all of that... P: Sir, this conversation how do I know until I read this? COLIN TENNANT: Look my friend. Who is he? Be, now is your turn, your time, to be honest. P: I am sir totally, I stake my..... I have my family here, how can I get problem. COLIN TENNANT: It's your phone, my friend it's your, I don't know, people do, my friend... P: My whole life I don't even single dollar betting. COLIN TENNANT: My friend, the more you get excited, the more I think you're not telling the truth? P: Sir, you... COLIN TENNANT: This is your telephone, your WhatsApp message, somebody on there... P: I need to clarify this, who type, who take my mobile to talk all these things. COLIN TENNANT: So someone has borrowed your telephone? P: That's what I want to know, who is this [...] and what [...] I know I need to contact with him. COLIN TENNANT: Here's a question, who do you give your telephone to when you leave Hong Kong? P: I just give my wife only, that's it. COLIN TENNANT: So your wife? In that case you've implicated your wife?'

20 See transcript of interview with Irfan Ahmed on 6 July 2017, pp.7-8, 'STEVE RICHARDSON: R? IRFAN AHMED: Yes, I know about R. STEVE RICHARDSON: You know R? Who is R? IRFAN AHMED: R is one of the guys who works – I think he's got his company in Hong Kong, diamond and stuff. So what he does, he buys and stuff, so that's all. And, yeah. STEVE RICHARDSON: Okay, okay. And what do you know about R? IRFAN AHMED: Well, I met him at one of the events in just like Lan Kwai Fong, and we just like get to know each other from there, and he was into diamonds and stuff, so I know P. STEVE RICHARDSON: Yes, yes. IRFAN AHMED: So then we exchanged numbers, and from there we keep in touch, and then whatever the deal, then I take my commission. It's whatever he deals, and I take a percentage. STEVE RICHARDSON: So how well would you say you know R? IRFAN AHMED: R, just to extend – like just for this sort of diamond stuff which I can get a bit of commission.'

21 Mr Amjad denies knowledge of R in interview, p2 ('STEVE RICHARDSON: Forgive me for asking that. All right, before you carry on and read it, Haseeb, let me set the scene for you. This is a conversation between P and a guy called R. Do you know anybody by the name of R? HASEEB AMJAD: No. STEVE RICHARDSON: Don't know them? HASEEB AMJAD: No'). The same applies to Nadeem Ahmed, p.12 ('COLIN TENNANT: Do you know person called R or [...]? NADEEM AHMED: No COLIN TENNANT: Doesn't mean anything to you at all? Not at all..... NADEEM AHMED: No.'

22 Dated 20 April 2016

suspected of involvement in match-fixing and related activities, who is referred to in this decision as 'X'). X was also one of the fixers involved in the case of Lou Vincent<sup>23</sup>, whom Irfan Ahmed also knows<sup>24</sup>. Haseeb Amjad acknowledged that he knows X personally<sup>25</sup>.

25. At interview with the ACU, Mr Amjad:

25.1 agreed that he was 'very good friends' with Irfan and Nadeem Ahmed (pp. 7-8);

25.2 stated that he knew X (who is a known match-fixer) personally (p47); and

25.3 confirmed that he knew P (but says he has never spoken to him, and he denied knowing R)<sup>26</sup>.

26. During the course of the ICC's investigation, telephone billing records were obtained from Nadeem Ahmed and Irfan Ahmed. Those records showed that, during the two years and two months period to which those records relate<sup>27</sup>, P was the second most contacted person by Irfan Ahmed (behind only Nadeem Ahmed) and the third most contacted person by Nadeem Ahmed (behind only Irfan Ahmed and Nadeem Ahmed's girlfriend). During that period, Irfan Ahmed was in contact with P by telephone on at least 284 occasions, and Nadeem Ahmed was in contact with P on at least 200 occasions<sup>28</sup>. Each of the Players confirmed in interview that they knew P. In the cases of Irfan and Nadeem Ahmed, they also confirmed that P was a friend.<sup>29</sup> Although Haseeb Amjad confirmed that he knew P, he stated that he has never spoken to him<sup>30</sup>.

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23 See Statement of Vincent to ACU dated 8 January 2014 at paras 149-150

24 See transcript of interview with Irfan Ahmed on 6 December 2016 p.24

25 See transcript of interview with Haseeb Amjad 15 March 2017 p.47

26 See transcript of interview 15 March 2017.

27 3 September 2013 to 2 November 2015.

28 Witness statement (w/s) of Mr Steve Richardson, an investigator, paras 4 to 7 and accompanying exhibits SR1 and SR2.

29 See footnote 16 above.

30 See transcript of interview with Haseeb Amjad on 15 March 2017, p.47, 'STEVE RICHARDSON: Okay. Do you know someone called P? HASEEB AMJAD: Yeah, I know him. STEVE RICHARDSON: Is he on your phone? HASEEB AMJAD: No. STEVE RICHARDSON: How do you know P? HASEEB AMJAD: Because my last club, as I mentioned the one last time Colin you know, he's the diamond merchant. He works in the diamond company. So at the last club, the [...], I played for them. So he's he's there. STEVE RICHARDSON: So, P was a player player there? HASEEB AMJAD: No, he's a social player. He's not playing the Sunday league or the Saturday league. STEVE RICHARDSON: So, club cricketer. HASEEB AMJAD: No, he's not a club cricketer, like the social league one. You know the social league means that they all have their league to play there. STEVE RICHARDSON: So the lower standard, just fun cricket. HASEEB AMJAD: Yeah, the fun cricket. STEVE RICHARDSON: I understand. And how long have you known him for? HASEEB AMJAD: Actually, I hadn't know about him, you know, really, because I mentioned in the last interview that I only met him once because er we have the

27. The WhatsApp messages that P provided to the ACU investigators in his interview on 7 December 2016<sup>31</sup> contain exchanges with R but, despite strong evidence that the Ahmed brothers had been in regular telephone contact with P<sup>32</sup> during the period to which the charges relate, P's WhatsApp records revealed no exchanges with either brother<sup>33</sup>. Neither did either brother's WhatsApp records reveal any exchanges with P. However, P's WhatsApp records include a screenshot of an exchange of voice messages via WhatsApp between Irfan Ahmed and P (see para 36 below). The Tribunal gives considerable weight to this evidence from which it concludes that (a) P and Irfan Ahmed were indeed in contact by WhatsApp, and (b) such messages were deleted by both parties in a deliberate attempt to impede the ACU's investigation. Whilst the same strong inference cannot be made regarding WhatsApp exchanges between Nadeem Ahmed and P, the Tribunal is comfortably satisfied of the strong likelihood that Nadeem Ahmed was also in contact with P by WhatsApp (and that all exchanges between Nadeem Ahmed and P were also deleted in an attempt to impede the ACU's investigations).

28. The Hong Kong v Scotland match on 13 January 2014 commenced at 9.30am local time, with Hong Kong batting first<sup>34</sup>. New Zealand is four hours ahead of Hong Kong. P is based in Hong Kong. The WhatsApp messages between P and R on 13 January 2014 contain the following exchanges (timed when Hong Kong would have been bowling in the afternoon):

|            |          |   |                  |
|------------|----------|---|------------------|
| 13/01/2014 | 10:04:00 | R | Haseeb fucked up |
| 13/01/2014 | 11:07:00 | P | Yeea             |

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er you know the one played shot in the match that he turn over and, that's it. I only know him....yea  
 STEVE RICHARDSON: So you know him purely through the cricket club? HASEEB AMJAD: Yeah, only cricket. I never I never talk to him, never met him. I have never.... STEVE RICHARDSON: You've not spoken to him? HASEEB AMJAD: No, no, never.'

31 The full WhatsApp conversations between P and R were provided to the Tribunal but in this Award it only refers to those passage which it considers relevant.

<sup>32</sup> See paragraph 24.

<sup>33</sup> See transcript of interview with Irfan Ahmed on 6 July 2017, p.9, 'STEVE RICHARDSON: Okay, I understand. Okay. So you know R. You know P. The WhatsApp conversation we're going to look at is between those two, okay? All the WhatsApps between you and P gone, deleted. All the WhatsApps between you and your brother, sorry, between P and your brother, deleted. Not the ones between R and P, okay?'

<sup>34</sup> See Cricinfo scorecard for this match.

|            |          |     |                                    |
|------------|----------|-----|------------------------------------|
| 13/01/2014 | 11:07:00 | P   | □□                                 |
| 13/01/2014 | 10:36:00 | R   | Useless                            |
| ...        |          |     |                                    |
| 13/01/2014 | 11:15:00 | P   | Irfan said u for haseeb            |
| ...        |          |     |                                    |
| 13/01/2014 | 11:39:00 | R   | Did Nadeem bowl 5th over           |
| 13/01/2014 | 11:39:00 | R   | This game cancel                   |
| 13/01/2014 | 11:39:00 | R   | Need to plan next one              |
| 13/01/2014 | 11:39:00 | R   | Properly                           |
| 13/01/2014 | 11:40:00 | R   | This game fucked it bad            |
| 13/01/2014 | 11:40:00 | R   | Fuck                               |
| ...        |          |     |                                    |
| 13/01/2014 | 12:21:00 | R   | Didn't win a dollar                |
| 13/01/2014 | 12:22:00 | R   | Haseeb fail                        |
| 13/01/2014 | 12:22:00 | R   | IRFY delivered                     |
| 13/01/2014 | 12:22:00 | R   | Nadeem fail                        |
| 13/01/2014 | 12:22:00 | R   | But Nadeem fail cause he knew      |
| 13/01/2014 | 12:22:00 | R   | That 5th I don't know when         |
| 13/01/2014 | 12:22:00 | R   | Haseebstrt fail                    |
| ...        |          |     |                                    |
| ???        | ???      | ??? | 2 <sup>nd</sup> over we need to do |
| 13/01/2014 | 12:24:00 | R   | I speak to irfan                   |
| 13/01/2014 | 12:24:00 | R   | Wait                               |

29. The content of these messages strongly suggest that Irfan Ahmed was in direct contact with both P and R<sup>35</sup>.

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<sup>35</sup> See transcript of interview with Irfan Ahmed on 6 July 2017, p.8, 'STEVE RICHARDSON: Who would you describe as more of a friend of yours, R or P? IRFAN AHMED: To be honest, it's sort of – we don't like meet often every time. So it's just sometimes when R wants to get some of the diamonds then he calls me, if he asks P maybe if he has got this, then I meet. Because with P I meet up often, so I see when my brothers did a bit of gemstones back in Pakistan, because in Pakistan you can find lots of gemstones. So we did a bit of that too. And P is more like with us family, my brothers also seem to – so that's why STEVE RICHARDSON: So P 's a good family friend whereas P is more business, I suppose you would

30. The Tribunal considers that the above exchanges, indeed all exchanges quoted in this Award,) can only be explained by the involvement in match or spot fixing of the individuals between whom they passed, and the individuals to whom they referred. Although it is a matter for the Tribunal, it is notable that even the Players agree with this interpretation<sup>36</sup>.
31. In the match between Hong Kong and Canada on 17 January 2014, which also commenced at 9.30am, Canada batted first<sup>37</sup>. WhatsApp messages between P and R from 14 and 17 January 2014 contain the following exchanges:

|            |          |   |                               |
|------------|----------|---|-------------------------------|
| 14/01/2014 | 13:15:00 | P | Do you already speak to Irfan |
| 14/01/2014 | 13:15:00 | R | Spoke to them                 |
| 14/01/2014 | 13:15:00 | R | Yes                           |
| 14/01/2014 | 13:15:00 | P | Ok...                         |
| 14/01/2014 | 13:15:00 | P | And then                      |
| 14/01/2014 | 13:15:00 | P | What 2nd match                |
| 14/01/2014 | 13:15:00 | P | Is he ready to do..?          |
| 14/01/2014 | 13:15:00 | R | Sorted                        |
| 14/01/2014 | 13:16:00 | R | All ok                        |
| 14/01/2014 | 13:16:00 | P | He called me yesterday        |
| 14/01/2014 | 13:16:00 | P | But I count pick his call     |

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say. Is that fair? IRFAN AHMED: Yeah.'

<sup>36</sup> See transcript of interview with Nadeem Ahmed on 14 March 2017 (part 1), p.37, 'STEVE RICHARDSON: Do you think, literally from the conversations they are talking about match fixing on the matches they're watching? NADEEM AHMED: In some of the conversation, yes', transcript of interview with Irfan Ahmed on 6 July 2017, p.15, 'STEVE RICHARDSON: Do you think—just try to take yourself out of being a professional cricketer... IRFAN AHMED: Yes. STEVE RICHARDSON: Do you think that little exchange of WhatsApps sounds odd or suspicious? IRFAN AHMED: Yeah, well, it looks—the way they're talking, but anybody can talk. Anybody can talk.', and, finally, the transcript of interview with Haseeb Amjad on 15 March 2017, pp.19-20, 'STEVE RICHARDSON: That wasn't the question, all right? That wasn't the question. What do you think those messages that we've just read, those two or three pages that we've just read, what do you think those people, P and R, are involved in and talking about? HASEEB AMJAD: I have no idea what they are talking about, literally because I have no concern with them. STEVE RICHARDSON: No, that's not the question. What do you think generally they could be talking about? Okay, let me try try and help you. Do you think they could be talking about match fixing? HASEEB AMJAD: For this one? STEVE RICHARDSON: For HASEEB AMJAD: Yes yeah.... STEVE RICHARDSON: the conversations you've just read. HASEEB AMJAD: Yeah, yeah they are talking about these things. STEVE RICHARDSON: They are talking about match fixing, yeah? HASEEB AMJAD: Yeah.'

<sup>37</sup> See cricinfo scorecard for this match.

|            |          |   |                                     |
|------------|----------|---|-------------------------------------|
| 14/01/2014 | 13:16:00 | R | What he say                         |
| 14/01/2014 | 13:17:00 | P | So any changes...                   |
| 14/01/2014 | 13:17:00 | P | Or same                             |
| 14/01/2014 | 13:17:00 | R | Changes                             |
| ...        |          |   |                                     |
| 14/01/2014 | 20:25:00 | R | Has 4th and 8th over of innings     |
| 14/01/2014 | 20:25:00 | R | Nadeem irfan is 2nd over of 1st and |
| 14/01/2014 | 23:22:00 | P | These bolls are wide or 8+ runs     |
| 14/01/2014 | 23:22:00 | P | These are 8+ overs                  |
| 14/01/2014 | 23:22:00 | P | No run out                          |
| 14/01/2014 | 23:51:00 | R | 8 runs or more                      |
| 15/01/2014 | 01:08:00 | P | Ok                                  |
| ...        |          |   |                                     |
| 17/01/2014 | 11:29:00 | P | All pass..?                         |
| 17/01/2014 | 11:29:00 | R | Nope                                |
| 17/01/2014 | 11:29:00 | R | Haseeb Fucked up                    |

32. Again, these messages strongly suggest the involvement of each of the Players in an attempt to fix this match. Hong Kong v Canada was Hong Kong's second match in the Qualifiers, which explains the reference to '2<sup>nd</sup> match' by P on 14 January 2014.

33. Further, during this match Haseeb Amjad and Irfan Ahmed both delivered the '8+ overs' performances envisaged by the WhatsApp messages (i.e. they conceded 8 or more runs) in the very overs identified in the messages<sup>38</sup>.

33.1 Haseeb Amjad conceded 14 runs in the fourth over of the innings. The exchange 'Has 4th and 8th over of innings' is understood by the Tribunal as 'Haseeb will be bowling the fourth and eight over of the innings'. Haseeb Amjad himself admits that he is known by the nickname "Has"<sup>39</sup> and he did indeed bowl the fourth over of the innings. During that fourth over, he bowled three wides in succession and then conceded two fours. In each of the other seven overs bowled by

<sup>38</sup> There are video clips of these deliveries which the Tribunal has seen.

<sup>39</sup> Interview Transcript p.33.

Haseeb Amjad during the match, he conceded between 1-7 runs only.

- 33.2 R's message to P states that 'Irfan is 2nd over of 1st and 2nd spell'. Irfan Ahmed's second over of his first spell conceded 11 runs. During that over Irfan Ahmed bowled five wides. He did not bowl any other wides in his entire spell and his overall bowling figures were 0-21 in 5 overs.
34. Following his unimpressive over, Haseeb Amjad was removed from Hong Kong's bowling<sup>40</sup>, which, in the Tribunal's view, explains the comment 'Haseeb Fucked up', made because he was then unable to bowl the eighth over of the innings to complete the fix.
35. On 12 March 2014, Hong Kong played Zimbabwe in the ICC World Twenty20 tournament, at Chittagong in Bangladesh. WhatsApp messages from the early hours of 12 March 2014 contain the following exchanges (Hong Kong is two hours ahead of Bangladesh):

|             |          |   |  |
|-------------|----------|---|--|
| 12/03/2014  | 01:09:00 | P | Jus now talking to [...]                                       |
|             |          |   |  |
| 12/03/2014  | 01:09:00 | P | He want to share session with me                               |
| 12/03/2014  | 01:09:00 | R | Ok   |
| 12/03/2014  | 01:09:00 | R | We do it   |
| 12/03/ 2014 | 01.09.00 | R | ... Tomorrow morning we meet.<br>India bookies In India I have |
| 12/03/2014  | 01:10:00 | P | He is asking 20k usd for session...tht<br>he fixed wthirfan    |
| 12/03/2014  | 01:10:00 | R | He's paying Irfan 40k?   |
| 12/03/2014  | 01:10:00 | P | Nope   |
| 12/03/2014  | 01:10:00 | P | 20k  |
| 12/03/2014  | 01:10:00 | R | So 10k each?   |
| 12/03/2014  | 01:10:00 | P | He asking me half  |
| 12/03/2014  | 01:10:00 | R | Us and him?  |

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40 w/s Richardson SR4.



|            |          |   |                                  |
|------------|----------|---|----------------------------------|
| 12/03/2014 | 01:10:00 | R | Ok can                           |
| 12/03/2014 | 01:10:00 | R | Definitely                       |
| 12/03/2014 | 01:10:00 | P | Yea                              |
| 12/03/2014 | 01:10:00 | R | Cheap as fuck                    |
| 12/03/2014 | 01:10:00 | R | Irfan really broke motherfuckers |
| 12/03/2014 | 01:10:00 | R | Hahahahahah                      |
| 12/03/2014 | 01:10:00 | P | Irfan is cheep                   |
| 12/03/2014 | 01:11:00 | R | Looool                           |
| 12/03/2014 | 01:11:00 | P | Hahaja                           |
| 12/03/2014 | 01:11:00 | R | Ok done                          |
| 12/03/2014 | 01:11:00 | R | We do it                         |
| 12/03/2014 | 01:11:00 | R | U be the front                   |
| 12/03/2014 | 01:11:00 | P | Ok                               |
| 12/03/2014 | 01:11:00 | R | Ill put the bets                 |
| 12/03/2014 | 01:11:00 | R | Ok                               |
| 12/03/2014 | 01:12:00 | R | Tom we must do something man     |
| 12/03/2014 | 01:12:00 | R | Fuck                             |

36. These messages, in the Tribunals view, clearly show that P and R 'agreed to part fund a fix that '[...]' (which in all the circumstances, including in particular the established contacts between Irfan Ahmed, X and P, is, the Tribunal accepts, a reference to X) has arranged with Irfan Ahmed. There is no detail as to what session is to be fixed.
37. Hong Kong played a series of ICC World Twenty20 Qualifiers in Ireland and Scotland between 11 July 2015 and 25 July 2015. On 21 July 2015, Hong Kong successfully qualified to participate in the ICC World Twenty20 tournament ("ICC T20"), due to be played in India between 8 March and 3 April 2016. WhatsApp exchanges in the period 12 July 2015 to 22 July 2015 contain the following exchanges, shown against the dates of each of Hong Kong's Twenty20 Qualifiers (noting that Hong Kong is eight hours ahead of Ireland and Scotland):

|  |            |          |   |   |
|--|------------|----------|---|---|
| <b>Hong Kong<br/>Twenty20</b>                              |            |          |   |   |
| 11 July 2015 v<br>Jersey (Jersey<br>won by 9<br>wickets)   |            |          |   |   |
|  | 12/07/2015 | 08:26:00 | R | Irfan called u  |
|  | 12/07/2015 | 10:49:00 | P | Yea already   |
|  | 12/07/2015 | 16:23:00 | R | Great   |
|  | ...        |          |   |   |
|  | 12/07/2015 | 17:56:00 | P | I have sheet of irfi  |
|  | 12/07/2015 | 17:56:00 | P | For all matches   |
|  | 12/07/2015 | 17:56:00 | R | Hahah   |
|  | 12/07/2015 | 17:57:00 | P | 😊😊  |
| 13 July 2015 v<br>Papa New<br>Guinea (match<br>abandoned)  |            |          |   |   |
| 15 July 2015 v<br>Nepal (Hong<br>Kong won by 5<br>wickets) |            |          |   |   |
|  | 16/07/2015 | 17:04:00 | R | I'll be honest with u. If<br>u r 100 percent we can<br>do the match I can get<br>money because I will<br>take from same guy u<br>know |

|  |            |          |   |   |
|--|------------|----------|---|---|
|  | 16/07/2015 | 17:05:00 | R | Just write me a message saying Irfan says if u wanna work clear his 6500 hkd  |
|  | 16/07/2015 | 17:05:00 | R | Then he will message u  |
|  | 16/07/2015 | 17:05:00 | P | Wht u mean  |
|  | 16/07/2015 | 17:05:00 | R | You write me a message saying this Irfan said if you wanna work for tommorow match clear his old account of 6500 . Then he will call you to make the plan |
|  | 16/07/2015 | 17:06:00 | P | Ok  |
|  | 16/07/2015 | 17:06:00 | R | But u must make sure irfan calls otherwise I  |
|  | ...        |          |   |   |
|  | 16/07/2015 | 17:08:00 | R | I need batting session when he is batting   |
|  | 16/07/2015 | 17:09:00 | R | And bowling session. I can send u money in advance some   |
|  | ...        |          |   |   |
|  | 16/07/2015 | 17:10:00 | P | Irfan said if you wanna work for tommorow match clear his old account of 6500. Then he will call you to make the plan                                     |

|  |            |          |   |   |
|--|------------|----------|---|---|
|  | 16/07/2015 | 17:11:00 | R | Ok , I can do that also.<br>Just ask him how much he will charge then I will add and send before match some. But if he doesn't do work he is fucked |
|  | 16/07/2015 | 17:11:00 | R | Make sure   |
|  | 16/07/2015 | 17:11:00 | P | For tomorr match idntknw how much he will.ask   |
|  | 16/07/2015 | 17:11:00 | R | Pls ask him fast that   |
|  | 16/07/2015 | 17:11:00 | P | If price is ok thn go ahead   |
|  | ...        |          |   |   |
|  | 16/07/2015 | 18:10:00 | P | He caled me alredy  |
|  | 16/07/2015 | 18:11:00 | R | What is update  |
|  | 16/07/2015 | 18:11:00 | R | Tell me   |
|  | 16/07/2015 | 18:15:00 | P | <Media omitted><br><i>(Unidentified)</i>  |
|  | 16/07/2015 | 18:16:00 | R | Ok fix it up fast   |
|  | 16/07/2015 | 18:17:00 | R | Then I will do the cash work now before 8pm finaliseterms   |
|  | 16/07/2015 | 18:21:00 | R | Check if has haseebrdy  |
|  | ...        |          |   |   |
|  | 16/07/2015 | 20:17:00 | P | After 52 i will msgirfan  |
|  | 16/07/2015 | 20:17:00 | P | And tell him  |
|  | 16/07/2015 | 20:17:00 | R | Up to u. I'm not asking money   |

|   |            |          |   |  |
|---|------------|----------|---|--|
|   | 16/07/2015 | 20:17:00 | R | I told u arrange the deal that's all             |
|   | ...        |          |   |  |
|   | 16/07/2015 | 21:22:00 | P | Jus talking to him                               |
|   | 16/07/2015 | 21:22:00 | R | Ok   |
|   | 16/07/2015 | 21:22:00 | P | He asking for bowling only                       |
|   | 16/07/2015 | 21:22:00 | P | No bat   |
|   | 16/07/2015 | 21:22:00 | R | Bowling when he will bowl?                       |
|   | 16/07/2015 | 21:24:00 | P | All his oves                                     |
|   | 16/07/2015 | 21:24:00 | P | Overs he will tell u pass or not                 |
|   | 16/07/2015 | 21:25:00 | P | How many he will give                            |
| 17 July v Ireland (Hong Kong won by 5 runs) |            |          |   |  |
|   | 17/07/2015 | 17:59:00 | P | U r too late                                     |
|   | 17/07/2015 | 17:59:00 | R | At least bowling we coulda done!                 |
|   | 17/07/2015 | 18:03:00 | P | Too late now                                     |
|   | 17/07/2015 | 18:04:00 | P | See wht time u msg you .. and wht time you reply |
|   | 17/07/2015 | 18:20:00 | R | I told u arrange bowling                         |

|  |  |          |   |   |
|--|--|----------|---|---|
|  | 17/07/2015   | 18:20:00 | R | So he's dng nth?  |
|  | 17/07/2015   | 18:20:00 | R | Today?  |
|  | 17/07/2015   | 18:20:00 | P | He had done ..with another guy  |
| 18 July v USA<br>(USA won by 7 wickets)            |  |          |   |   |
| 19 July v Namibia (Hong Kong won by 83 runs)       |  |          |   |   |
| 21 July v Afghanistan (Hong Kong won by 5 wickets) | Hong Kong qualify for the ICC World Twenty20 in India by virtue of winning this match. |          |   |   |
|  | 22/07/2015   | 22:57:00 | R | Let me check my money. Strt plan I will give u. Can u fix up the brothers for India |
|  | ...  |          |   |   |
|  | 22/07/2015   | 22:59:00 | R | But u tell 20rfan get rdy   |
|  | 22/07  | 22:59:00 | P | This week   |
|  | 22/07  | 22:59:00 | P | He is ready   |
|  | 22/07  | 22:59:00 | R | Ok I can do that  |
|  | 22/07  | 22:59:00 | P | Yesterday we talk a lot   |
|  | 22/07  | 22:59:00 | P | I show u  |
|  | 22/07  | 23:00:00 | P | <Media omitted>   |
|  | 22/07  | 23:00:00 | P | Now u can belive  |

|  |                |          |   |  |
|--|----------------|----------|---|--|
|  | 22/07<br>/2015 | 23:00:00 | R | Sort it out properly pls for<br>World Cup ok |
|  | 22/07<br>/2015 | 23:00:00 | R | Pls  |
|  | 22/07<br>/2015 | 23:00:00 | P | I will                                       |

38. The Tribunal draws the following conclusions, mainly if not completely consistent with ICC's analysis, from the above exchange:

38.1 On 12 July 2015, P states that he has a 'sheet of Irfi...For all matches', which means that he has received a 'script' from Irfan Ahmed detailing fixes for all of Hong Kong's upcoming matches in the World Twenty20Qualifiers.

38.2 R's message on 16 July 2015 "Just write me a message saying Irfan says if u wanna work clear his 6500 hkd" and P's reply "Irfan said if you wanna work for tomorrow match [Hong Kong v Ireland] clear his old account of 6500. Then he will call you to make the plan", as well as other messages in this exchange, are references to a debt of Irfan Ahmed's being paid, in Hong Kong Dollars, in order for any further agreements to be reached.

38.3 R's message on the same day "Just ask him how much he will charge then I will add and send before match some ... Pls ask him fast that" and P's reply "If price is ok thn go ahead ... He asking for bowling only ... Nobat" are references to negotiating with Irfan Ahmed in relation to fixing.

38.4 Also on 16 July 2015, R's message "Check if has haseebrdy" is a query about Haseeb Amjad's preparedness to be involved in fixing. The Tribunal notes that this indicates no more than R anticipated that Haseeb Amjad might be so involved. There is no evidence before the Tribunal that Haseeb Amjad became involved in this particular conspiracy.

38.5 The following exchange made on 17 July 2015 indicates R and P's belief that Irfan Ahmed arranged a fix with another party: R: "I told u arrange bowling ... So he's dng nth? Today?"; P: "He had done ..wth another guy".

38.6 The following exchange, made on 22 July 2015 (the day after Hong Kong qualified for the ICC T20), indicates that R and P promptly began plans to engage in fixing with Irfan and Nadeem Ahmed: R "Let me check my money.







39. The WhatsApp messages from July 2015 strongly suggest that Irfan Ahmed was engaged in a conspiracy to fix matches at the ICC T20. While Nadeem is not mentioned by name, he is obviously one of the brothers; and is linked with him in the images.
40. On 14 January 2016 the ACU received an anonymous email<sup>41</sup>, which stated:

“Dear Sir/Madam,

In the news I heard about IRFAN AHMAD (HK Player) being suspended from cricket by ICC.

I know myself a lot of Matches fixed by X and Irfan Ahmad got lot money for that.

I want to bring in your Notice another Fixing Element in HK National Team Name: NADEEM AHMAD (Slow Left Arm Spinner).

He offered me also for spot fixing in coming world T20 for his overs and he wants me to bet for that and invest the money.

He is offering too many people.

Please keep an eye on him too.

I want to remain anonymous, will keep in touch and continue to give your team tips if I knew something.

Thanks a lot.”

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<sup>41</sup> w/s S, Exh. 1.

41. Despite the email being sent anonymously, the ACU followed it up with the sender and established that the email had been sent by S. On 9 December 2016 S was interviewed, and thereafter he provided a witness statement for the purposes of these proceedings. S's evidence can be summarised as follows:

41.1 He runs a cricket club in [...], called [...].

41.2 In 2012 he enlisted a player called ['player'] to play for his club, who began providing him with betting tips in relation to matches in the Indian Premier League and the Bangladesh Premier League. The information that ['player'] provided often proved to be correct.

41.3 ['player'] told him that his information was coming from Pakistan and, more particularly, that ['player'] was in frequent contact with Irfan Ahmed and X (both of whom S understood to be close to ['player']).

41.4 In August 2015, S's cricket club was going to play in the annual [...] tournament. ['player'] introduced S to Nadeem Ahmed and Nadeem Ahmed agreed to play for the club in that tournament<sup>42</sup>.

41.5 When staying in [...] for the tournament, S went to visit ['player'] in the hotel at which ['player'] was staying, the [...] Hotel. He had been told by ['player'] that he wanted to talk to him about something.

41.6 When he arrived at the hotel, S went to ['player']'s room, where Nadeem Ahmed was also present and the following events took place<sup>43</sup>.

41.7 ['player'] informed S that Hong Kong had qualified for the ICC T20, and that the results of those matches could be fixed or spot-fixes could be arranged (whatever S wanted). ['player'] said that he and Nadeem Ahmed had other Hong Kong players who were involved, making specific reference to Haseeb Amjad.

41.8 Nadeem Ahmed explained how batting and bowling fixes could take place. Nadeem Ahmed said that he could fix a match by conceding more than 15 runs in an over and suggested that Irfan Ahmed could get out by way of hit wicket.

41.9 During his discussion with S, Nadeem Ahmed phoned Irfan Ahmed and the

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<sup>42</sup> Nadeem Ahmed confirms this to be the case. See transcript of interview with Nadeem Ahmed on 14 March 2017 (part 1), pp.2-4

<sup>43</sup> Nadeem Ahmed also accepts that he was staying in a hotel at the relevant time, but denies meeting S at the hotel. See transcript of interview with Nadeem Ahmed on 14 March 2017 (part 1), pp.2- 4.

brothers had a coded conversation in Urdu. Nadeem Ahmed mentioned to Irfan Ahmed that S was someone they could deal with. S spoke briefly on the phone to Irfan Ahmed, who told S that he could trust whatever Nadeem Ahmed said on the basis that Nadeem Ahmed spoke for both of them.

- 41.10 Nadeem Ahmed and ['player'] informed S of a procedure by which fixes could be organised, by compiling a draft email through a web-based email account. It was explained that S, Irfan Ahmed and Nadeem Ahmed would each have the password to the account, enabling them to look at the draft emails to give and receive instructions. No email would be sent, and therefore no record of it would exist. ['player'] explained that all players linked to X used this method.
- 41.11 Nadeem Ahmed informed S that he would signal a fix by sitting on the ground to tie his boots before starting an over, in order to give sufficient time for a bet to be placed.
- 41.12 Nadeem Ahmed said that, in order to put a fix into action, he would need S to pay US\$10,000 by way of advance, with a minimum level of betting of US\$100,000 and any profit would be split 40/30/30 between him, Irfan Ahmed and Nadeem Ahmed respectively. Nadeem Ahmed said payments could be made either by cash or by way of bank transfer to an HSBC company account.
- 41.13 Nadeem Ahmed enquired as to whether S had a Malaysian company account that he could use to enable others to pay money into the account, and which could allow Nadeem Ahmed to collect the money when he visited Kuala Lumpur. As an alternative, Nadeem Ahmed said that S could transfer the money to Pakistan for him (and receive a 15-20% commission).
42. It is unclear why S volunteered his information. He was not subject to the Code and the ICC confirmed that no benefit was offered to him for his testimony. According to the ICC, S had no connection to X, P, or R and there is no evidence of any such connection before the Tribunal.
43. However, in accordance with the Chairman's direction, the ICC was entitled to rely upon S's written statement, which was consistent with his unsolicited e-mail. In its assessment the Tribunal could discern no reason why S should contrive false testimony in such elaborate detail. Moreover, Nadeem Ahmed, who attended the hearing by video conference could not, in response to a direct question, give any explanation at all as to why S should have lied on such matters. Nadeem Ahmed had denied in interview

that he had met S in the [...] Hotel; however, he admitted that he was staying at the same hotel on the day the conversation alleged by S took place<sup>44</sup>, and has presented no evidence to disprove the possibility of any such meeting. The Tribunal is therefore comfortably satisfied that it should take S's testimony at face value as inculpatory of the Ahmed brothers.

44. S's evidence that Irfan and Nadeem Ahmed sought to fix matches in the ICC T20 is said to be supported by a statement from Witness B<sup>45</sup>, an ICC Elite umpire who oversaw a match between Hong Kong and Afghanistan in that tournament (which was Hong Kong's second group match, following Zimbabwe and before Scotland), which itself is said to be corroborated by Witness A, who was also present at the match. Their suspicions relate to two balls and their delivery:

44.1 Nadeem Ahmed's fifth delivery of his sixth over was a no ball, which Witness C, Witness B's fellow umpire, signalled.

44.2 The next delivery, a free hit for the batsman, and hit for six.

45. The Tribunal, while it accepts that those suspicions were genuinely held, is not comfortably satisfied that those balls were in fact implementation of a preconceived spot fixing plan for the following reasons:

45.1 Both were bad balls (as Nadeem Ahmad himself conceded) but, with the benefit of sight of the video evidence, the Tribunal would not stigmatize them as so bad as necessarily to be categorized as deliberate.

45.2 Witness A's perception, while genuine, may have been influenced by his admitted awareness of the possibility of spot fixing during these matches.

45.3 Witness C's statement which was key to this part of the ICC's case was, as noted, withdrawn so disintitling the Tribunal from paying any attention to it at all.

45.4 S's evidence as to the planned fix does not include any particulars of precisely when and how it would be effected.

46. A player referred to below as 'A' has also provided an unsolicited witness statement for the purposes of these proceedings<sup>46</sup>. He is a professional cricketer who plays

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<sup>44</sup> See above para.

<sup>45</sup> A statement from Witness C, a fellow umpire was withdrawn by the ICC since his perception of the ball before the no ball did not in ICC's view, tally with the visual evidence.

<sup>46</sup> w/s of A dated 7 December 2018.

internationally for [...] in all three formats of the game, having made his international debut in [...]<sup>47</sup>. He plays domestic cricket in [...], currently for [...].

47. A approached the ICC to supply his statement after learning, following the issue of an ICC press release, of the provisional suspensions of Irfan Ahmed, Nadeem Ahmed and Haseeb Amjad. Upon hearing that news, A informed an ACU Anti-Corruption Manager, [...], of a corrupt approach made to him by Irfan Ahmed in July 2013.
48. A 's evidence does not, therefore, relate to any of the key time periods or events in these proceedings, and was not tendered by ICC for that purpose. Moreover, there is no evidence of any connection between A and any of the other individuals in this case suspected of involvement in spot fixing. However, A's evidence is, in the Tribunal's view, useful and reliable corroborating evidence of Irfan Ahmed's bad character and willingness to fix matches.
49. A's evidence can be summarized as follows:
  - 49.1 On [...] 2013, A was playing for the [...] against [...]. One of his opponents was Irfan Ahmed.
  - 49.2 Following the match A was drinking with teammates and the club president in a nightclub, when Irfan Ahmed and another member of the [...] squad, [...], came into the nightclub and offered to buy drinks
  - 49.3 A little while later, Irfan Ahmed gestured to A to step aside with him. Irfan Ahmed enquired as to whether A would be competing in the next Big Bash League (the Australian domestic Twenty20 competition), because there was potential to make big money in that competition.<sup>48</sup> Irfan Ahmed informed A that he could put him in touch with people who would pay him to do things in games for them.
  - 49.4 A knew immediately that Irfan Ahmed was offering him an opportunity to get involved in fixing, and immediately rejected the suggestion. A was surprised as to how brazen and direct Irfan had been in making the approach.
  - 49.5 A reported the incident shortly afterwards to someone at [...], but did not hear anything following making that report.

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<sup>47</sup> See playing record of A.

<sup>48</sup> At the time A was in discussion to join [...].

## CONCLUSION

50. Based on the foregoing evidence, the Tribunal accepts that the ICC has met its burden and standard (i.e. comfortable satisfaction) of proof on each of the charges against each of the Players save where it states otherwise.
51. It has done so on the Article 2.1.1 charge under the 2012 Code against Irfan and Nadeem Ahmed (but not against Haseeb Amjad) in relation to the Hong Kong v Scotland match of 13 January 2014 for the reasons set out below.

Article 2.1.1 establishes the following offence under the Code: 'Fixing or contriving in any way or otherwise influencing improperly, or being party to any effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any International Match of ICC Event'.

In summary:

- 51.1 Irfan Ahmed and Nadeem Ahmed admit they are friends with P and telephone records indicate that each of the brothers was in regular outbound telephone contact with P during the relevant period. The Tribunal is convinced that Irfan Ahmed was also in regular WhatsApp contact with P. The Tribunal also considers it very likely indeed that Nadeem Ahmed was in regular contact with P and that both brothers deliberately deleted their WhatsApp exchanges with P in an attempt to impede the ACU's investigations.
- 51.2 Irfan Ahmed also knows R.
- 51.3 The WhatsApp messages dated 13 January 2014 (set out at paragraph 28 above), which were exchanged between P and R whilst Hong Kong were playing Scotland on that date, clearly evidence an effort involving the Ahmed brothers to 'fix or contrive ... or otherwise influence improperly ... the result, progress, conduct or any other aspect' of that match. By way of illustration:  

'R: Haseeb fucked up';  
'P: Irfan said u for haseeb';  
'R: Didn't win a dollar. Haseeb fail. IRFY delivered. Nadeem fail, But Nadeem fail cause he knew ... Haseebstrt fail'; and  
'R: I speak to Irfan ...  
'P: He asking how to manage these things.  
R: I will call him.

'P: Dnt call him. He will conctect me.... We have our language'.

- 51.4 However, while it is clear that it was anticipated by those themselves involved that Haseeb Ahmad would participate in implementation of such plan, there is no evidence that on this occasion he did so. There is not even any unambiguous evidence that Haseeb Amjad had any intention of so doing.
52. It has done so on the Article 2.4.2 charge under the 2012 Code against Irfan and Nadeem Ahmed in relation to the Hong Kong v Scotland match of 13 January 2014 for the reasons set out below.

Article 2.4.2 of the 2012 Code establishes an offence under the Code of 'Failing to disclose to the ACU (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'.

By reason of proof of the Article 2.1.1 charge, and because neither of the Ahmed brothers has ever made a report to the ACU, it has necessarily met its burden of proving that each of the Players also breached Article 2.4.2. The Tribunal, however, finds that ICC has not met its burden of proof to a comfortable standard in respect of Article 2.4.2 against Haseeb Amjad in relation to the Hong Kong v Scotland match on 13 January 2014 as there was no evidence to demonstrate that any approach or invitation was made to Haseeb Amjad to engage in conduct that would amount to a breach of the Anti-Corruption Code. As such, in the absence of evidence demonstrating any such approach or invitation no such duty to disclose can be imposed.

53. It has done so on the Article 2.1.1 charge under the 2012 Code against Irfan Ahmed and Haseeb Amjad (but not against Nadeem Ahmed) in relation to the Hong Kong v Canada match of 17 January 2014 for the reasons set out below.

Article 2.1.1 establishes an offence under the Code of Fixing or contriving in any way or otherwise influencing improperly, or being party to any effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any International Match of ICC Event'.

- 53.1 The summaries of the Tribunal's views about the close contact between Irfan Ahmed, P and R set out in paragraphs 25, 26 and 27 are repeated here.
- 53.2 Haseeb Amjad also knew P.
- 53.3 The WhatsApp messages of 14<sup>th</sup> and 17<sup>th</sup> January indicate a clear likelihood of

involvement of Irfan Ahmed and Haseeb Amjad in match fixing.

53.4 This is corroborated by the poor match performances of Irfan Ahmed and Haseeb Amjad.

The Tribunal does not find that ICC has met its burden of proving the charges against Nadeem Ahmed for the Hong Kong v Canada match in respect of Article 2.1.1 since there was no evidence demonstrating that he had sought to influence improperly, or be party to any effort to fix or contrive in any way the result of the match.

54. It has done so on the Article 2.1.3 charge under the 2012 Code against Irfan Ahmed and Haseeb Amjad in relation to the Hong Kong v Canada match of 17 January 2014. for the reasons set out below

Article 2.1.3 establishes an offence under the Code of 'Failing, for Reward, to perform to one's abilities in an International Match'.

Haseeb Amjad and Irfan Ahmed both delivered the '8+ overs' performances envisaged by the WhatsApp messages (i.e. they conceded 8 or more runs) in the very overs identified in the messages<sup>49</sup>. This could not be mere coincidence; rather it spoke to deliberate actions. The fact that Haseeb Amjad and Irfan Ahmed acted for reward may be inferred, there being no other conceivable motive.

55. It has done so on the Article 2.4.2 charge under the 2012 Code against Irfan Ahmed and Haseeb Amjad (but to against Nadeem Ahmed) in relation to the Hong Kong v Canada match of 17 January 2014 for the reasons set out below.

Article 2.4.2 of the 2012 Code establishes an offence of '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'.

56. The Tribunal refers to the evidence which underpins the Article 2.1.1 charge and/or the Article 2.1.3 charge and notes that neither of those two Players has ever made a report to the ACU.

57. However, the Tribunal finds that ICC has not met its burden of proof in respect of Article 2.4.2 against Nadeem Ahmed in relation to the Hong Kong v Canada match on 17 January 2014 as the evidence does not, to a comfortable standard, demonstrate that

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<sup>49</sup> There are video clips of these deliveries which the Tribunal has seen.



any approach or invitation was made to Nadeem Ahmed to engage in conduct that would amount to a breach of the Anti-Corruption Code.

58. It has done so on the Article 2.1.2 charge under the 2012 Code against Irfan Ahmed in relation to the Hong Kong v Zimbabwe match of 12 March 2014 for the reasons set out below.

Article 2.1.2 establishes an offence under the Code of Seeking, accepting, offering or agreeing to accept any bribe or other Reward to fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any International Match or ICC Event'.

58.1 The summaries of the Tribunal's views about the close contact between Irfan Ahmed, P and R set out in paragraphs 25, 26 and 27 are repeated here.

58.2 Furthermore, the WhatsApp messages exchanged between P and R (set out at paragraphs 28, 31, 35 and 37 above) show Irfan Ahmed engaging in the conduct prohibited by Article 2.1.2. by fixing a session with '[...]' [X]: 'P: Jus now talking to X. He want to share session with me ... He is asking 20k usd for session..tht he fixed with Irfan.'

59. It has done so on the Article 2.1.3 charge under the 2014 Code against Irfan Ahmed in relation to one or more of Hong Kong's 2016 ICC World Twenty20 Qualifiers in July 2015 for the reasons set out below.

Article 2.1.3 establishes an offence under the Code of 'Seeking, accepting, offering or agreeing to accept any bribe or other Reward to: (a) fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any International Match; or (b) ensure for Betting or other corrupt purposes the occurrence of a particular incident in an International Match'.

59.1 The summaries of the Tribunal's views about the close contact between Irfan Ahmed, P and R set out in paragraphs 51(i) and 51(ii) are repeated here.

59.2 The WhatsApp messages exchanged between P and R (set out at paragraph 37 above) plainly show Irfan Ahmed engaging in the conduct prohibited by Article 2.1.3 in respect of the ICC World Twenty20 Qualifiers in July 2015. By way of illustration:

59.2.1 On 12 July 2015, 'R: Irfan called u. P: Yea already. R: Great. P: I have sheet for Irfi. For all matches. P:'.

59.2.2 On 16 July 2015, 'P: Irfan said if you wanna work for tomorrow match clear his old account of 6500. Then he will call you to make the plan. R: OK, I can do that also. Just ask him how much he will charge then I will add and send before match some. But if he doesn't do work he is fucked.'

59.2.3 On 17 July 2015, 'R: I told u arrange bowling. So hesdng nth? Today? P: He had done ..wthanotherguy.'

59.2.4 On or around 21 July 2015 (the day Hong Kong qualified for the ICC T20) Irfan Ahmed spoke to P on a number of occasions, and P sent him a number of 'emoticons', including bag of money, cash, and smiling/laughing faces.

60. It has done so on the Article 2.4.4 charge under the 2014 Code against Irfan Ahmed in relation to one or more of Hong Kong's 2016 ICC World Twenty20 Qualifiers in July 2015.

Article 2.4.4 establishes an offence under the Code of 'Failing to disclose to the ACSU (without unnecessary delay) full details of any approaches or invitations received by [him] to engage in Corrupt Conduct'.

61. The Tribunal refers to the same evidence as underpins the Article 2.1.3 charge and notes that Irfan Ahmed has never made a report to the ACU.

62. It has done so on the Article 2.1.3 charge under the 2014 Code against Irfan Ahmed and Nadeem Ahmed in relation to one or more of Hong Kong's 2016 ICC T20 matches for the reasons set out below.

Article 2.1.3 establishes an offence under the Code of 'Seeking, accepting, offering or agreeing to accept any bribe or other Reward to: (a) fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any International Match; or (b) ensure for Betting or other corrupt purposes the occurrence of a particular incident in an International Match'.

62.1 The Tribunal considers the evidence of **S** to be compelling to the effect that Irfan Ahmed and Nadeem Ahmed offered to fix 2016 ICC T20 matches, telling S that they would need \$US10,000 by way of advance, a minimum level of betting of US\$100,000 and that profit would be split 40/30/30 between them. This seeking or offering to accept a bribe or other Reward to fix ICC T20 matches is supported by considerable detail from S, including detail as to how the fixes would be

arranged, how they would be signaled, and how they would be paid for.

- 62.2 The WhatsApp messages set out at paragraph 37 above corroborate S's evidence.
63. Accordingly given the above findings the Tribunal invites submissions from the ICC on sanctions, which will be communicated to the Players so as to enable them to respond.
64. While in his brief submission to the Tribunal at the hearing Nadeem Ahmed disclaimed any intention to participate in cricket again and any wish to make further submissions in respect of any sanction, he is free to change his mind.

**Michael J Beloff QC Chairman**

**Simon CG Copleston**

**Imtiaz U Ahmad Asif**

As from London 16 July 2019