

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

Between:

THE INTERNATIONAL CRICKET COUNCIL

and

MR RAJAN NAYER

Decision pursuant to Article 5.1.12 of the ICC Anti-Corruption Code

Introduction

1. The International Cricket Council (the "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) an effective means to deter any Participant from engaging in any form of Corrupt Conduct; and (b) a robust disciplinary procedure pursuant to which all matters of Corrupt Conduct can be dealt with fairly, efficiently, and expeditiously.¹
3. Rajan Nayer is the Treasurer and Marketing Director of the Harare Metropolitan Cricket Association in Zimbabwe, whose representative team, the Mashonaland Eagles, participates in Domestic Matches in Zimbabwe and is a member of, affiliated to or otherwise falls within the jurisdiction of Zimbabwe Cricket ("ZC"). He has held a number of other roles in cricket over his lifetime, including as a director of Zimbabwe Cricket.

Status as a Participant bound by the Code

4. At all material times, through his position as Treasurer and Marketing Director of the Harare Metropolitan Cricket Association, Mr Nayer constituted a Participant for the purposes of the Code. As such, he was automatically bound by the Code and agreed, among other things, (i) to comply with the Code; (ii) not to engage in conduct that would constitute a breach of the Code;

¹ Unless otherwise indicated in this decision, capitalized terms are defined terms and their respective definitions are set out in the Code.

and (iii) to submit to the jurisdiction of the ICC to investigate apparent or suspected Corrupt Conduct that would amount to a violation of the Code.

Summary of relevant background facts

5. In October 2017, Mr Nayer met with three Indian gentlemen who had travelled to Zimbabwe to discuss the potential sponsorship of a proposed Zimbabwe T20 premier league tournament. One of the men Mr Nayer met with was 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".
6. On 9 October 2017, Mr Nayer engaged in a telephone call with X, during which X mentioned the two Test matches due to be played by Zimbabwe against the West Indies in October 2017 (the "Series"), and asked Mr Nayer whether he thought Graeme Cremer ("GC"), the Zimbabwe captain, would be interested in taking some money in exchange for fixing the matches in the Series.
7. While initially telling X that he wasn't the right person to be involved in this, Mr Nayer subsequently agreed to call Mr Cremer and ask him if he would be interested in fixing matches in the Series. Mr Nayer later said that he agreed to make the call to Mr Cremer because he wanted X and his colleagues to agree to sponsor the proposed Zimbabwe T20 tournament.
8. After making arrangements with Mr Cremer via WhatsApp, Mr Nayer then called Mr Cremer on 10 October 2017. During this call, Mr Nayer told Mr Cremer that he had been approached by some people who wanted to know if Mr Cremer would be interested in fixing matches in the Series in return for US \$30,000.
9. Mr Cremer immediately told Mr Nayer that he was not interested, which Mr Nayer indicated that he thought would be the case, and Mr Nayer then asked Mr Cremer to keep the matter confidential.
10. Mr Nayer subsequently advised X that he had spoken to Mr Cremer and that Mr Cremer was not interested in the proposal.
11. Mr Cremer immediately reported the approach he had received from Mr Nayer to Robson Manjoro, Zimbabwe Cricket's Anti-Corruption Manager. Mr Manjoro subsequently reported the matter to the ICC's Anti-Corruption Unit, who commenced an investigation into the matter.
12. As part of their investigation, the ACU interviewed Mr Cremer who confirmed that he had received an approach from Mr Nayer asking him to take part in fixing the upcoming Test Match in the Series, and offering him a "package" in return, and that he had immediately refused the approach.
13. The ACU then interviewed Mr Nayer himself and put the allegations to him. In the course of his interviews with the ACU, Mr Nayer provided the following information and admissions:

- 13.1. He had contacted Mr Cremer by WhatsApp on 9 October 2017 and asked if he could call him.
- 13.2. He subsequently called Mr Cremer around lunchtime on 10 October 2017 and told him that he had been contacted by someone who was offering money for match-fixing and asked Mr Cremer whether he would be interested in the offer.
- 13.3. Mr Cremer immediately said no to the offer.
- 13.4. The reason that he had put forward the offer from X to Mr Cremer was that he wanted X and his colleagues to sponsor the proposed T20 event.
- 13.5. He admitted that his approach to Mr Cremer amounted to an attempt by him to get Mr Cremer involved in match-fixing.
- 13.6. He admitted that X had offered him US\$ 20,000 if he were to put X's offer of US\$ 200,000 to the Board of ZC to incentivize them to approve the proposed T20 event.

Relevant provisions of the Code

14. Code Article 2.1.1 makes the following an offence:

“fixing or contriving in any way or otherwise influencing improperly, or being party to any agreement or effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any International Match, including (without limitation) by deliberately underperforming therein.”

15. Code Article 2.1.3 makes the following an offence:

“seeking, accepting, offering or agreeing to accept any bribe or other Reward to: (a) fix or to contrive in any way of 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.”

16. Code Article 2.1.4 makes the following an offence:

“directly or indirectly soliciting, inducing, enticing, instructing, persuading, encouraging, intentionally facilitating any Participant to breach any of the foregoing provisions of this Article 2.1.”

Disciplinary Proceedings

17. Following its investigations, on 16 January 2018, the ICC charged Mr Nayer with breaches of Articles 2.1.1 (in that he was a party to an effort to fix or contrive or otherwise influence improperly the result, progress, conduct or other aspect(s) of matches in the Series), 2.1.3 (in that he offered Mr Cremer money to fix or contrive or otherwise influence improperly the result,

progress, conduct or any other aspect of the match in the Series), and 2.1.4 (in that he directly solicited, induced, enticed or encouraged Mr Cremer to breach Code Article 2.1.1.), with each breach charged in the alternative.

18. By way of an e-mail dated 29 January 2018, Mr Nayer formally admitted that he had breached Code Article 2.1.4 in that he induced or encouraged Mr Cremer to fix or be a party to an agreement or effort to fix the result, conduct or other aspect of the matches in the Series.
19. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC, and accepted by Mr Nayer, for his admitted breach of Code Article 2.1.4. On the basis of Mr Nayer's admission of a breach of Article 2.1.4, and taking into account Code Article 6.3.2 (which provides that sanctions for different offences run concurrently and not cumulatively), the ICC has agreed not to pursue any of the alternative charges based on the same facts.

Agreed Sanction

20. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Article 2.1.4 is a period of Ineligibility of a minimum of five (5) years and a maximum of a lifetime.
21. Code Article 6.1 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 that range.
22. It is acknowledged that any sanction imposed must be proportionate. In considering what is proportionate, the impact of a ban on Mr Nayer must be weighed against the importance of the objectives underlying the Code, the seriousness of the particular breach of the Code by Mr Nayer, the need to deter others from similar wrongdoing, the need to protect the image of sport, and (above all else) the need to maintain public confidence in the determination of the sport of cricket to stamp out corruption.
23. Relevant mitigating factors in Mr Nayer's case include the following:
 - 23.1. Mr Nayer's prompt admission of his breach following receipt of the Notice of Charge;
 - 23.2. Mr Nayer's previous good disciplinary record; and
 - 23.3. Mr Nayer's remorse and contrition.
24. Relevant aggravating factors in Mr Nayer's case include the following:
 - 24.1. Mr Nayer's position as a senior administrator within top level domestic cricket in Zimbabwe, and his former position as a Director of Zimbabwe Cricket, which gave him a position of trust;
 - 24.2. The fact that Mr Nayer's approach was made to the captain of an international team;

- 24.3. The fact that the offence, if Mr Nayer had succeeded in getting Mr Cremer to agree to fix, had the potential to affect the outcome of the relevant match in the Series; and
- 24.4. The fact that the offence, if it had been seen through, had the potential to substantially damage the commercial value and/or public interest in the matches in the Series.
25. In all of the circumstances of the case, including giving Mr Nayer credit for agreeing an outcome that avoids the need for a hearing and so saves considerable time and money for use elsewhere in the fight against corruption, and having considered sanctions for comparable offences in other cases in cricket as well as in other sports, the ICC considers that a period of ineligibility of twenty (20) years is reasonable and appropriate. Mr Nayer has agreed to this sanction. As such, a period of ineligibility of twenty (20) years is imposed.
26. In accordance with Code Article 6.4, Mr Nayer's period of ineligibility shall commence on the date of this decision, but the period of provisional suspension that he has served from 16 January 2018 shall be credited against the total period of ineligibility to be served.
27. During his period of ineligibility, Mr Nayer's status is as set out in Code Article 6.5 of the Code. This provides:
- "No Participant who has been declared Ineligible may, during the period of Ineligibility, play, coach, officiate or otherwise participate or be involved in any capacity in any capacity in any Match or any other kind of function, event or activity (other than authorized anti-corruption education or rehabilitation programs) that is authorized, organized, sanctioned, recognized or supported in any way by the ICC, a National Cricket Federation, or any member under the jurisdiction of a National Cricket Federation, or receive accreditation to provide media or other services at an official venue or Match. National Cricket Federations shall take all reasonable steps within their powers to give effect to this Article 6.5 to the extent that they have the jurisdiction, power or ability to do so."*
28. In accordance with Code Article 7.2 neither Mr Nayer nor the ICC shall have any right of appeal against this decision.

Conclusion

29. To summarise:
- 29.1. Mr Nayer admits that he has committed a breach of Code Article 2.1.4, in that he directly solicited, induced, enticed or encouraged Mr Cremer to breach Code Article 2.1.1.
- 29.2. A period of Ineligibility of twenty (20) years is imposed pursuant to Code Article 6.2, commencing on the date of this decision, with credit being given for the period of provisional suspension served by Mr Nayer since 16 January 2018, so that the period of ineligibility will expire at midnight on 15 January 2038.

- 29.3. Mr Nayer's status during the period of Ineligibility is as set out in Code Article 6.5.
- 29.4. This decision constitutes the final decision of the ICC in this matter. In accordance with Code Article 8.2, this decision will be disclosed publicly, including on the ICC's website.
- 29.5. There is no need for any further hearing in these proceedings, which are hereby terminated.

Dubai, 15 March 2018



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David Richardson
Chief Executive
International Cricket Council