

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

Between:

THE INTERNATIONAL CRICKET COUNCIL

and

MR QADEER AHMED KHAN

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. Qadeer Khan is a cricketer who has represented the UAE in 21 international matches, including 11 One Day Internationals and 10 T20 Internationals, having made his international debut in November 2015.

Status as a Participant bound by the Code

4. At all material times, as a result of his selection in International Matches for the Emirates Cricket Board, Mr Khan 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; 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.
5. Mr Khan has attended at least one anti-corruption education session conducted on behalf of the ICC. This session contained a reminder of the obligations of Participants under the Code not to engage in Corrupt Conduct under the Code, including, without limitation, the duty of Participants

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

to report, without unnecessary delay, full details of the ACU of any approaches or invitations received to engage in corrupt activity.

Summary of relevant background facts

6. Mr Khan was interviewed by the ACU on 6 and 9 October 2019 in relation to an ongoing investigation into potential corrupt conduct under the Code. Attempts were also made to interview him again in April 2020, but while the interview was started, it ultimately ended abruptly with Mr Khan refusing to take any further part in the interview.
7. During his interviews, Mr Khan 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 Mr Khan might have breached the Code, either by acting corruptly himself or by failing to report corrupt approaches or corrupt actions by others.
8. In his initial interviews, Mr Khan admitted 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 Corrupt Conduct.
9. Mr Khan further confirmed that he was aware that failing to report to the ACU an approach or invitation to engage in Corrupt Conduct was itself a breach of the Code.
10. In the course of his interviews with the ACU, Mr Khan confirmed the following:
 - 10.1 He knew an individual named [Mr Z] (otherwise known as [redacted]), who was a close associate of his, through club cricket and [Mr Z]'s clothing store.
 - 10.2 [Mr Z] was someone who helped Mr Khan get into teams, and that he had recently met him to discuss getting a place in a team in the upcoming T10 Cricket League, to be played in the UAE in November 2019.
 - 10.3 [Mr Z] had previously connected him with an individual named [Mr Y] (a known corrupter), on the basis that [Mr Y] might be able to get him into a T10 team which [Mr Y] was looking to buy into.
 - 10.4 About a week to 10 days before Mr Khan travelled to Zimbabwe in April 2019 to participate as a member of the UAE squad in the Zimbabwe v UAE series, [Mr Z] and [Mr Y] approached him and offered him 60,000-70,000 dirhams to "do bad bowling" in the Zimbabwe v UAE series. In particular, they asked him to give away 70/80 runs while bowling.
 - 10.5 He accepted that he did not report the approach received from [Mr Z] and [Mr Y] to the ACU as he was required to do under the Code.
 - 10.6 He continued to communicate with [Mr Z], notwithstanding the fact that [Mr Z] had previously approached him to be involved in fixing, because [Mr Z] was his friend. This contact usually took place in the lead up to series/tournaments that the UAE was to play in, and normally involved requests from [Mr Z] to meet.

- 10.7 He had provided Inside Information to [Mr Z], at [Mr Z]'s request, in August 2019, namely which overs he would be bowling if he played in the Netherlands v UAE series that month.
 - 10.8 If the information he had given to [Mr Z], which was effectively information he would normally share with his friends, amounted to Inside Information then he would have to face consequences for that.
 - 10.9 He had failed to report the request from [Mr Z] for Inside Information in relation to the Netherlands series.
 - 10.10 He questioned why the ACU had acted against members of the UAE team prior to the start of the ICC World T20 Qualifiers in October 2019 because if it had not, he said that the ACU would have been able to collect a lot of information about corruption (i.e. inferring that the ACU's action in questioning members of the UAE team had disrupted planned corruption).
 - 10.11 He may have more information to give to the ACU but he wanted to speak to his family first.
11. On 11 October 2019, Mr Khan left the UAE suddenly and returned to Pakistan, without mentioning anything to the ACU and without seeking the approval of his team or the ECB first.
 12. Attempts were made by the ACU to try and arrange to speak to Mr Khan further in mid-October, but Mr Khan failed to respond immediately to the messages, later sending an email to the ACU apologizing for his unexpected departure, stating that he had told the ACU everything and stating that he might return to the UAE in 4- or 5-days' time.
 13. He did not return to the UAE. In April 2020, the ACU made further attempts to interview Mr Khan in Pakistan following an analysis of his phone data and in order to put certain other matters to him. While an interview did start on 18 April 2020, Mr Khan stopped the interview halfway through, stating that he had to go to work. While the interview was rescheduled, shortly after the rescheduled interview started, Mr Khan refused to take any further part in the interview and instead indicated that he would take his chances with an Anti-Corruption Tribunal.

Relevant Provisions of the Code

14. Code Article 2.3.2 makes the following an offence:

“disclosing Inside Information to any person where the Participant knows or should have known that such disclosure might lead to the information being used in relation to Betting in relation to any International Match.”
15. Code Article 2.4.4 makes the following an offence:

“failing to disclose to the ACU (without unnecessary delay) full details or any approaches or invitations received by the Participant to engage in Corrupt Conduct under the Anti-Corruption Code.”

16. Code Article 2.4.5 makes the following an offence:

“failing to disclose to the ACU (without unnecessary delay) full details of any approaches or invitations you received to engage in conduct that would amount to Corrupt Conduct under the Code by another Participant, including (without limitation) approaches or invitations that have been received by another Participant to engage in Corrupt Conduct under the Anti-Corruption Code.”

17. Code Article 2.4.6 makes the following an offence:

“failing or refusing, without compelling justification, to cooperate with any investigation carried out by the ACU in relation to possible Corrupt Conduct under the Anti-Corruption Code (by any Participant), including (without limitation), failing to provide accurately and completely any information and/or documentation requested by the ACU (whether as part of a formal Demand pursuant to Article 4.3 or otherwise) as part of such investigation.”

18. Code Article 2.4.7 makes the following an offence:

“obstructing or delaying any investigation that may be carried out by the ACU in relation to possible Corrupt Conduct under the Anti-Corruption Code (by any Participant), including (without limitation) concealing, tampering with or destroying any documentation or other information that may be relevant to that investigation and/or that may be evidence of or may lead to the discovery of evidence of Corrupt Conduct under the Anti-Corruption Code.”

Disciplinary Proceedings

19. On the basis of the evidence obtained through its investigations, and the admissions made by Mr Khan to the ACU and set out above, on 16 October 2019, the ICC charged Mr Khan with the following breaches of the Code:

- 19.1. A breach of Code Article 2.4.4 in that he failed to disclose to the ACU (without unnecessary delay) the approach he received from [Mr Z] and [Mr Y] in April 2019 to fix aspects of the Zimbabwe v UAE series played in the same month.
- 19.2. A breach of Code Article 2.3.2 in that he disclosed Inside Information (namely which overs he would be bowling if he played in the Netherlands v UAE series in August 2019) to [Mr Z] in circumstances where he knew that the information might be used for betting purposes.
- 19.3. A breach of Code Article 2.4.4 in that he failed to disclose to the ACU (without unnecessary delay) the approach he received from [Mr Z] in August 2019 to provide [Mr Z] with Inside Information in relation to the Netherlands v UAE series to be played that month.
- 19.4. A breach of Code Article 2.4.5 in that he failed to disclose to the ACU information that might have evidenced possible Corrupt Conduct at the then upcoming ICC World T20

Qualifiers in October 2019, despite previously advising the ACU that he may have more information to provide in that regard.

- 19.5. A breach of Code Article 2.4.6 in that he failed to cooperate with the ACU's investigation by refusing to provide any information to the ACU in respect of what he knew about possible plans for Corrupt Conduct in the ICC World T20 Qualifiers 2019 and refusing to attend further interviews with the ACU.
- 19.6. A breach of Code Article 2.4.7 in that he concealed information which could be relevant to the ACU's investigation into possible Corrupt Conduct at the ICC World T20 Qualifiers 2019.
20. By way of a letter agreement dated 14 April 2021, Mr Khan formally admitted that he had breached the above Code provisions and waived his right to a hearing before the Anti-Corruption Tribunal.
21. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC, and accepted by Mr Khan, for his admitted breaches of the Code.

Agreed Sanction

22. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Articles 2.3.2, 2.4.4, 2.4.5, and 2.4.6 is a period of Ineligibility of a minimum of six (6) months and a maximum of five (5) years, and a breach of Code Article 2.4.7 is a period of Ineligibility ranging from zero (0) to a maximum of five (5) years.
23. Where a Participant is found guilty of committing two or more offences under the Code, Code Article 6.3.2 provides that, if those offences relate to the same incident or set of facts, then (save where ordered otherwise by the Anti-Corruption Tribunal for good cause) any multiple periods of Ineligibility imposed should run concurrently (not cumulatively). The converse to that, obviously, is that if the offences relate to separate incidents or sets of facts, any multiple periods of Ineligibility should run cumulatively.
24. 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.
25. 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 Mr Khan the importance of the objectives underlying the Code, the seriousness of the particular breaches of the Code by Mr Khan, 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.

26. The ICC notes that 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 without any unnecessary delay and fully cooperate with investigations conducted by the ACU. It is for this reason that these behaviours amount to offences under the Code.
27. Relevant aggravating factors in Mr Khan's case including the following:
 - 27.1. Mr Khan's failure to report more than one approach from [Mr Z] to engage in Corrupt Conduct.
 - 27.2. Mr Khan's continued dealings with [Mr Z] over a period of a number of months even after he approached him to engage in Corrupt Conduct.
 - 27.3. The approaches made to Mr Khan were clear in their content and intent; it was clear to Mr Khan that [Mr Z] was seeking to engage him in Corrupt Conduct.
 - 27.4. The number of different offences he has committed.
28. Relevant mitigating factors in Mr Khan's case include the following:
 - 28.1. Mr Khan's voluntary admission and cooperation during his interviews with the ACU;
 - 28.2. Mr Khan's prompt admission of his failure to report the approach following receipt of the Notice of Charge;
 - 28.3. Mr Khan's remorse and contrition as expressed to the ACU;
 - 28.4. Mr Khan's previous good disciplinary record;
 - 28.5. The fact that the offences did not substantially damage the commercial value and/or public interest in the relevant matches; and
 - 28.6. The fact that the offences did not affect the outcome of the relevant matches.
29. The ICC has considered all of the circumstances of this case, including giving Mr Khan 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 has considered relevant precedents. The ICC therefore considers that a period of ineligibility of five (5) years is reasonable and proportionate.
30. Mr Khan has agreed to this sanction. As such, a period of ineligibility of five (5) years is imposed.

31. In accordance with Code Article 6.4, while Mr Khan's period of ineligibility shall commence on the date of this decision, he shall be given credit for the period of Provisional Suspension served by him since 16 October 2019. As such, his period of Ineligibility will expire at midnight on 15 October 2024.
32. During his period of ineligibility, Mr Khan'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."*
33. In accordance with Code Article 7.2 neither Mr Khan nor the ICC shall have any right of appeal against this decision.

Conclusion

34. To summarise:
- 34.1. Mr Khan has admitted 6 separate breaches of the Code, and in particular, Article 2.3.2, 2.4.4, 2.4.5, 2.4.6 and 2.4.7.
- 34.2. A period of Ineligibility of five (5) years is imposed pursuant to Code Article 6.2, commencing on the date of this decision, with credit given for the period of Provisional Suspension served since 16 October 2019.
- 34.3. Mr Khan's status during the period of Ineligibility is as set out in Code Article 6.5.
- 34.4. 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.
- 34.5. There is no need for any further hearing in these proceedings, which are hereby terminated.

Dubai, 14 April 2021