

**IN THE MATTER OF PROCEEDINGS BROUGHT
UNDER THE ECB'S ANTI-CORRUPTION CODE**

Between:

THE INTERNATIONAL CRICKET COUNCIL

(on behalf of the Emirates Cricket Board)

and

MR SHADAB AHAMED

Decision pursuant to Article 5.1.12 of the ECB 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. The Emirates Cricket Board (the "ECB") is the national federation responsible for the governance of the game of cricket within the UAE and an Associate Member of the ICC. As part of its continuing efforts to maintain the public image, popularity and integrity of cricket, and in particular to take the strongest possible stand against the scourge of match-fixing, as well as its obligations as a Member of the ICC, the ECB adopted and implemented the ECB Anti-Corruption Code for Participants (the "Code"). The Code sets out the details of the conduct that, if committed by a Participant in relation to a Domestic Match, will be considered an offence under the Code. It also provides a range of sanctions that are to be imposed in the event of the commission of an offence, and sets out the disciplinary procedures to be followed where an offence is alleged.
3. The ICC's Integrity Unit (the "IU") was appointed by the ECB as the Designated Anti-Corruption Official for the purposes of the Code at the 2021 edition of the Abu Dhabi T10 League (the "ADT10"), a T10 cricket competition scheduled to be played in Abu Dhabi and thus under the jurisdiction of the ECB. Consequently, all powers designated to the ECB and/or the Designated Anti-Corruption Official under the Code (including but not limited to the conduct of investigations, charging and provisional suspension decisions, and the conduct of disciplinary proceedings) were delegated by the ECB to the ACU. On the basis of this appointment and delegation, the ICC has been authorized to conduct any disciplinary proceedings arising out of the ADT10 on behalf of the ECB.

4. Shadab Ahamed works in the financial industry in Abu Dhabi and also runs a sports equipment business. He was involved, for a short period, with the Pune Devils in advance of the 2021 ADT10.

Status as a Participant bound by the Code

5. At all material times, Mr Ahamed constituted a Participant for the purposes of the Code. In particular, (a) on 23 December 2020, Mr Ahamed attended the 2021 T10 draft on behalf of the Pune Devils and (b) on 25 December 2020 he sent an email to a T10 official introducing himself as the team manager for the Pune Devils. He therefore satisfies the definition of a Participant under the Code on the basis that at least from 23 December 2020 he was a person representing or otherwise affiliated to a team that participated in the Abu Dhabi T10. 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 applicable bodies under those rules, including the Code, to investigate apparent or suspected Corrupt Conduct that would amount to a violation of the Code and to hear and determine any consequent breaches of those rules and related issues.

Summary of relevant background facts

6. On 17 January 2021 during an interview, Mr Ahamed was served with a Demand pursuant to Code Article 4.3 in which he was requested to surrender his mobile devices to the ICC ACU (in its capacity as the DACO under the Code) for the purposes of reviewing their contents in relation to the ACU's ongoing investigation.
7. Mr Ahamed refused to surrender his mobile devices, despite the clear warning contained in the Demand, which warnings were reiterated during the interview that was conducted at the same time, about the consequences of not handing over his mobile devices.
8. In particular, Mr Ahamed refused to hand over his mobile devices on the basis that he was no longer involved with the Pune Devils team and because he needed his phone for business purposes.

Relevant Provisions of the Code

9. 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 Designated Anti-Corruption Official in relation to possible Corrupt Conduct under this Anti-Corruption Code (by any Participant), including (without limitation) failing to provide accurately and completely any information and/or documentation requested by the Designated Anti-Corruption Official (whether as part of a formal Demand pursuant to Article 4.3 or otherwise) as part of that investigation.”

Disciplinary Proceedings

10. On the basis of the above facts, on 19 September 2023, the ICC (acting on behalf of the ECB) charged Mr Ahamed with a breach of Article 2.4.6 of the Code as follows:

Breach of Article 2.4.6 of the Code, in that he failed or refused, without compelling justification, to cooperate with the ACU's investigation in relation to possible Corrupt Conduct under the Code, 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.

11. Mr Ahamed responded to the Notice of Charge, denying the charge, and explaining the basis for why he refused to hand over his mobile device. In summary, Mr Ahamed stated that at the time he was asked to surrender his phone, it was essential for him to keep it for business reasons, and also to support his wife who was pregnant.
12. By way of a letter agreement dated 10 July 2024, Mr Ahamed formally admitted that he had committed the breach with which he was charged, and waived his right to a hearing before the Anti-Corruption Tribunal.
13. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC (on behalf of the ECB), and accepted by Mr Ahamed, for his admitted breach of the Code.

Agreed Sanction

14. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Article 2.4.6 is a period of Ineligibility of a minimum of six (6) months and a maximum of five (5) years.
15. Code Article 6.1 sets out the relevant factors that an 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.
16. 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 Ahamed the importance of the objectives underlying the Code, the seriousness of the particular breach of the Code by Mr Ahamed, the need to deter others from similar wrongdoing, the need to protect the image of sport of cricket, and (above all else) the need to maintain public confidence in the determination of the sport of cricket to stamp out corruption.
17. The ICC notes that in order to seek to adequately and effectively protect the sport of cricket against the threat of corruption, the obligation on Participants to cooperate with an investigation and provide any information which may be relevant is key to the ICC being able to fully and properly investigate allegations of Corrupt Conduct. As it is common for corrupters to communicate under the radar, with most of the communications taking place via mobile phone and messaging apps such as WhatsApp or Telegram, one of the most important tools for the investigator is the power to require a Participant to produce their mobile phone. A Participant who therefore fails to surrender their phone immediately upon request is frustrating the ICC's investigation and, by keeping the phone, opens up the risk that they will delete information from the device which could be highly relevant to the investigation. A breach of this provision is therefore serious.

18. Relevant mitigating factors in Mr Ahamed's case include the following:
 - 18.1. Mr Ahamed's admission of his breach following receipt of the Notice of Charge;
 - 18.2. Mr Ahamed's previous good disciplinary record;
 - 18.3. The fact that the offence did not substantially damage the commercial value and/or public interest in the relevant matches; and
 - 18.4. The fact that the offence did not affect the outcome of the relevant matches.
19. The ICC does not consider that any of the aggravating factors listed in Code Article 6.1.1 are relevant in Mr Ahamed's case.
20. The ICC has considered all of the circumstances of this case, including giving Mr Ahamed 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 two (2) years, of which six (6) months is suspended, is reasonable and proportionate.
21. In order to avoid the six (6) month suspended part of the sanction coming into effect, Mr Ahamed must comply, in full, with the following conditions during the period of the initial 18-month period of suspension:
 - 21.1. He must not commit any offence under the Code (or any other anti-corruption rules of the ICC or any other National Cricket Federation) during the initial period of suspension.
 - 21.2. He must participate promptly and fully in any anti-corruption education and/or rehabilitation programmes as specified by the ICC.
22. Mr Ahamed has agreed to this sanction. As such, a period of ineligibility of two (2) years, of which the final six (6) months is suspended, is imposed.
23. In accordance with Code Article 6.4, Mr Ahamed's period of ineligibility shall commence on the date of this decision.
24. During his period of ineligibility, Mr Ahamed'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. The ICC and other 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.”

25. In accordance with Code Article 7.2 neither Mr Ahamed nor the ICC/ECB shall have any right of appeal against this decision.

Conclusion

26. To summarise:

- 26.1. Mr Ahamed admits that he has committed a breach of Code Article 2.4.6.
- 26.2. A period of Ineligibility of two (2) years, of which six (6) months is suspended, is imposed pursuant to Code Article 6.2, commencing on the date of this decision.
- 26.3. Mr Ahamed’s status during the period of Ineligibility is as set out in Code Article 6.5.
- 26.4. This decision constitutes the final decision of the ICC (acting on behalf of the ECB) in this matter. In accordance with Code Article 8.2, this decision will be disclosed publicly, including on the ICC’s website.
- 26.5. There is no need for any further hearing in these proceedings, which are hereby terminated.

Dubai, 10 July 2024