

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

Between:

THE INTERNATIONAL CRICKET COUNCIL

and

MR GULAM SHABBIR

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. Gulam Shabbir is a cricketer who has represented the UAE in 40 international matches as wicket-keeper, including 23 One Day Internationals and 17 T20 Internationals, having made his international debut in December 2016.

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 Shabbir 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 Shabbir has attended at least three anti-corruption education sessions conducted on behalf of the ICC. These sessions contained reminders of the obligations of Participants under the Code not to engage in Corrupt Conduct under the Code, including, without limitation, the duty of

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

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

Summary of relevant background facts

6. Mr Shabbir was interviewed by the ACU on 4 November 2019 and 23 April 2020 in relation to an investigation into potential corrupt conduct under the Code.
7. During his interviews, Mr Shabbir 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 Shabbir 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 Shabbir 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 Shabbir 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 Shabbir confirmed the following:
 - 10.1 Since 2012, he has known an individual named [Mr Z] (otherwise known as [redacted]), who was an associate of his through club cricket in the UAE.
 - 10.2 At some point, his teammate and close friend [Player A] told him that [Mr Z] had an associate involved in betting, [Mr Y], and [Mr Y] who wanted to meet Shabbir. He agreed that [Player A] could pass on his phone number to [Mr Y], knowing he was someone involved in betting.
 - 10.3 When the UAE were playing Nepal in January/February 2019, [Mr Z] told Shabbir that the first match was going to be fixed, with UAE having to lose, and he told Shabbir who was going to do what to make the fix happen.
 - 10.4 Shabbir did not report any of these matters to the ACU, despite being aware that he should.
 - 10.5 At the same time, [Player A] also told Shabbir that [Mr Z] and [Mr Y] were looking to engage in corruption during the series and wanted to meet him to discuss the same. As Shabbir didn't want to get involved in such a thing, he did not meet them or answer their calls.
 - 10.6 A few months later, while Shabbir was with the UAE team in Zimbabwe in April 2019, [Player A] told him that he had met with [Mr Z] and [Mr Y] and they had told [Player A] that they were offering money to players to engage in corruption during the Zimbabwe series.

- 10.7 In particular, [Player A] told Shabbir that he would be earning money (AED 70,000) from [Mr Z] and [Mr Y] during the series by giving away 12 runs in an over, and that Shabbir could earn the same by either the same method, or by getting bowled out for less than 14 runs.
- 10.8 Shabbir rejected [Player A's] offer and told [Player A] he wasn't interested in doing that. Shabbir did not, however, report the approach he had received from [Player A] to the ACU despite being required to do so under the Code and despite acknowledging that he knew he had an obligation to do so. Shabbir said that the reason he didn't report the approach was because [Player A] was a close friend of his.
- 10.9 About a year prior to the Zimbabwe series, [Mr Z], when acting as a scorer in domestic matches, had spoken to Shabbir about fixing. [Mr Z] told Shabbir that he could do it by getting out for under 14 runs in a match, having played as many balls as he liked. Shabbir never reported this to any anti-corruption authorities as he had initially taken this as a joke conversation.
- 10.10 Shabbir admitted that he thought that other members of the UAE team were involved in corrupt conduct on occasions, but also admitted that he did not report any of these suspicions or information which led to these suspicions to the ACU or any other anti-corruption official.
11. As part of the ACU's investigation, on 4 November 2019 Shabbir was served with a Demand in which he was required to surrender all of his mobile devices. In responding to the Demand, Shabbir said that he had lost his phone and instead handed over a mobile device which he said he had borrowed from a friend, together with a SIM card that he said had previously been used by his uncle ([redacted]).
12. Shabbir did not, however, hand over any device or SIM card associated with two numbers which the ACU knew were associated with him, namely his UAE number [redacted]) or a Namibian number that was associated with him ([redacted]).
13. In addition, the Demand required Shabbir to produce certain specified documents, including billing records, bank statements and account details etc. None of these documents were produced.

Relevant Provisions of the Code

14. Code Article 2.4.4 makes the following an offence:

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

15. Code Article 2.4.5 makes the following an offence:

“Failing to disclose to the ACU (without unnecessary delay) full details of any incident, fact, or matter that comes to the attention of a Participant that may evidence Corrupt Conduct under the Anti-Corruption 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.”

16. 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.”

17. 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

18. On the basis of the evidence obtained through its investigations, and the admissions made by Mr Shabbir to the ACU and set out above, on 18 August 2021, the ICC charged Mr Shabbir with the following breaches of the Code:

- 18.1 A breach of Code Article 2.4.4, in that he failed to disclose to the ACU full details of the attempted approach he received from [Mr Z] and [Mr Y], via [Player A], to engage in Corrupt Conduct in relation to the UAE’s series against Nepal in January/February 2019.
- 18.2 A breach of Code Article 2.4.4, in that he failed to disclose to the ACU full details of approaches or invitations he received from [Player A] (either on his own behalf or on behalf of [Mr Z] and [Mr Y]) to engage in Corrupt Conduct in relation to the UAE’s series against Zimbabwe in April 2019.
- 18.3 A breach of Code Article 2.4.5, in that he failed to disclose to the ACU full details of the approach received by his teammate [Player A] to engage in Corrupt Conduct in relation to the UAE’s series against Zimbabwe in April 2019.
- 18.4 A breach of Code Article 2.4.5, in that he failed to disclose to the ACU full details of facts and/or incidents that he was aware of involving members of the UAE squad engaging in Corrupt Conduct on various occasions.
- 18.5 A breach of Code Article 2.4.6, in that he failed to cooperate with the ACU’s investigation by failing to comply with the terms of the Demand served on 4 November 2019, namely

by failing to surrender all of his mobile devices to the ACU upon request and failing to produce the documents requested in the Demand.

- 18.6 A breach of Code Article 2.4.7, in that he obstructed the ACU's investigation by concealing information that may have been relevant to the ACU's investigation, namely mobile devices and the documents requested pursuant to the Demand.
19. By way of a letter agreement dated 21 August 2021, Mr Shabbir formally admitted that he had breached the above Code provisions and waived his right to a hearing before the Anti-Corruption Tribunal.
20. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC, and accepted by Mr Shabbir, for his admitted breaches of the Code.

Agreed Sanction

21. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Articles 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.
22. 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.
23. 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. The ICC has considered these as part of coming to this Agreed Sanction.
24. 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 Shabbir the importance of the objectives underlying the Code, the seriousness of the particular breaches of the Code by Mr Shabbir, 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.
25. 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.

26. Relevant aggravating factors in Mr Shabbir's case include the following:
 - 26.1. Mr Shabbir's failure to report more than one approach to engage in Corrupt Conduct.
 - 26.2. The approaches made to Mr Shabbir were clear in their content and intent; it was clear to Mr Shabbir that he was, and others were, being approached to engage in Corrupt Conduct.
 - 26.3. The number of different offences he has committed.
27. Relevant mitigating factors in Mr Shabbir's case include the following:
 - 27.1. Mr Shabbir's voluntary admission and cooperation during his interviews with the ACU;
 - 27.2. Mr Shabbir's prompt admission of his failure to report the approach following receipt of the Notice of Charge;
 - 27.3. Mr Shabbir's remorse and contrition as expressed to the ACU;
 - 27.4. Mr Shabbir's previous good disciplinary record;
 - 27.5. The fact that the offences did not substantially damage the commercial value and/or public interest in the relevant matches; and
 - 27.6. The fact that the offences did not affect the outcome of the relevant matches.
28. The ICC has considered all of the circumstances of this case, including giving Mr Shabbir 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 four (4) years is reasonable and proportionate.
29. Mr Shabbir has agreed to this sanction. As such, a period of ineligibility of four (4) years is imposed.
30. In accordance with Code Article 6.4, Mr Shabbir's period of ineligibility shall commence on the date of this decision. As such, his period of Ineligibility will expire at midnight on 20 August 2025.
31. During his period of ineligibility, Mr Shabbir'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.”

32. In accordance with Code Article 7.2 neither Mr Shabbir nor the ICC shall have any right of appeal against this decision.

Conclusion

33. To summarise:

- 33.1. Mr Shabbir has admitted 6 separate breaches of the Code, and in particular, Articles 2.4.4, 2.4.5, 2.4.6 and 2.4.7.
- 33.2. A period of Ineligibility of four (4) years is imposed pursuant to Code Article 6.2, commencing on the date of this decision.
- 33.3. Mr Shabbir’s status during the period of Ineligibility is as set out in Code Article 6.5.
- 33.4. 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.
- 33.5. There is no need for any further steps in these proceedings, which are hereby terminated.

Dubai, 21 August 2021