

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

Between:

THE INTERNATIONAL CRICKET COUNCIL

and

MR HEATH STREAK

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. Heath Streak is a Zimbabwean cricket coach and former international cricketer, having captained the Zimbabwe national side and having coached both the Zimbabwean national side (2009-2013 and 2016-2018) and the Bangladesh national side (2014-2016) since his retirement as a player in 2009. He also acted as bowling coach for the Kolkata Knight Riders team in the 2018 edition of the IPL and the Kabul Zwanan team in the 2018 APL.
4. This Agreed Sanction decision relates to charges against Mr Streak which relate to both International Matches and Domestic Matches. As such, pursuant to Code Article 1.7.3.3, the ICC and the relevant Member Boards under whose jurisdiction those Domestic Matches took place (namely the Board of Control for Cricket in India, the Bangladesh Cricket Board, the Pakistan Cricket Board, and the Afghanistan Cricket Board) have agreed that the ICC will take action in

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

respect of all the charges referred to herein, whether they relate to International or Domestic Matches. Consequently, in accordance with Code Article 1.8, any reference to International Match in the Code is deemed to be extended to include the relevant Domestic Matches and this Agreed Sanction decision is issued in respect of all charges.

Status as a Participant bound by the Code

5. By virtue of his status as the coach of the Zimbabwe national side from 2016 to 2018, the Kolkata Knight Riders in the 2018 edition of the IPL and the Kabul Zwanan team in the 2018 APL, Mr Streak 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.
6. Throughout his professional career, Mr Streak has attended numerous anti-corruption education sessions conducted on behalf of the ICC. These sessions contained reminders of the obligations of Participants under the Code, including the duty of Participants not to engage in Corrupt Conduct under the Code.

Summary of relevant background facts

7. In September 2017, Mr Streak began a WhatsApp conversation with an Indian gentleman, Mr X, at Mr X's instigation, who said he was interested in organizing a league in Zimbabwe and who asked Mr Streak if he would be interested as he could earn some good money from it.
8. During these discussions, Mr X made it clear to Mr Streak that he was involved in betting on cricket, and also requested details of Mr Streak's bank account outside Zimbabwe, which Mr Streak provided. Mr Streak also made it clear in these discussions that he wanted to establish a T20 League in Zimbabwe and was passionate about furthering cricket in Zimbabwe.
9. These conversations took place via personal email addresses and phones and not official ones, at both Mr Streak and Mr X's request.
10. During the course of these conversations, which lasted for a period of more than 15 months, Mr X asked Mr Streak to provide him with various information in relation to tournaments and matches he was involved with.
11. In particular:
 - 11.1. in relation to the 2017 edition of the Bangladesh Premier League, (the "BPL"), Mr X asked Mr Streak to provide him with any links, namely team captains, or owners or players, in the BPL, saying they could earn good money as a result which they could invest in a T20 event in Zimbabwe. It appeared that Mr X wanted Mr Streak to provide him with contacts of players, team owners etc. who Mr X could then approach for Inside Information, such as which team would win a match, in upcoming matches.

- 11.2. Mr Streak provided Mr X with the contact details of three players in the BPL (including the details of a national captain), in circumstances where he knew or should have known that Mr X may use these details to contact these players and request Inside Information from them for him to use for betting purposes. Further, in respect of two of these players, Mr Streak actually contacted the players to effectively vouch for Mr X.
- 11.3. Mr X asked for player references for the Pakistan Super League 2018.
- 11.4. In relation to the 2018 edition of the Afghanistan Premier League (the "APL"), Mr Streak facilitated the introduction of Mr X to one player and attempted to facilitate the introduction of Mr X to another player.
- 11.5. Mr X also requested, and Mr Streak provided, Inside Information relating to matches in the APL.
12. Mr Streak has accepted that passing on this information to Mr X amounted to Corrupt Conduct under the Code.
13. Mr Streak has also admitted accepting 2 bitcoins from Mr X (subsequently converted into US \$35,000 in cash). Mr Streak has accepted that, despite his obligation to do so, he failed to disclose receipt of this payment to the ICC ACU or any relevant Designated Anti-Corruption Official.
14. Mr Streak has also accepted that, despite his obligation to do so, he failed to report any of the approaches he received from Mr X to engage in Corrupt Conduct to the ICC ACU or any relevant Designated Anti-Corruption Official.
15. During the APL, Mr X gifted Mr Streak with a new iPhone for his wife, a gift which Mr Streak has accepted he did not disclose to the ICC ACU or the Designated Anti-Corruption Official.
16. In December 2018, Mr Streak was advised by the ACU that he was to attend an interview with the ACU in January. During this call, Mr Streak was given notice that he would be required to present any phones and SIM cards that he had used in 2018 at the interview.
17. Prior to his interview with the ACU, Mr Streak engaged in a series of WhatsApp messages with Mr X, knowing that Mr X himself had recently been interviewed by the ACU. These WhatsApp conversations between Mr X and Mr Streak related to what Mr X had told the ACU in his interviews. In these conversations, Mr Streak has admitted that he and Mr X effectively discussed what Mr Streak should say in the interviews to ensure that they both told the same story (a story which on occasions was not true) and consequently he has admitted that his conduct in so doing could be construed as misleading or obstructing the ACU's investigation. Mr Streak also sought clarification from Mr X over the interview process and what Mr X had told the ACU on certain matters.
18. Additionally, following this conversation, Mr Streak has admitted that, at the instruction of Mr X, he deleted these messages from his phone before he attended the ACU interview, as well as deleting Mr X's phone number from his phone. In so doing, Mr Streak accepts that his conduct in this regard was wrong.

Relevant Provisions of the Code

19. Code Article 2.3.2 makes the following an offence:

“Disclosing Inside Information to any person where the Participant knew or should have known that such disclosure might lead to the information being used in relation to Betting in relation to any International Match.”

20. Code Article 2.3.3 makes the following an offence:

“Directly or indirectly soliciting, inducing, enticing, persuading, encouraging or intentionally facilitating any Participant to breach any of the foregoing provisions of this Article 2.3.”

21. Code Article 2.4.2 makes the following an offence:

“Failing to disclose to the ACU (without unnecessary delay) the receipt of any gift, payment, hospitality or other benefit, (a) that the Participant knew or should have known was given to him/her to procure (directly or indirectly) any breach of the Anti-Corruption Code, or (b) that was made or given in circumstances that could bring the Participant or the sport of cricket into disrepute.”

22. 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.”

23. 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

24. On the basis of the evidence obtained through its investigations, and the admissions made by Mr Streak to the ACU and set out above, on 28 March 2021, the ICC charged Mr Streak with the following breaches of the Code:

- 24.1 A breach of Code Article 2.3.2 in that he disclosed Inside Information to Mr X on various occasions under both the ICC Code and various domestic Codes, in circumstances where

he knew or should have known that such information may be used for betting purposes. In particular, he disclosed Inside Information in relation to matches in the 2018 Tri-Series involving Zimbabwe, Bangladesh and Sri Lanka, the Zimbabwe v Afghanistan series in 2018, the IPL 2018 and the APL 2018.

- 24.2 A breach of Code Article 2.3.3 in that he facilitated (or attempted to facilitate) the introduction of Mr X to four different players in circumstances where he knew or should have known that Mr X may have wanted to approach them to provide Inside Information for betting purposes.
- 24.3 A breach of Code Article 2.4.2 in that he failed to disclose the receipt of the 2-bitcoin payment from Mr X and the gift of a new iPhone in circumstances that could bring him or the sport into disrepute.
- 24.4 A breach of Code Article 2.4.4 in that he failed to report the various approaches he received from Mr X to engage in Corrupt Conduct under both the ICC Code and various domestic Codes (i.e., to provide Inside Information and/or to facilitate Mr X's introduction to Participants to enable Mr X to seek Inside Information from them) including in relation to International Matches, matches in the 2017 BPL, the 2018 Pakistan Super League, the 2018 IPL and the 2018 APL.
- 24.5 A breach of Code Article 2.4.7 in that he obstructed the ACU's investigation through deleting his messages with Mr X and through contriving with Mr X about what to say in interview with the ACU and to delete messages and content from his mobile phone.
25. By way of a letter agreement dated 28 March 2021, Mr Streak formally admitted that he had breached the above Code provisions and waived his right to a hearing before the Anti-Corruption Tribunal.
26. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC, and accepted by Mr Streak, for his admitted breaches of the Code.

Agreed Sanction

27. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Articles 2.3.2, 2.3.3, 2.4.2 and 2.4.4 is a period of Ineligibility of between 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.
28. 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, and as is the case in this instance, is that if the offences relate to separate incidents or sets of facts, any multiple periods of Ineligibility should run cumulatively.

29. 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.
30. 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 Streak the importance of the objectives underlying the Code, the seriousness of the particular breaches of the Code by Mr Streak, 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.
31. The ICC notes that in order to seek to protect the sport of cricket adequately and effectively against the threat of corruption, it is of paramount importance that Participants do not engage in any form of Corrupt Conduct, they do not attempt to involve others in any such Corrupt Conduct, they fully cooperate with investigations conducted by the ACU and they do not obstruct or delay such investigations, for example, by concealing, tampering with, or destroying relevant information.
32. Relevant aggravating factors in Mr Streak's case include the following:
 - 32.1. Mr Streak has failed to report not one but numerous approaches from Mr X to provide him with Inside Information for betting purposes.
 - 32.2. The conduct engaged in by Mr Streak, and as referred to above, was not an isolated incident but instead occurred over a long period.
 - 32.3. Mr Streak was or should have been fully aware when he passed on the Inside Information requested by Mr X, that such information may be used by Mr X for betting purposes, in breach of the Code.
 - 32.4. Mr Streak was or should also have been fully aware that in passing on the contact details of other Participants to Mr X (including the details of a current national team captain), Mr X may use those details to ask those Participants for Inside Information for betting purposes, thereby putting those Participants and their welfare at risk under the Code.
 - 32.5. Mr Streak is an experienced former international cricketer and national team coach who, having participated in numerous anti-corruption education sessions, was fully aware of his responsibilities under the Code.
 - 32.6. As the former captain and coach of his own national side, as well as the coach of another national side, Mr Streak held a position of trust and owed a duty to uphold the integrity of the game, as he was someone who should have acted as a role model to cricketers in Zimbabwe and elsewhere.

- 32.7. Mr Streak's receipt (which he failed to disclose), namely 2 bitcoins (equivalent to around US \$35,000) from Mr X, as well as a brand-new iPhone.
- 32.8. The fact that there are several different examples of Mr Streak and Mr X seeking to obstruct and/or delay the ACU's investigation, it is not just a one-off occurrence.
33. Relevant mitigating factors in Mr Streak's case include the following:
 - 33.1. Mr Streak's voluntary admission and eventual cooperation during his interviews with the ACU. Mr Streak has also undertaken to assist in any ICC education programs as well as in any further investigations or enquiries;
 - 33.2. Mr Streak's prompt admission of his breaches following receipt of the Notice of Charge;
 - 33.3. Mr Streak's remorse and contrition as expressed to the ACU (namely through his admission of the offending conduct when confronted with it during his interviews and his subsequent wish to assist the ICC and to enter into this Agreed Sanction decision to avoid the need for full disciplinary proceedings);
 - 33.4. Mr Streak's previous good disciplinary record;
 - 33.5. The fact that the offences did not substantially damage the commercial value and/or public interest in the relevant matches; and
 - 33.6. The fact that the offences did not affect the outcome of the relevant matches.
34. The ICC has considered all of the circumstances of this case, including giving Mr Streak 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 that he has admitted offences relating to separate incidents or sets of facts, and has considered relevant precedents. The ICC therefore considers that a period of ineligibility of eight (8) years is reasonable and proportionate.
35. Mr Streak has agreed to this sanction. As such, a period of ineligibility of eight (8) years is imposed.
36. In accordance with Code Article 6.4, Mr Streak's period of ineligibility shall commence on the date of this decision.
37. During his period of ineligibility, Mr Streak'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.”

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

Conclusion

39. To summarise:

- 39.1. Mr Streak has admitted 5 separate breaches of the Code (many of which are evidenced by several different examples of the offending conduct) and, in particular, Code Articles 2.3.2, 2.3.3, 2.4.2, 2.4.4 and 2.4.7.
- 39.2. A period of Ineligibility of eight (8) years, is imposed pursuant to Code Article 6.2, commencing on the date of this decision.
- 39.3. Mr Streak’s status during the period of Ineligibility is as set out in Code Article 6.5.
- 39.4. 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.
- 39.5. There is no need for any further hearing in these proceedings, which are hereby terminated.

Dubai, 28 March 2021