

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

**Between:
THE INTERNATIONAL CRICKET COUNCIL
and
MR YOUSUF ABDULRAHIM AL BALUSHI**

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. Yousuf Abdulrahim Al Balushi is a cricketer who has played domestic cricket in Oman, representing the OCT SEEB team in the 'B' Division tournament, being an official tournament conducted by Oman Cricket.

Status as a Participant bound by the Code

4. At all material times, as a result of his selection in Domestic Matches for the OCT SEEB team, a team that is affiliated to and falls within the jurisdiction of Oman Cricket, Mr Al Balushi 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.

Summary of relevant background facts

5. In around August 2019, Mr Al Balushi was contacted by an individual he knew from the unsanctioned Arabian Carnival League cricket league which was played in Bahrain in 2017 (Mr X). In this contact, Mr X asked Mr Al Balushi whether they could "*do some work together*" in the

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

Qualifiers, with the reference to “work” being a request to assist with fixing in the ICC World T20 Qualifiers 2019 (the “Qualifiers”).

6. In particular, Mr X asked Mr Balushi to speak to three Omani players participating in the Qualifiers to ask them if they would do some “work” in the Qualifiers, i.e. fix. Although Mr Al Balushi indicated to Mr X that he would speak to these three players, he did not.
7. Mr X continued to message Mr Al Balushi to ask him to put him in contact with players in the Qualifiers who he (Mr X) could speak to about potential fixing. Mr Al Balushi knew that Mr X wanted to speak to players in order to try and recruit such players for fixing in exchange for financial gain.
8. Mr Al Balushi did not report any of the approaches he received from Mr X to the ACU or any other anti-corruption authority.
9. In advance of the Qualifiers, Mr Al Balushi met two of Mr X’s friends/acquaintances at a hotel in Dubai (Mr Y and Mr Z), at Mr X’s instigation, when Mr Al Balushi was visiting Dubai with his family.
10. During this meeting, the two men told Mr Al Balushi that they needed him to get them one player, a specifically named member of the Oman squad playing in the Qualifiers (Player A). In particular, they told Mr Al Balushi that on their signal, Player A would need to get out and that, to show that he was ready for the fix, Player A would use a particular coloured handled grip, either orange or black, and he would be expected to get out in less than a certain number of runs following a signal from Mr Y and Mr Z in the stands.
11. Shortly after his meeting with Mr Y and Mr Z, Mr Al Balushi messaged Player A and put the offer from Mr Y to him. In particular, he told Player A that some work had come from India for him via Mr Al Balushi. In particular, that two people from India wanted Player A to give them three out of Oman’s six matches, namely that in each of those three matches he should make 12-15 and then get out. In exchange he would be paid 3,000-4,000 Omani Riyal, guaranteed.
12. Player A immediately rejected the approach and subsequently reported the approach to the anti-corruption authorities. Upon finding out that Player A had reported the approach, Mr Al Balushi attempted to contact Player A to try and speak to him and to find out exactly what he had said to the anti-corruption authorities because he wanted to tell the same story. While he did not speak to Player A himself, Mr Al Balushi was told that in an interview with the ACU, the ACU would look at all the messages on his phone, and the interview would be recorded.
13. Prior to being interviewed by the ACU, Mr Al Balushi deleted all his messages with Mr Y and Mr Z and some of his messages with Mr X because, in his words, they related to corruption, including some messages which showed that he was offered 10,000 Omani Riyals to work with them and to give contact details for players so that matches could be fixed, and he wanted to hide these messages from the ACU.
14. Mr Al Balushi was subsequently contacted again by Mr Y on various occasions from 20 – 22 October, in which messages Mr Y asked Mr Al Balushi again to help fix Oman’s remaining matches. Mr Al Balushi did not respond to these messages, however, he did not report these approaches,

or any of the other approaches from Mr X, Mr Y and/or Mr Z to the ACU or any other anti-corruption authority.

15. In his interviews with the ACU, Mr Al Balushi admitted passing on Mr Y's approach to Player A. He also admitted that he had failed to report any of the approaches or contacts he had received from Mr X, Mr Y and Mr Z to engage in Corrupt Conduct and that he had deleted messages from his phone which he did not want the ACU to see because they would have implicated him in corrupt activities.

Relevant Provisions of the Code

16. 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 of otherwise influence improperly, the result, progress, conduct or any other aspect of any International Match including (without limitation) by deliberately underperforming therein."

17. Code Article 2.1.4 makes the following an offence:

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

18. Code Article 2.4.4 makes the following an offence:

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

19. 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 this Anti-Corruption Code."

20. Further, pursuant to Code Article 2.5.1, any attempt by a Participant, or any agreement by a Participant with any other person, to act in a manner that would culminate in the commission of an offence under the Code is to be treated as if an offence had been committed, whether or not such attempt or agreement in fact resulted in such offence.

Disciplinary Proceedings

21. On the basis of the evidence obtained through its investigations, and the admissions made by Mr Al Balushi to the ACU and set out above, on 23 January 2020, the ICC charged Mr Al Balushi with breaches of Code Articles 2.1.1 (on the basis that he contrived, or was party to an agreement or effort to fix or contrive or otherwise influence improperly, the result, progress, conduct or any other aspect of matches in the Qualifiers), 2.1.4 (on the basis that he attempted to solicit, induce, entice, persuade, encourage or intentionally facilitate Player A to breach Article 2.1), 2.4.4 (on the basis that he failed to report to the ACU the approaches and invitations that he received from Mr X, Mr Y and Mr Z to be a party to an agreement or effort to fix matches in the Qualifiers) and 2.4.7 (in what he obstructed the ACU's investigation by concealing or tampering with information that might have been relevant to the ACU's investigation, namely by deleting messages from his phone).
22. By way of a letter agreement dated 17 February 2020, Mr Al Balushi formally admitted that he had breached Code Articles 2.1.1, 2.1.4, 2.4.4 and 2.4.7 and waived his right to a hearing before the Anti-Corruption Tribunal.
23. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC, and accepted by Mr Al Balushi, for his admitted breaches of Code Articles 2.1.1, 2.1.4, 2.4.4, and 2.4.7.

Agreed Sanction

24. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Articles 2.1.1 and 2.1.4 is a period of Ineligibility of at least five (5) years up to a maximum of a lifetime, and, in respect of Code Article 2.4.4, a period of ineligibility of at least six (6) months and a maximum of five (5) years, and, in respect of Code Article 2.4.7, a period of ineligibility up to a maximum of five (5) years.
25. 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.
26. 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 Al Balushi the importance of the objectives underlying the Code, the seriousness of the particular breach of the Code by Mr Al Balushi, 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.
27. 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 do not engage in any form of Corrupt Conduct under the Code and immediately report any approaches or invitations or other information which comes to light which suggests potential Corrupt Conduct under the Code.

28. Relevant aggravating factors in Mr Al Balushi's case including the following:
 - 28.1. The fact that the Article 2.1.1 and 2.1.4 offences had the potential to substantially damage the commercial value and public interest in the relevant International Matches, i.e. the Qualifiers.
 - 28.2. The fact that the Article 2.1.1 and 2.1.4 offences had the potential to affect the result of the relevant International Matches.
29. Relevant mitigating factors in Mr Al Balushi's case include the following:
 - 29.1. Mr Al Balushi's prompt admission of his breach during his interviews with the ACU, as well as his prompt admission following receipt of the Notice of Charge;
 - 29.2. Mr Al Balushi's full cooperation with the ACU's investigation;
 - 29.3. Mr Al Balushi's good previous disciplinary record;
 - 29.4. Mr Al Balushi's remorse and contrition as expressed to the ACU; and
 - 29.5. Mr Al Balushi's willingness to engage in local education programmes on behalf of the ACU.
30. The ICC has considered all of the circumstances of this case, including giving Mr Al Balushi 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 seven (7) years is reasonable and proportionate.
31. In coming to this sanction, that ICC has taken into account Code Article 6.2.3.2 which provides that where a Participant is found guilty of committing two offences in relation to the same incident or set of facts, any multiple periods of ineligibility imposed should run concurrently, not cumulatively.
32. Mr Al Balushi has agreed to this sanction and the terms set out herein. As such, a period of ineligibility of seven (7) years is imposed.
33. In accordance with Code Article 6.4, Mr Al Balushi's period of ineligibility shall commence on the date of this decision. Credit will be given for the period of Provisional Suspension served by Mr Al Balushi from 23 January 2020 to the date of this decision.
34. During his period of ineligibility, Mr Al Balushi'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.”

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

Conclusion

36. To summarise:
- 36.1. Mr Al Balushi admits that he has committed breaches of Code Articles 2.1.1, 2.1.4, 2.4.4 and 2.4.7.
 - 36.2. A period of Ineligibility of seven (7) years is imposed pursuant to Code Article 6.2, commencing on the date of this decision, with credit being given for the Provisional Suspension served by Mr Al Balushi since 23 January 2020. Mr Al Balushi’s period of ineligibility will therefore expire at midnight on 22 January 2027.
 - 36.3. Mr Al Balushi’s status during the period of Ineligibility is as set out in Code Article 6.5.
 - 36.4. 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.
 - 36.5. There is no need for any further hearing in these proceedings, which are hereby terminated.



Manu Sawhney
Chief Executive
International Cricket Council

23 February 2020