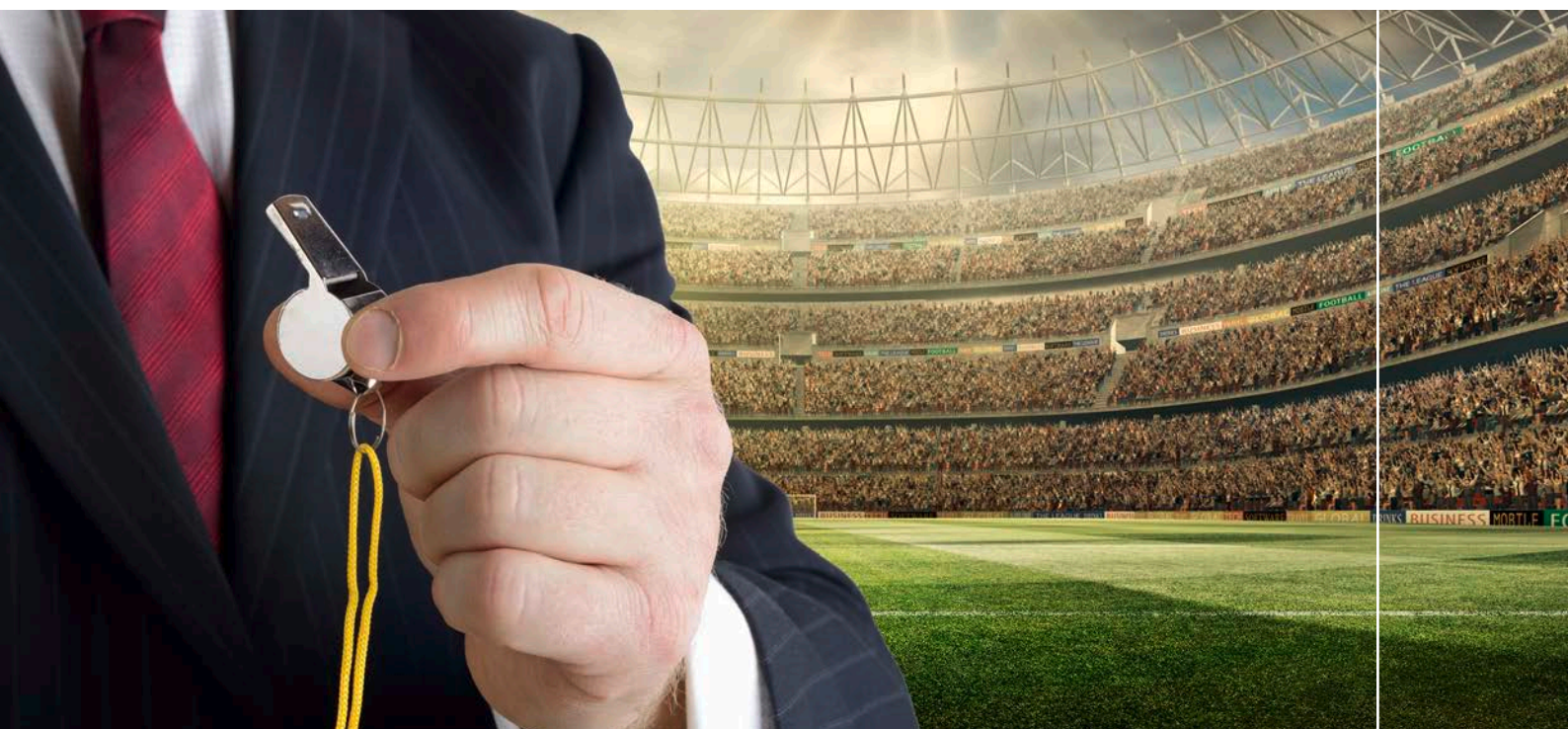




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United Nations Office on Drugs and Crime



Resource Guide on **Good Practices** in the Investigation of Match-Fixing

UNITED NATIONS OFFICE ON DRUGS AND CRIME
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Resource Guide on Good Practices in the Investigation of Match-Fixing



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Foreword

Sports bring out the best of us. Honour and fair play are integral to the conduct of sporting events, and to our enjoyment of them.

But the joy that sports bring to billions of fans around the world can so easily be marred by crooked practices such as match-fixing. Corruption and the involvement of transnational organized crime in sport undermine confidence in results and tarnish reputations. Added to this, the huge profits generated by match-fixing can be channelled into other illegal activities.

The best way to tackle these threats is through a multi stakeholder approach. Combined with a focus that increases the capacities of law enforcement agencies and sports organizations, this allows for the considerable expertise of a variety of actors, including international organizations and private sector bodies, to be harnessed.

The United Nations Office on Drugs and Crime (UNODC) is committed to widening efforts to promote integrity and good governance in sport.

We have developed this Resource Guide, in partnership with the International Center for Sport Security (ICSS), as a practical resource designed to help officials detect and investigate match-fixing.

It uses as its basis the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, which provide the legal framework for law enforcement agencies to combat match-fixing, and serve as universally accepted reference points for sports organizations and other stakeholders to support this fight.

The case studies and practical investigation techniques contained in this Resource Guide offer important and useful support for those looking to enhance their knowledge and investigative skills within this relatively new but increasingly important area.

By demonstrating resolve and ability to tackle this threat, States and sports organizations can protect both integrity in sport and the integrity of sport. I hope this Resource Guide will further advance these efforts.



Yuri Fedotov
Executive Director
United Nations Office on Drugs and Crime

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Overview of match-fixing

A. Introduction

Sport is a central part of daily life, involving the thrill and unpredictability of competition, and the skill and determination of athletes and other participants.¹ Importantly, sport has proven to be a force for social cohesion and education.²

Sport is played according to the values of integrity and fair competition. However, integrity in sports competitions, and the integrity of sport in a more general sense, has come under increasingly serious threat from match-fixing. A combination of factors has allowed this threat to grow, including personal greed, weak governance structures of sport as a sector, easily accessible global betting markets that are open to exploitation, low prioritization of match-fixing as a threat by law enforcement agencies and the use of sport by organized criminals to advance their own interests.

This Resource Guide has been prepared primarily for those who are interested in understanding this threat and finding practical ways to tackle it. In this regard, its principal use is to help investigators from law enforcement agencies and sports organizations that have been tasked with investigating allegations of match-fixing. In addition, the Resource Guide contains information that may be of relevance to prosecutors, the judiciary, policy-makers and legislators, among others.

It seeks to provide readers with the tools and methodology needed to investigate match-fixing. It also seeks to offer them best practices relevant to their particular circumstances and highlight legal frameworks and background information that facilitate a better understanding of match-fixing and how it can be addressed from a general perspective.

The Resource Guide has been broken down into three distinctive parts and includes detailed annexes. These can be read as a whole or separately, depending on the main interest areas of the reader.

¹“Criminalization Approaches to Combat Match-Fixing and Illegal/Irregular Betting: A Global Perspective”, International Olympic Committee and United Nations Office on Drugs and Crime, July 2013 www.unodc.org/documents/corruption/Publications/2013/Criminalization_approaches_to_combat_match-fixing.pdf

²“Sports betting and corruption: How to preserve the integrity of sport”, IRIS, University of Salford, Cabinet Praxes-Avocats & CCLS (Université de Pekin), February 2012 www.spordiinfo.ee/est/g22s355

Given that the investigation of match-fixing is a relatively new field without strongly established norms, methods or protocols, this Resource Guide seeks to provide the reader with tools and approaches that can be adopted and adapted to fit the specific circumstances of interested law enforcement agencies, sports organizations or other relevant bodies.

Match-fixing constitutes a crime in a number of countries³ and violates the internal rules, regulations and codes of conduct of many sports governing bodies, and is thus subject to disciplinary measures. Furthermore, it is now almost universally accepted that match-fixing is an increasingly prevalent modern manifestation of corruption, which incorporates elements of national and transnational organized crime and which needs to be tackled in a comprehensive and concerted manner by a multitude of stakeholders.

To this end, international instruments, namely the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, serve as international legal foundations and frameworks that promote cooperation between States and impose obligations on the States which have become parties to those instruments to pass laws and put in place procedures that are relevant to preventing, investigating and prosecuting corruption and transnational organized crime.

Given the almost universal support for these treaties and the direct links that they have to the issues surrounding match-fixing, the Convention against Corruption and the Organized Crime Convention form the framework for this Resource Guide. Used effectively, the conventions can be employed by experts as tools to strengthen national measures to combat match-fixing that also help in the fight against crime and corruption in a broader sense. In particular, the role the Convention against Corruption plays in this regard was underlined by States parties at the Conference of the States Parties to the United Nations Convention against Corruption at its sixth session, held in St. Petersburg, Russian Federation, in November 2015 in paragraph 7 of resolution 6/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”:

“Recognizes the importance of protecting integrity in sport by promoting good governance in sport and mitigating the risk of corruption that sport face globally, requests the Secretariat to continue, in cooperation with relevant international organizations, partners and donors, to develop studies, training materials, guides and tools for Governments and sports organizations to enable them to further strengthen measures in this area, and acknowledges the work that has already been done by the United Nations Office on Drugs and Crime in this regard, in particular the development of studies and guides with the International Olympic Committee and the International Centre for Sport Security”.⁴

There are two principal forms of match-fixing:

(a) Betting-related form of match-fixing

When persons off the field direct match-fixing to make illicit financial gains using a mixture of legal and illegal sports betting platforms and share a proportion of the profit with those connected to the sport who execute the fix on the field.

³www.unodc.org/documents/corruption/Publications/2013/Criminalization_approaches_to_combat_match-fixing.pdf

⁴Report of the Conference of the States Parties to the United Nations Convention against Corruption on its sixth session, held in St. Petersburg, Russian Federation, from 2 to 6 November 2015, published 3 December 2015 www.unodc.org/documents/treaties/UNCAC/COSP/session6/V1508646e.pdf

Alternatively, this form of match-fixing can be organized and controlled by sports participants who either place the bets themselves or persuade someone to do so on their behalf.

When betting related to match-fixing is carried out on legal betting markets, or in countries where there is strong and effective regulation, it is easier for investigators to obtain data and evidence from transactions. This is because licensed betting operators are subject to defined standards in terms of transparency and betting integrity.

Betting-related match-fixing is also linked to other forms of criminal activity, including money-laundering, human trafficking, tax evasion, physical intimidation and violence, fraud, bribery and extortion. It also serves as a means for organized criminal groups to raise capital in order to undertake other, more lucrative/serious crimes.

(b) Sporting-motivated form of match-fixing

This is match-fixing for sporting reasons that are not related to betting and are less likely to have criminal involvement. However, there will usually be at least an indirect financial benefit from the fixing. A motive for this type of match-fixing can be the financial survival of a club (e.g. towards the end of a season a higher placed team will be paid to lose, so that the lower ranked team they are playing against does not get relegated)⁵ or to improve the chances of progression in a tournament (as was the case with the 2012 Olympic Games badminton women's doubles tournament)⁶ [see chapter I, section B.2 – case study: Badminton fixing at 2012 Olympic Games].

That said, it should be borne in mind that others who are aware of sporting-motivated match-fixing could use this “inside information” on betting markets to make a profit. In general, the investigation of sporting-related match-fixing is more challenging because without betting evidence it is more difficult to prove that a criminal offence has taken place.

Another consequence of match-fixing for sporting reasons is that there is the potential for those involved to become vulnerable to approaches from actual fixers.

B. What is match-fixing?

1. Definition approach

There are numerous definitions of match-fixing in use. However, for the purpose of this Resource Guide, the definition from the Council of Europe's Convention on the Manipulation of Sport Competitions (also known as the Macolin Convention) shall be used as it is the most widely known and accepted definition used at the international level:

“Manipulation of sport competitions means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sport competition in order to remove all or part of the unpredictable nature of the aforementioned

⁵Cheloukhine, S. 2013. “Match Fixing in Soccer: Organization, Structure and Policing: A Russian Perspective.” In: Haberfeld, M.R. and Sheehan, D. eds. *Match-Fixing in International Sports: Existing Processes, Law Enforcement, and Prevention Strategies*. Switzerland: Springer International Publishing, pp. 113-132.

⁶Carpenter, K. “Match-Fixing—Scandals, Lessons and Policy Developments 2012/13—Part 1”, *LawInSport*, 1 March 2013, www.lawinsport.com/articles/anti-corruption/item/match-fixing-scandals-lessons-policy-developments-2012-13-part-1 [Last accessed 19 February 2016].

sport competition with a view to obtaining an undue advantage for oneself or for others.”⁷

Specific incidents that fall within this definition include:

- The deliberate loss of a match or a phase of a match for any reason
- The deliberate underperformance by a competitor or deliberate improper withdrawal before the conclusion of a match (this is also referred to as tanking)^{8,9}
- The micro manipulation of a sporting event (i.e. spot-fixing—fixing specific elements of a sporting contest)
- The deliberate misapplication of the rules of a sport by the referee and/or other match officials

Case study: Basketball referee provides inside information to professional gambler

In the United States of America, National Basketball Association referee Tim Donaghy served 13 months in a federal prison after admitting to taking money from a professional gambler in exchange for inside information, including on games he refereed between 2005 and 2007.

Source: Branca, A. “Ex-NBA ref Tim Donaghy: ‘Organized crime will always have a hand in sports’”, *The Guardian* online, 22 May 2015 www.theguardian.com/sport/2015/may/22/ex-nba-ref-tim-donaghy-organized-will-always-have-a-hand-in-sports

- Interference with the play, playing surfaces or equipment by venue staff

The issue of fake/ghost matches is also one to be taken into consideration by investigators as the example below demonstrates. While the misuse of inside information does not strictly fit the above definition because it does not involve manipulation of an event, it is a way of defrauding betting operators by using specific information about a sporting event that is not in the public domain. For the purposes of this Resource Guide, where it is suspected that inside information has been used when placing bets on a sporting event, this will be regarded as a match-fixing offence.

Case study: European betting operator pays out on the result of a football game in the Republic of Belarus that never took place

On 3 February 2014, it was reported that FC Slutsk scored two late second-half goals to beat the heavily favoured Shakhter Soligorsk 2-1 in a Belarusian Premier League match. For Shakhter, a team that has played in both the UEFA Europa League and the UEFA Champions League, it was an unexpected loss. However, it was later established that the game never took place.

⁷Council of Europe Convention on the Manipulation of Sports Competitions, 18 September 2014 www.coe.int/en/web/conventions/full-list/-/conventions/treaty/215

⁸Example 1—Tennis: Where players have been alleged to deliberately underperform on court for reasons ranging from a potential lucrative outcome from betting on their own match to only being interested in collecting their appearance fee. (Rizvi, A. “Tennis must start naming and shaming match-fixers to effectively tackle the problem”, *TheNational.ae*, 10 August 2015, www.thenational.ae/sport/tennis/tennis-must-start-naming-and-shaming-match-fixers-to-effectively-tackle-the-problem [Last accessed 20 December 2015]).

⁹Example 2—Basketball: “Tanking” has been levelled at teams in the NBA where it has been alleged that once a team cannot reach the play offs they deliberately lose so as to get a higher pick in the next season’s draft. (Deeks, M. “What actually is tanking, and which NBA teams actually do it?”, *SBNation.com*, 10 January 2014, www.sbnation.com/2014/1/10/5266770/nba-draft-lottery-tanking-gm [Last accessed 20 December 2015]).

One European bookmaker paid out on the result after receiving confirmation that the match had taken place. Only subsequent investigations revealed that it had not been played.

This ghost fixture was, at the time, only the fourth such documented instance of such an event. It was reported that a man who had previously worked for data-gathering firms, attending matches and relaying in-game incidents as they happened, was suspected of involvement in this case of match-fixing. The case is ongoing at the time of writing.

Source: <http://www.telegraph.co.uk/sport/football/news/11421732/Revealed-the-ghost-game-bet-on-around-the-world...that-never-actually-took-place.html>

2. Typical circumstances

The fixing of a sporting event is carried out either by players involved or by match official(s) who are responsible for ensuring it takes place within the rules of the sport. These two groups can be characterized as direct influencers on the field of play. However, it is also possible for the outcome of a sporting event to be manipulated by a third party, e.g. an agent or a sports club owner, who can influence the environment where the sporting event is taking place. These parties can be characterized as indirect influencers.

The different ways to manipulate a sporting event are presented in the remainder of this section, along with examples from published case law, and are collectively referred to as match-fixing.

In sports such as tennis, snooker or badminton, which feature one-against-one formats, if both players have collaborated to fix a match, a typical arrangement involves agreeing beforehand which of the players will win the match or phases of the match, e.g. one of the sets or frames. Another common arrangement is when a player is allowed to progress through a tournament in order to improve his or her overall ranking, while their opponents collect the prize money as compensation for letting themselves be beaten. Finally, another typical fix involves one player deliberately losing the match, or part thereof, unbeknownst to their opponent (including by deliberately withdrawing for a non-sports-related reason during the contest).

Case study: Tennis player gets five-year ban for deliberately losing having been approached via Skype

In the case of *Guillermo Olaso de la Rica v. Tennis Integrity Unit*, a betting operator observed suspicious betting patterns relating to three professional men's tennis matches in late 2010. In each match, the lower ranked player had been bet on to win. Eight €200 bets had been placed in betting shops, which would have given a return of €65,000. An additional £500 bet was also placed. A betting operator alerted the Tennis Integrity Unit of the suspicious betting.

The higher ranked player in one of those matches was Mr. Guillermo Olaso. He duly lost the suspicious match and was investigated by the Tennis Integrity Unit, which charged him with a corruption offence and two counts of failing to report a corrupt approach pursuant to the Uniform Tennis Anti-Corruption Program rules.

Once Mr. Olaso had been placed under investigation, the Tennis Integrity Unit investigator exercised his wide-ranging powers to obtain two mobile phones and a laptop from which he was able to extract Skype instant messages between Mr. Olaso and his co-conspirator. These messages were extremely revealing and key to the successful outcome of the investigation.

The Court of Arbitration for Sport arbitral panel was convinced by the evidence to their comfortable satisfaction and upheld a five-year ban and the \$25,000 fine which had been given to Mr. Olaso.

Source: CAS 2014/3467 Guillermo Olaso de la Rica v Tennis Integrity Unit, 30 September 2014 www.tas-cas.org/fileadmin/user_upload/Award_3467_FINAL_internet.pdf

In the case of a team sport, such as football, common fixes involve an agreement in advance involving both teams or a group of players from both teams. Typically, this type of match-fixing involves agreeing which team will win the match, part thereof or the number of goals that will be scored.

If just one of the teams or a group within a team is involved in a fix, it usually involves the deliberate loss of a match or phases of a match and/or manipulating the score.

Case study: Football club president banned for life for ordering his club to lose in a competition

In the first qualifying round of the 2004/2005 UEFA Champions League, FK Pobeda from the Former Yugoslav Republic of Macedonia was drawn against FC Pyunik from the Republic of Armenia. The home game for FK Pobeda, which they lost 1-3, was played on 13 July 2004. The return game ended 1-1, which led to the elimination of FK Pobeda from the competition.

After receiving reports regarding the integrity of the result, UEFA mandated a betting expert to analyse the betting patterns relating to the two matches. The expert found that unusually large amounts of money had been bet on the first game (ten times the normal amount of bets made on matches). In addition, many bookmakers had decided not to offer bets for the return match.

From a further detailed analysis of the betting patterns, the expert concluded that there was no doubt in his mind that the match was either fixed and/or criminal organizations had influenced its outcome.

In March 2009, UEFA officials interrogated several persons with regard to the circumstances surrounding these matches. On 29 March 2009, the UEFA Disciplinary Inspector filed a report in which he concluded that FK Pobeda, through its president Mr. Zabrcanec, had violated the principles of integrity and sportsmanship. Subsequently, UEFA banned Mr. Zabrcanec from any football-related activities for life.

Upon appeal, the Court of Arbitration for Sport upheld the ruling in relation to Mr Zabrcanec as they heard evidence that he had spoken of “giving away” the game due to the club’s poor financial situation, and had addressed the team at the halftime of the second match, when FK Pobeda was leading 1:0, saying: “they will kill me, they will burn my house”.

Source: CAS 2009/A/1920 FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. UEFA, 15 April 2010 www.sportialaw.com/biblioteca/xmedia/theme/default/LAUDOSTASCAS2009/CAS_2009-A-1920_FK_Pobeda-_Aleksandar_Zabrcanec-_Nikolce_Zdraveski_v._UEFA_-_Final_award.pdf

In a team sport, it is also an option for individuals to fix specific elements of a game, an activity often referred to as spot-fixing. An example from cricket, involving three Pakistani cricketers during an international match played in England, showed that such conduct can be subject to an informal agreement involving one or a group of key participants, i.e. the captain and a bowler (see chapter II, section L.4).¹⁰

Match-fixing can also be carried out by referees and other match officials. For example, in football, there are a number of ways a referee can improperly influence the outcome of a match or an element of a match, such as the number of goals scored.

Case study: Match-fixing by referees in warm-up matches prior to the 2010 FIFA World Cup

A number of allegations were made in relation to international friendly matches played in the host country as warm-up matches for the 2010 FIFA World Cup in South Africa.

It was alleged that these matches were manipulated by the match officials who had been supplied by a company called Football 4U, run by a known match-fixer Wilson Raj Perumal,^a in contravention of the FIFA Code of Ethics and the FIFA Disciplinary Code.

One referee, Ibrahim Chaibou from the Republic of Niger, was a key on-field influencer for Mr. Perumal and was engaged to fix more than one of the warm-up friendly fixtures. For each game fixed, he and his fellow corrupt officials were allegedly paid between US\$60,000 and US\$75,000. Even to the casual observer, Mr. Chaibou's decisions were suspicious. For instance, in the South Africa v. Guatemala match, he awarded two penalties for handball offences even though the ball went nowhere near the players' hands.

Source: Hill, D. and Longman, J. "Fixed Soccer Matches Cast Shadow Over World Cup", *New York Times*, 31 May 2014 www.nytimes.com/2014/06/01/sports/soccer/fixed-matches-cast-shadow-over-world-cup.html?_r=0 [Last accessed 22 September 2015].

^aPerumal, W.R., Righi, A. and Piano, E. 2014 *Kelong Kings: Confessions of the world's most prolific match-fixer*. Self-published.

Match-fixing can involve other environmental elements of a sporting event, such as interference with equipment or the pitch on which the contest is due to take place.¹¹

Case study: Floodlight fixing in the United Kingdom

A Malaysian betting syndicate allegedly targeted three English Premier League games over 15 months: West Ham United v. Crystal Palace (3 November 1997), Wimbledon v. Arsenal (22 December 1997) and Charlton Athletic v. Liverpool (13 February 1999).

The way the fix worked was for the floodlights to be switched off at a predetermined time during the match, which for betting purposes is regarded as the end of the game. Specifically, the fixers intended to engineer the result of the match by switching off the floodlights when the score coincided with bets they had placed. In the former two matches, the match-fixing was successful.

¹⁰*International Cricket Council (ICC) v Salman Butt, Mohammed Asif and Mohammed Amir*, Determination of the Independent Anti-corruption Tribunal, 5 February 2011 http://icc-live.s3.amazonaws.com/cms/media/about_docs/518b6fcd97012-International%20Cricket%20Council%20v%20Salman%20Butt,%20Mohammad%20Asif%20and%20Mohammad%20Amir%20-%20Determination%20of%20the%20independent%20anti-corruption%20tribunal.pdf

¹¹"ICC suspends Galle stadium curator Jayananda Warnaweera for breaching ICC Anti-Corruption Code", The ICC, 20 January 2016 www.icc-cricket.com/news/2016/media-releases/91553/icc-suspends-galle-stadium-curator-jayananda-warnaweera-for-breaching-icc-anti-corruption-code [Last accessed 03 May 2016].

In the Charlton Athletic v. Liverpool match, however, the attempted fix was not successful as the fixers were arrested at the Charlton Athletic ground three days before the match. These men, Eng Hwa Lim, Chee Kew Ong and Wai Yuen Liu, and Charlton security official Roger Firth, were jailed for their involvement.

Source: "World Match-Fixing—The Problem and the Solution", Sportradar Security Services, 2014 https://security.sportradar.com/wp-content/uploads/sites/6/2014/12/Sportradar-Security-Services_World-Match-Fixing-The-Problem-and-the-Solution1.pdf

Horseracing provides another example of environment-related match-fixing as the outcome of a horse race can be improperly influenced by the use of drugs on horses. The effect on horses can be either performance enhancing or performance inhibiting.

There have also been a number of cases in horseracing in the United Kingdom of Great Britain and Northern Ireland where people have won substantial amounts of money by knowing that a horse will not win a race because it is unfit or is injured.

Case study: Inside information used to make illegitimate profits from horseracing

In January 2010, a horse called Golden Surprise was entered to run in a race at Wolverhampton and was, prior to the start of the race, the clear favourite to win. When the race took place, the horse ran badly and finished second from last.

It was later reported by the betting industry that a number of individuals connected to the horse, including the owner, had won in excess of £100,000 by betting on Golden Surprise to lose.

Two weeks prior to the race, the same group of individuals won a similar amount of money from the horse winning. Therefore, it was suspected that the group had inside information that the horse was not going to win the race at Wolverhampton.

The subsequent investigation revealed that in the time between the races that it won and in which it came second from last, the horse was not given any exercise at all and was therefore unfit when it ran.

At the sports' disciplinary hearing, all of the participants connected with the horse (the owner, trainer and stable staff) were found guilty of a corrupt and fraudulent practice and banned from the sport for long periods.

Source: "Golden Surprise Enquiry Result", British Horseracing Authority, 28 March 2010 www.british-horseracing.com/press_releases/golden-surprise-enquiry-result

The structure of a sporting competition can also lead to the integrity of a sport being called into question and provide match-fixers with opportunities to make money on betting markets. The most common form of match-fixing in this regard involves a participant or a team taking part in a competition adapting their performance in one match in order to influence the quality of opponent they will face in a subsequent match.

Case study: Badminton fixing at the 2012 Olympic Games

Sporting-motivated match-fixing struck the 2012 Olympic Games in London. The match-fixing took place during the group stages of the badminton women's doubles tournament.

The incidents took place in dead rubber group matches (i.e. the outcome would not affect who would qualify for the next stage) and involved four pairs from three countries (one pair from China, one pair from Indonesia and two pairs from the Republic of Korea).

Although the pairs had already qualified for the next stage, it was apparent that the players were trying to lose their respective games to avoid playing a highly ranked team from China in the knockout stages. This resulted in scenes whereby the players served woefully into the net and missed easy shots in a deliberate attempt to lose their final group matches.

The Badminton World Federation charged the pairs with not using their best efforts to win the matches, called a disciplinary meeting the following day and disqualified all eight players from the tournament.

Source: Kelso, P. "Badminton pairs expelled from London 2012 Olympics after 'match-fixing' scandal", *The Telegraph* (United Kingdom), 1 August 2012 www.telegraph.co.uk/sport/olympics/badminton/9443922/Badminton-pairs-expelled-from-London-2012-Olympics-after-match-fixing-scandal.html [Last accessed 19 February 2016].

3. Sports organizations and law enforcement approaches

As mentioned earlier, this Resource Guide has been developed primarily for investigators working for law enforcement agencies and sports organizations. For sports organizations, investigating allegations of match-fixing is vital for maintaining participant and stakeholder confidence as "[match-fixing] touches at the very essence of the principle of loyalty, integrity and sportsmanship".¹²

Law enforcement agencies have a different role, investigating match-fixing from the perspective of protecting the public at large and maintaining accepted values of society.¹³ These different approaches are important to understand, particularly where cooperation may be needed in investigating a match-fixing case that touches on both sporting regulations and criminal laws, with the latter always being a breach of the former.

Sports organization and law enforcement agency cooperation and joint investigations are covered in detail in chapter II, section B of this Resource Guide.

4. Evolution of match-fixing: eSports

While this Resource Guide is focused on match-fixing involving traditional sports, readers should also be aware of the increasing prevalence of match-fixing in relation to electronic sports, otherwise known as eSports. These can be understood as competitions based on electronic systems, typically involving computer games played between players or groups of players. Increasingly popular among spectators, eSports are also marked by the professionalization of competitors and have even been accredited as a second-level Olympic sport by the Korean Olympic Committee.¹⁴

eSports present a unique integrity challenge to the sporting world. By definition, these sports are extremely different to traditional sports and, rather than being contested on a

¹²CAS 2009/A/1920 *FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v UEFA*, Court of Arbitration for Sport, 15 April 2010 www.sportialaw.com/biblioteca/xmedia/theme/default/LAUDOSTASCAS2009/CAS_2009-A-1920_FK_Pobeda-_Aleksandar_Zabrcanec-_Nikolce_Zdraveski_v._UEFA_-_Final_award.pdf

¹³Pringle, A. "Criminal Law", *The Canadian Encyclopedia*.ca, 28 December 2014 www.thecanadianencyclopedia.ca/en/article/criminal-law/ [Last accessed 06 January 2016].

¹⁴http://www.koreatimes.co.kr/www/news/sports/2016/04/136_172766.html

sporting field or court, they are played on stage or for the most part, at home. The vast majority, over 80 per cent, of eSports competitions are played by international teams in an online, borderless environment. It is possible for competitions to feature 16 teams from around the world comprising players of multiple nationalities.

Because of this diversity, it is very difficult to attribute the appropriate legal territory to the event. Matches are played on a computer server in one country, are possibly set up by an organizer in another and involve players from all around the world.

Importantly, the presence of in-game virtual items (with an associated monetary value) has resulted in the creation of informal betting platforms. Several online platforms exist for this purpose and are completely unregulated and without betting licences. User accounts require nothing more than an associated game account, in effect meaning that anyone from any location and of any age can place bets. It is inherently difficult to track users of these platforms and even more difficult to establish a money trail.

At the time of writing, there was no formal sporting federation overseeing the competitive nature of eSports competitions. It is largely up to the tournament organizers to establish anti-manipulation codes and specific rules about betting.

Although eSports betting was traditionally a very niche sector of the betting industry, the sector has witnessed dramatic growth of late, with over 75 operators currently active in this space. A result of this expansion has been the growth in financial liquidity and this opens up options for match-fixers to profit from manipulating eSports contests.

On some unregulated betting platforms, turnover regularly exceeds US\$1 million per match. Evidence suggests that betting syndicates are also turning their attention to eSports, with several of these groups making bets of over US\$10,000 on single matches. Importantly, this betting includes activity by organized criminals, which was highlighted in the 2015 StarCraft II scandal.¹⁵ As one of the more popular eSports being played (at the time of writing), investigators from the Republic of Korea uncovered details of match-fixing thanks to information provided by an informant.

Due to the low earnings potential of semi-professional and amateur teams playing eSports, small sums can be used to manipulate players into fixing an event. Some of the more public cases of match-fixing in this sector have featured payoffs of less than US\$5,000. Another characteristic of eSports investigations is that unlike other sports, large volumes of information about each game played are electronically recorded. In the case of the 2015 StarCraft II scandal, this allowed investigators to compare games of suspects to establish playing habits and identify abnormalities in their playing techniques.

Case study: iBuyPower team tanks eSports match

In early 2014, iBuyPower (a computer and technology company with a focus on high-performance gaming computers) had assembled a group of leading players from North America to play as a team in an event involving the game *Counter-Strike: Global Offensive*.

¹⁵http://wiki.teamliquid.net/starcraft2/2015_Match-Fixing_Scandal

Following a poor performance during a tournament involving the game organized by Electronic Sports League One, in Cologne, Germany in 2014, in which they crashed out of the group stages, the iBuyPower team played a low-level match in August 2014 against fellow North Americans NetCodeGuides.com, of which the iBuyPower team captain, Mr. Marine, was a co-owner.

Mr. Pierce, another team member, claimed that it was Mr. Marine who suggested they should manipulate the match, noticing the odds available at popular unregulated betting operator CSGOLounge.com. As team captain, Mr. Marine held a position of influence and the team took little convincing to accept the proposition.

Although initial evidence suggesting the match was manipulated was quickly dismissed, the story was followed up in early 2015 by an investigative journalist, who detailed chat logs and presented other evidence suggesting Mr. Marine was guilty.

Valve, as the publisher of the *Counter-Strike: Global Offensive* game, undertook its own investigation and banned four of the five players in January 2015, along with three other individuals associated with the team. These bans were upheld as indefinite in January 2016.

It is estimated that a total of US\$20,000 worth of in-game virtual items were gained from the manipulation of the match, with each player receiving a cut of US\$1,200. Mr. Latham was the only one of the players to decline payment from the match, which was probably the reason for his lack of punishment.

Sources:

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www.dailydot.com/esports/match-fixing-counter-strike-ibuy-power-netcode-guides/
<http://blog.counter-strike.net/index.php/2015/01/11261/>
<http://blog.counter-strike.net/index.php/2016/01/13442/>
www.dailydot.com/esports/braxton-swap-pierce-counter-strike-match-fixing/

C. Why is it important to investigate match-fixing?

Match-fixing is a significant problem that weakens integrity in sport and allows criminals to make enormous profits.

A notable core of national law enforcement agencies, international organizations (e.g. the United Nations Office on Drugs and Crime, INTERPOL and Europol) and sports organizations (e.g. the International Olympic Committee, FIFA and the British Horseracing Authority) have taken steps to combat match-fixing and have developed structures and processes to this end, including dedicating resources for investigating allegations, developing means to coordinate such activities and building capacities in this area. While this is clearly positive, the stark reality is that the severity of the threat posed by match-fixing is still not properly understood. The result is that generally only limited resources are dedicated to combating match-fixing.¹⁶

By not investigating allegations of match-fixing, suspicion over the integrity of the sport in question can rapidly develop into a crisis affecting many different stakeholders and this can take a long time to rectify. However, by conducting a thorough investigation, the integrity of the competition can be preserved and it may be revealed that an alleged fix did not in fact occur.

¹⁶Carpenter, K. "Why are countries taking so long to act on match-fixing?", Transparency International, April 2015 www.transparency.org/files/content/feature/Feature_TakingLongMatchFixing_Carpenter_GCRSport.pdf [Last accessed 19 February 2016].

Most importantly however, thoroughly investigating and punishing those involved in match-fixing will create a genuine fear of being caught, which in turn acts as a deterrent to those contemplating match-fixing.

The Court of Arbitration for Sport has stated that, “It is therefore essential in the Panel’s view for sporting regulators to demonstrate zero-tolerance against all kinds of corruption and to impose sanctions sufficient to serve as an effective deterrent to people who might otherwise be tempted through greed or fear to consider involvement in such criminal activities.”¹⁷

1. The attraction of match-fixing to criminals

Organized criminals engage in match-fixing because it is a low-risk enterprise with the potential for large rewards from global and national betting markets. To this end, criminals bribe, coerce and blackmail sporting participants to achieve their goals.

Historically there has been limited enthusiasm from law enforcement agencies to prioritize the investigation of such activities unless serious criminal conduct is involved. In those cases where prosecutions have occurred, the criminal sanctions have been relatively lenient.

The leniency, or inadequacy, of criminal law in this area was highlighted in a UNODC-IOC joint publication, entitled *Model Criminal Law Provisions for the Prosecution of Competition Manipulation* which states that in cases related to match-fixing “the investigation capacities of sports organizations, as well as the sanctions available to them, such as bans, relegations and penalties, are no longer sufficient and must be complemented with a criminal justice response. Legislation to establish criminal offences against competition manipulation is therefore needed alongside independent sports sanctioning systems”.¹⁸

Case study: Criminal charges against Brazilian football referees for fixing matches and involvement in organized crime dropped

Two Brazilian football referees, Edilson Pereira de Carvalho (at one time a member of the FIFA list of international referees) and Paulo Jose Danelon, faced criminal charges as part of the Whistle Mafia case.

The scheme for manipulating football results for betting purposes was discovered by lawyers from the Nucleus of Organized Crime Fighting of the Judicial System, along with the Federal Police Department. The conspiracy also included members of the Brazilian Mafia involved in illegal betting. The investigation became public through a news article published in a Brazilian weekly magazine in October 2005.

¹⁷CAS 2010/A/2172 *Mr Oleg Oriekhov v UEFA*, para 80, Court of Arbitration for Sport, 18 January 2011 <http://arbitration.kiev.ua/uploads/kucher/2172.pdf>

¹⁸“Model Criminal Law Provisions for the Prosecution of Competition Manipulation”, International Olympic Committee and United Nations Office on Drugs and Crime, June 2016 https://www.unodc.org/documents/corruption/Publications/UNODC-IOC_Model_Criminal_Law_Provisions_for_the_Prosecution_of_Competition_Manipulation_Booklet.pdf

Both referees were expelled from football and charged by the Public Ministry with larceny (non-violent theft), conspiracy to commit a crime and fraudulent misrepresentation. However, the criminal action was suspended in 2007 by the Sao Paulo Justice Court. It ruled that the evidence was insufficient to prove their guilt beyond reasonable doubt.

Source: Godinho, L. and Barbosa, C. 2013. "Topics for an Academic Agenda: The Prevention of Match-Fixing in Brazil", In: Haberfeld, M.R. and Sheehan, D. eds. *Match-Fixing in International Sports: Existing Processes, Law Enforcement, and Prevention Strategies*. Switzerland: Springer International Publishing, pp.229-245.

The globalization of betting markets because of advances in technology has undoubtedly been a principal driver of match-fixing, with the amount of money being bet continuing to expand at a rapid rate. The emergence of new products and services, such as proposition bets, has also provided new ways for fixers to spread their risk and increase their overall gains. A proposition bet denotes a bet made on the occurrence or non-occurrence of an event during a sporting competition that does not directly affect the game's outcome. Proposition bets can be made on outcomes such as the total number of goals in a football match, who will win the first set in a tennis match or which team will score the first points in a game of rugby.¹⁹ These bets are closely linked to spot-betting and micro-manipulation activities.

The evolution of technology has allowed for the expansion of existing fan bases in popular sports such as football but at the same time also created new markets involving competition, such as online gaming. This evolution has been accompanied by a large expansion in the amount of money circulating in global betting markets.

Those engaged in a match-fixing, including organized criminals, can avoid detection in the global betting markets by using proxy accounts, or by opening multiple betting accounts on multiple platforms. Anti-money-laundering measures, such as the know-your-customer principle, need to be robustly enforced by betting operators to prevent match-fixers from using proxy and fictitious accounts to circumvent anti-money-laundering safeguards.

Case study: Fixing in horseracing by using phantom betting accounts

In the United Kingdom in 2010, Mr. James Crickmore and Mr. Maurice Sines were found guilty by a sport disciplinary panel of fixing a number of horseraces and using proxy accounts to profit from betting markets.

This was part of a wider conspiracy in which substantial amounts of money were made on the betting markets in the knowledge that those horses ridden by corrupt jockeys were not going to win their respective races.

Source: Result and Reasons of Disciplinary Panel Regarding Sines, Crickmore, Doe, Fairley, Quinn, Milczarek, Fitzsimons et al., British Horseracing Authority, 14 December 2011 www.britishhorseracing.com/press_releases/result-and-reasons-of-disciplinary-panel-regarding-sines-crickmore-doe-fairley-quinn-milczarek-fitzsimons-et-al

¹⁹"An Introduction to Proposition and Matched Betting", SportsBettingPal.com www.sportsbettingpal.com/intro-to-proposition-and-matched-betting [Last accessed 28 October 2015].

However, even Governments in countries whose betting markets are legal, have not obliged sports betting operators to fully implement anti-money-laundering measures, or to take all steps to protect against corrupt sports betting.

Case study: Great Britain Gambling Commission

The Great Britain Gambling Commission seeks to ensure that betting operators protect against money-laundering and corruption by requiring all licensed operators, including United Kingdom-based and offshore operators, to comply with licence condition 15.1, which obliges licensees to report any suspicions of corrupt betting practice.

Source: Licence conditions and codes of practice, Gambling Commission, April 2015 www.gambling-commission.gov.uk/pdf/Latest-LCCP-and-Extracts/Licence-conditions-and-codes-of-practice.pdf

2. Sporting impact

While modern day sport is considered a form of entertainment and attracts strong levels of commercialization as a result, the important link between the competition and the fan is ultimately generated and maintained by upholding the integrity of sport and its good governance. Viewed through this prism, match-fixing undermines these principles and robs sport of its natural unpredictability, which is without doubt its most important commodity.

In his sentencing remarks in the criminal case brought against the Pakistani cricketers who engaged in spot-fixing during a test match played in England by bowling no-balls for money, Mr. Justice Cooke stated powerfully the impact match-fixing activities have on sport:

“The gravamen of the offences committed by all four of you is the corruption in which you engaged in a pastime, the very name of which used to be associated with fair dealing on the sporting field ... It is the insidious effect of your actions on professional cricket and the followers of it which make the offences so serious. The image and integrity of what was once a game, but is now a business is damaged in the eyes of all, including the many youngsters who regarded [the] three of you as heroes and would have given their eye teeth to play at the levels and with the skill that you had. You procured the bowling of 3 no balls for money, to the detriment of your national cricket team, with the [eventual] object of enabling others to cheat at gambling. Now, whenever people look back on a surprising event in a game or a surprising result or whenever in the future there are surprising events or results, followers of the game who have paid good money to watch it live or to watch it on TV, in the shape of licence money or TV subscriptions, will be led to wonder whether there has been a fix and whether what they have been watching is a genuine contest between bat and ball. What ought to be honest sporting competition may not be such at all.”²⁰

²⁰ *R v Mazhar Majeed, Salman Butt, Mohammad Asif and Mohammad Amir*, para 33, Sentencing Remarks of Mr Justice Cook, Southwark Crown Court, 3 November 2011 <http://genevalunch.com/wp-content/uploads/2011/11/butt-others-sentencing-remarks-03112011.pdf>

Case study: Football association loses major sponsor after match-fixing scandal emerges

Following allegations that international friendly matches held in the country were fixed in the lead up to the FIFA World Cup in South Africa in 2010 [see chapter II, section B.2—case study: Match-fixing by referees in warm-up matches prior to the 2010 FIFA World Cup], the South Africa national team's kit sponsor, the German company Puma, ended its financial relationship with the country's football association. Revenues for the association dropped from US\$80m in 2010 to US\$20m in 2013 as the scandal evolved.

Source: Wilson, B. "World sport 'must tackle big business of match fixing', *BBC Business News* online, 25 November 2013 www.bbc.co.uk/news/business-24984787 [Last accessed 14 December 2015].

3. Societal impact

It may be tempting to view match-fixing as having consequences that are restricted to sport. However, sport plays a vital role in modern contemporary society as evidenced by its prominence in the media, which may even devote more coverage to sport than to politics or economics. For the majority of people, sport forms an integral part of daily life, whether as active participants or passive spectators, providing many positive impacts on society as a whole. Corrupting sport through match-fixing seeks to destroy this positive influence on society and is one of the key costs of corruption.

Match-fixing is linked to various associated crimes by fixers and organized criminals that cause great harm to society. Firstly, actual violence, or the threat of violence to intimidate participants and their families, can be used by a fixer to secure control over a direct influencer, as well as other stakeholders involved in the fix. Secondly, the occurrence of a match-fix incident, especially if not properly investigated, can result in severe reputational damage to society at large on the regional and international stage.

4. Economic impact

Match-fixing, where either the result or a phase of an event is predetermined, can be understood as a form of financial fraud against spectators who pay to watch an event. Sponsors are affected as their corporate reputation may suffer adversely.

By its very nature, match-fixing is also closely associated with, and is a vehicle for, a number of other financial crimes, including money-laundering and tax evasion. Laundering gains from match-fixing by organized crime can be achieved through established methods, such as through financial institutions and purchasing property. However, due to the high levels of turnover (particularly online), sports betting operators are also an attractive channel for money-laundering. The attractiveness of betting markets to criminals as a means of money-laundering (and the difficulties in combating it) is due to their opaqueness and heterogeneity. Betting markets include a mix of private and state companies acting both nationally and internationally, and with varying degrees of regulation, ranging from liberal to prohibitionist, and frequently operating online and offshore or both.²¹

²¹Anderson, J. "Match Fixing and Money Laundering", Queen's University Belfast, School of Law, Research Paper No. 2014-15/04 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2424755

Furthermore, from the point of view of legal betting operators, they are very often the victims of the act when match-fixers use their services to place fraudulent bets. Another loser from a financial perspective is the fan who unwittingly places a bet that they will lose as a result of a fix. The fight against fraud in sport is a necessity to safeguard business.²²

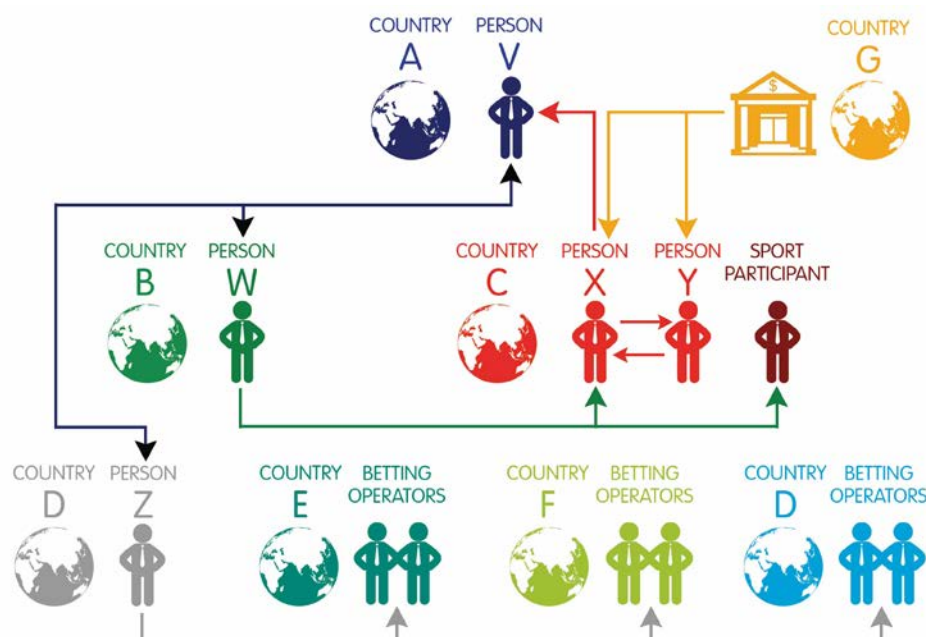
A lack of proactivity to mitigate the above risks could also undermine any attempts to host major sporting events and may deter legitimate sports betting businesses from establishing or operating in a given country.

D. How is match-fixing an international issue?

1. Overview of the transnational/cross-border nature of match-fixing

It has been shown many times that match-fixing is in nearly all cases an international issue. This is demonstrated by the overview below.

Figure 1. Overview of the transnational/cross-border nature of match-fixing



With incidents of transnational match-fixing like those outlined above, case history has shown that it is almost inevitable that the two (or more) countries with a link to the allegations will have different approaches to investigating this type of crime. More specifically, there are factors that feed into the decision-making process, which have relevance as to which body in which country carries out the investigation (forum and jurisdiction) and how it is conducted given the complexities of the fix that may have occurred.

²²“Sports betting and corruption: How to preserve the integrity of sport”, IRIS, University of Salford, Cabinet Praxes-Avocats & CCLS (Université de Pekin), February 2012 www.spordiinfo.ee/est/g22s355

Furthermore, the legislation (if in place at all) for dealing with such cases may complicate the establishment of any investigation. Some countries rely on general corruption, bribery and fraud laws, with only a handful having more specific provisions for sporting corruption in their criminal codes or sporting regulations.²³

Indeed, the UNODC-IOC joint comparative study, published in July 2016, revealed that 28 of the 52 jurisdictions studied had either proposed, adopted or enacted specific legislation criminalizing match-fixing.²⁴ Without specific criminal offences on match-fixing, it is possible that there will be no obvious or solid legal basis for an investigation and a successful prosecution. However, that is not to say that existing criminal laws cannot be applied to match-fixing, as shown in the example below.²⁵

As a starting point it is usually the police, or another similar body, of the country where the main elements of the alleged match-fixing incident have occurred that will lead an investigation. This decision should be based on the premise that it is preferable, if possible, that a prosecution takes place in the jurisdiction where the main element of the corruption occurred. However, due consideration should be given to the location of the accused at the time the match-fixing incident is discovered and whether or not they can be detained or extradited.

Case study: Southern Stars football team in Australia corrupted by British and Malaysian nationals

A betting monitoring company detected irregular betting patterns associated with at least five matches played by the Southern Stars football team in Australia's second tier.

These matches were characterized by unusually poor play by some of the players. The monitoring company notified the Australian Football Federation who notified the Victoria State police.

Police arrested, investigated and subsequently charged six people from three different countries with criminal match-fixing offences: the coach (Australian national), four players (all four of whom were from the United Kingdom) and a Malaysian national.

The latter acted as a liaison between the coach and players and a betting syndicate based in Hungary and Malaysia. The syndicate was reported to have made an estimated AUS \$2m from the five fixed games played between 21 July and 13 September 2013.

On 25 October 2013, the Football Federation of Australia suspended the coach and four players for breaches of its National Code of Conduct.

The four players all subsequently pleaded guilty to the criminal charges of match-fixing and were convicted and fined between \$1,200 and \$3,000. The coach was given a four-month prison sentence and a fine of \$3,000.

The Malaysian national pleaded guilty to one count of engaging in conduct that corrupts a betting outcome. In 2014, he received a three-year prison sentence, with two years suspended.

²³Match-fixing in sport: A mapping of criminal law provisions in EU 27, KEA European Affairs, March 2012 http://ec.europa.eu/sport/library/studies/study-sports-fraud-final-version_en.pdf

²⁴"Model Criminal Law Provisions for the Prosecution of Competition Manipulation", International Olympic Committee and United Nations Office on Drugs and Crime, June 2016 https://www.unodc.org/documents/corruption/Publications/UNODC-IOC_Model_Criminal_Law_Provisions_for_the_Prosecution_of_Competition_Manipulation_Booklet.pdf

²⁵Match-fixing in sport: A mapping of criminal law provisions in EU 27, page 43, KEA European Affairs, March 2012 http://ec.europa.eu/sport/library/studies/study-sports-fraud-final-version_en.pdf

2. Factors affecting who will investigate a case of transnational match-fixing

There are a variety of factors that need to be considered before and during an investigation into allegations of match-fixing involving links to more than one country. On the most basic level, it may simply be a matter of cost, both in terms of financial and in terms of human resources, for the relevant body. Other factors, such as the location of the suspect and whether they can be extradited, may lead a law enforcement agency in a different country to commence a criminal investigation.

The identity of the person making the allegation and the strength of the evidence also has an impact on the decision as to which country is best placed to lead an investigation. When allegations are made, checks on the background and potential motivations of the person making the allegation should be carried out to establish their credibility. The strength of the evidence will of course be paramount, especially in relation to the decision to bring criminal charges. However, this is also closely linked to a country's legislative framework as the methods of collecting evidence that are allowed (e.g. telephone intercepts) could be crucial to obtaining sufficient and good-quality evidence and thereby to the success of the investigation and subsequent prosecution.

Case study: Alleged global match-fixer from Singapore charged in multiple countries

Mr. Dan Tan Seet Eng has been under investigation since 2011, mainly for allegedly fixing football matches in Europe. Based in Singapore, he allegedly contacted Eastern European match-fixers who allegedly contacted football players who were potentially amenable to bribery.

Mr. Eng was arrested in Singapore in September 2013 on allegations that he was the head of an international match-fixing syndicate that organized and fixed soccer matches in many European countries, including Italy. His name and identity were discovered in documentary evidence seized by Italian police in the course of the Calcioscommesse investigation into match-fixing in lower league Italian football.

The Singapore authorities decided to arrest Mr. Eng using the Criminal Law (Temporary Provisions) Act. He was imprisoned on the basis that he was a threat to the security, peace and good order of the Republic of Singapore. The case is ongoing at the time of writing.

Source: "World Match-Fixing—The Problem and the Solution", Sportradar Security Services, 2014 https://security.sportradar.com/wp-content/uploads/sites/6/2014/12/Sportradar-Security-Services_World-Match-Fixing-The-Problem-and-the-Solution1.pdf

At the outset of preparing an investigation into an allegation of match-fixing with an international dimension, it is important to understand whether or not match-fixing is regarded as a crime and if resources to carry out an effective investigation are available to a given Government, law enforcement agency or sports organization. This will influence whether or not an investigation takes place and who leads it. As the investment in detection, disruption and deterrence of match-fixing by governments is generally low, criminal prosecutions are rare and conviction rates are relatively low. There is also the fact that a number of major sports deal with match-fixing issues themselves through disciplinary proceedings; this can deter law enforcement agencies from getting involved.

Any investigation by a law enforcement body within a particular country will require the assistance of the relevant sports organization(s). How well equipped and informed

the relevant sports organization is on these matters may also influence the decision as to which country is best placed to lead the investigation. Alternatively, the law enforcement body may have to liaise with the international federation of the sport in question if the relevant national organization is not adequately equipped or informed to provide necessary assistance.

The efficiency and effectiveness of judicial institutions are also important. Knowing in advance the sentencing powers, procedures and likely associated issues that will determine when a case will be heard can also be important when determining which country should take the lead in any investigation.

Securing the attendance of witnesses in any subsequent trial/hearing will also be a key consideration for the case to move forward. Where organized crime is involved, witnesses may be afraid to testify without sufficient protection. Without witnesses giving testimony under oath, a criminal conviction for match-fixing offences may be more difficult to secure.

All evidence obtained and produced for court proceedings/disciplinary process must be reliable, credible and admissible. The courts in different countries/disciplinary processes have different rules for accepting evidence gathered in different ways.

If betting is legal and regulated in a particular country, it is likely to make an investigation easier as it should be possible to obtain betting data that might provide vital evidence of manipulation for betting purposes. It may also be possible, depending on a country's data protection laws, to obtain information from betting operators on those who have placed suspicious bets. It would also be preferable for sports organizations everywhere to have at least an understanding of betting and have a functioning relationship with betting operators, ideally through a formal agreement, such as a memorandum of understanding.

A crucial step in executing successful match-fixing for some criminals is the laundering of the proceeds of successfully placed bets. Therefore, prosecutors should always give consideration to the powers available to restrain, recover, seize and confiscate the proceeds of crime and make the most effective use of international cooperation agreements such as the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, or and/bilateral agreements.

Case study: International cooperation leads to recovery of assets from a global match-fixer

In 2005, Croatian national Ante Šapina was jailed for three years, along with his brother, for masterminding the scandal that engulfed Robert Hoyzer, the disgraced football referee who was banned for life in Germany.

On his release from prison, Mr. Šapina restarted his criminal network with links to illegal gambling rings in Asia. However, whereas the Hoyzer scandal centred on lower football leagues in Germany, Šapina's new network was far more ambitious.

Mr. Šapina was jailed again by authorities in Bochum, Germany, in 2011 after confessing to a role in fixing 20 matches between 2008 and 2009. He targeted leagues outside Germany where players were modestly paid and where large bets from Asia would go unnoticed. Mr. Šapina revealed in court that a rating system was used to analyse matches, with five stars ensuring that the result was almost certain thanks to payments to players and officials.

Mr. Šapina was a member of a sophisticated network of transnational crime groups that were running a substantial match-fixing operation. The modus operandi was found to be highly methodical and greatly varied, involving the purchasing the services of individuals or entire clubs, the financing of criminal betting syndicates in Asia, and the organization of ghost friendly matches.

Tens of millions of euros were bet, with profits for criminal syndicates estimated to be €8.5 million. Assets and money seized as a result of the inquiry amounted to €2 million.

Source: Match-fixing in Football: Training Needs Assessment 2013, INTERPOL, 14 August 2013 www.interpol.int/content/download/22042/207247/version/4/file/E%20TNA%202013_FINAL.pdf

In addition to the factors above, it is important that countries cooperate as agreed under relevant Conventions, such as the Convention against Corruption and the Organized Crime Convention, to effectively investigate potential match-fixing offences. This is particularly relevant in relation to the extradition of foreign nationals for prosecution and to facilitate the questioning of suspects and information gathering through law enforcement cooperation or mutual legal assistance.

If, after all of these issues have been taken into account, there still is no clear appropriate jurisdiction for the case to proceed under, the relevant authorities will have to decide whether the investigations and proceedings can be divided.

3. Scope and applicability of the United Nations conventions and other international legal and sports instruments

As highlighted in many examples throughout this guide, match-fixing more often than not involves an international dimension, which adds to the complexity of fighting against it. The challenge is to develop an approach which has the potential to bring together relevant stakeholders applying internationally recognized standards and frameworks to promote good governance and prevent corruption in sports. This requires effective inter-governmental coordination and action, especially in the field of criminal justice.

To this end, the international community has at its disposal two effective international legal instruments which provide officials with the relevant tools for tackling match-fixing, namely the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime Convention.

These two Conventions are in their own right the most comprehensive global standards which are used to fight corruption and transnational organized crime. They command almost universal support (the Conventions have 178 and 185 States Parties respectively, as of June 2016) and can serve as a basis to proactively promote integrity and counter the threats posed by corruption and organized crime to sport.

They also provide an effective basis for cooperation between different countries through the promoting of informal law enforcement cooperation, international cooperation in particular through mutual legal assistance and extradition as well as through asset recovery, and called international cooperation for the purposes of confiscation.

To help with locating the relevant articles in each Convention which can be used to investigate match-fixing, please see annex A and annex B.

United Nations Convention against Corruption

The Convention against Corruption is primarily applicable to States parties and in practice involves cooperation between State authorities such as police, prosecutors and judges for the purpose of combating corruption. The Convention also explicitly calls on civil society and the private sector to aid in this effort. It represents the international standard to combat corruption, due to its almost universal adherence and sets out corruption offences which may be applied to match-fixing. It can also be used as a basis for effective law enforcement and international cooperation, as well as the recovery of assets appropriated through acts of corruption.

States parties at the United Nations Convention against Corruption Conference of State Parties, held in St Petersburg, Russian Federation, from 2 to 6 November 2015, underscored the importance of the Convention against Corruption as an effective mechanism for promoting good governance in sport and mitigating the risk of corruption that sport faces globally.

While the relevance of the Convention and its articles to combating match-fixing is set out in detail in annex A, it is important to be aware that, of particular relevance to match-fixing, it requires countries to establish criminal and other offences to cover:

- (a) Active and passive bribery in the public sector (articles 15);
- (b) Active and passive trading in influence (article 18) and;
- (c) Active and passive bribery in the private sector (article 21).

The Convention also encourages transparency and accountability in the private sector so that corruption can be prevented and detected, and to establish the liability of legal persons. It is also worth noting its importance as a framework designed to strengthen cooperation between the private sector and law enforcement agencies.

As such, in the case of match-fixing, sports organizations and their investigators, as well as betting regulators (depending on their status), are encouraged to adopt the principles of the Convention and cooperate with law enforcement agencies when investigations into allegations of match-fixing involving sporting and criminal dimensions are running concurrently.

United Nations Convention against Transnational Organized Crime

Where it is deemed that match-fixing cases involve transnational organized crime, the Convention against Transnational Organized Crime can be of great assistance to investigators. The purpose of the Convention is to “promote cooperation to prevent and combat transnational organized crime more effectively”. It is designed so that law enforcement officials can apply it to any serious crime that has transnational elements and involves organized criminal groups. This allows the tools contained in the Convention to be used in relation to match-fixing offences.

One element of the Convention that investigators need to be aware of at the outset is the definition of what constitutes an organized criminal group. Article 2(a) of the Convention states:

“... organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this

Convention, in order to obtain, directly or indirectly, a financial or other material benefit”.

This definition encompasses a wider range of match-fixing activities due to the need for only “three or more persons” to be involved. In all of the case studies referred to in this Resource Guide, three or more people have been involved and this is likely to be the case in most match-fixing incidents.

One of the important areas in the Organized Crime Convention that are related to combating match-fixing is:

- Article 5—Criminalization of participation in an organized criminal group
Each State party shall adopt measures to establish as criminal offences, when committed intentionally:
 - Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit;
 - Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in criminal or other activities of the organized criminal group.

Also organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group shall be a criminal offence.

Council of Europe Convention on the Manipulation of Sports Competitions

While the above Conventions represent the overarching international framework to help tackle match-fixing, this has been strengthened by the Council of Europe’s sport specific international agreement, the Convention on the Manipulation of Sports Competitions (also known as the Macolin Convention), which was opened for signature in September 2014 to members of the Council of Europe as well as to States which are not.²⁶

Article 1 sets out the purpose and objectives of the Macolin Convention:

- “1. The purpose of this Convention is to combat the manipulation of sports competitions in order to protect the integrity of sport and sports ethics in accordance with the principle of the autonomy of sport.
2. For this purpose, the main objectives of this Convention are: (a) to prevent, detect and sanction national or transnational manipulation of national and international sports competitions; (b) to promote national and international cooperation against manipulation of sports competitions between the public authorities concerned, as well as with organizations involved in sports and in sports betting.”

A legally binding instrument, it covers prevention, law enforcement, international cooperation measures and the exchange of intelligence, all in the context of tackling match-fixing and can be used by sports organizations and law enforcement agencies. While the Convention has not yet entered into force (at the time of writing), both sport and law enforcement investigators can adopt the principles as good practice.

²⁶Explanatory Report to the Macolin Convention, point 17.

Annex B provides a comparison of the provisions of the Convention against Corruption and the Council of Europe Convention by setting out the equivalent provisions of the latter.

International Olympic Committee's Olympic Movement Code on the Prevention of the Manipulation of Competitions

It is worth noting that in addition to criminal sanctions which can be applied by public authorities for match-fixing offences, disciplinary sanctions also exist, which are adopted and applied by sports bodies according to their internal disciplinary mechanisms. These internal justice mechanisms are responsible for settling disputes, mediating and guaranteeing the correct interpretation of sporting rules and regulations.

In this context, and due to their global relevance, it is important to be aware of the Olympic Charter and the Olympic Movement Code on the Prevention of the Manipulation of Competitions developed by the International Olympic Committee (IOC). The purpose of IOC is to promote Olympism throughout the world and to lead the Olympic Movement. IOC is the leading global sports organization and has significant sporting, political and social influence. While the above mentioned Conventions relate to international law, the IOC's code relates to conduct and disciplinary proceedings of sports investigations.

In December 2015, IOC published the Olympic Movement Code on the Prevention of the Manipulation of Competitions (the Code) in the framework of its jurisdiction as determined by Rule 2.8 of the Olympic Charter which provides that, "The IOC's role is ... to protect clean athletes and the integrity of sport, by leading the fight against doping, and by taking action against all forms of manipulation of competitions and related corruption". Strictly speaking, the Olympic Movement, and therefore the Code, does not cover all athletes and sports, with the main two groups being International Sports Federations and National Olympic Committees. Other sports organizations are encouraged to voluntarily adopt the same principles and approach as the Code.

Paragraph C of the Preamble to the Code sets out its purpose:

"The purpose of this Code is to provide all Sports Organizations and their members with harmonised regulations to protect all competitions from the risk of manipulation. This Code establishes regulations that are in compliance with the Council of Europe Convention on the Manipulation of Sports Competitions in particular Article 7. This does not prevent Sports Organizations from having more stringent regulations in place."

It also makes it clear in the preamble (in paragraph E) that sports organizations commit "to taking all appropriate steps *within their powers* [emphasis added] to incorporate the Code", as sports organizations only have limited jurisdictional power (i.e. only over the participants, which is defined in article 1.4 of the Code) and operational/investigative power compared to law enforcement agencies. Therefore, paragraph B acknowledges that "due to the complex nature of this threat, sports organizations recognize that they cannot tackle this threat alone, and hence cooperation with public authorities, in particular law enforcement and sports betting entities, is crucial".

Notable provisions from the Code for sports organizations are described briefly below:

- Article 2—Violations

This is the key Article of the Code as it sets out the potential conduct by participants that is prohibited:

- Betting—on the participant’s competition in which they are competing or their sport
- Manipulation of sports competitions—intentional conduct aimed at the improper alteration of a sport to obtain an undue benefit
- Corrupt conduct
- Inside information—using such information for the purposes of betting or manipulation; disclosing it to others for the same purposes or giving and/or receiving a benefit for the provision of inside information
- Failure to report—at the first opportunity and in full any approaches to engage in conduct which would be a violation or any incident, fact or matter that comes to a participant’s attention, and
- Failure to cooperate—includes obstructing or delaying an investigation

An attempt or any form of assistance by a participant is also a violation.

- Article 3—Disciplinary Procedure

This covers a number of minimum standards that in the main are there to safeguard the rights of the accused participant, something that is all too often absent in sport procedures. These steps range from the right to be informed of the charges and the right to be accompanied and/or have legal representation to having an appropriate appeal process. This Article also deals with the exchange of information between entities, which in the IOC’s opinion should be on a “need to know basis”, and the need to facilitate some form of anonymous reporting.

- Article 4—Provisional Measures

The ability for a sports organization to be able to take provisional (temporary) measures against a participant before a full hearing can be vital to protect the reputation of a sport. However, this consideration must be balanced against the damage done to the athlete’s reputation during the same period and as a result any provisional measure must be imposed for strictly no longer than is necessary and be reviewed regularly.

- Article 5—Sanctions

If a violation has been proven to have been committed, the sanction must be appropriate and can range from a warning to a life ban.



Investigating cases of match-fixing

A. Common approaches to a match-fixing investigation

Almost all allegations of match-fixing will involve activity that constitutes a criminal act according to the laws of the country in which the main element of the fix takes place (although the specific criminal offence may not be immediately clear). This is because almost all match-fixing cases involve the manipulation of a sporting event for the purposes of illegitimate financial gain from betting markets.

Therefore, it will normally follow that a law enforcement agency will take the lead in any investigation, possibly with assistance from the sport in question.

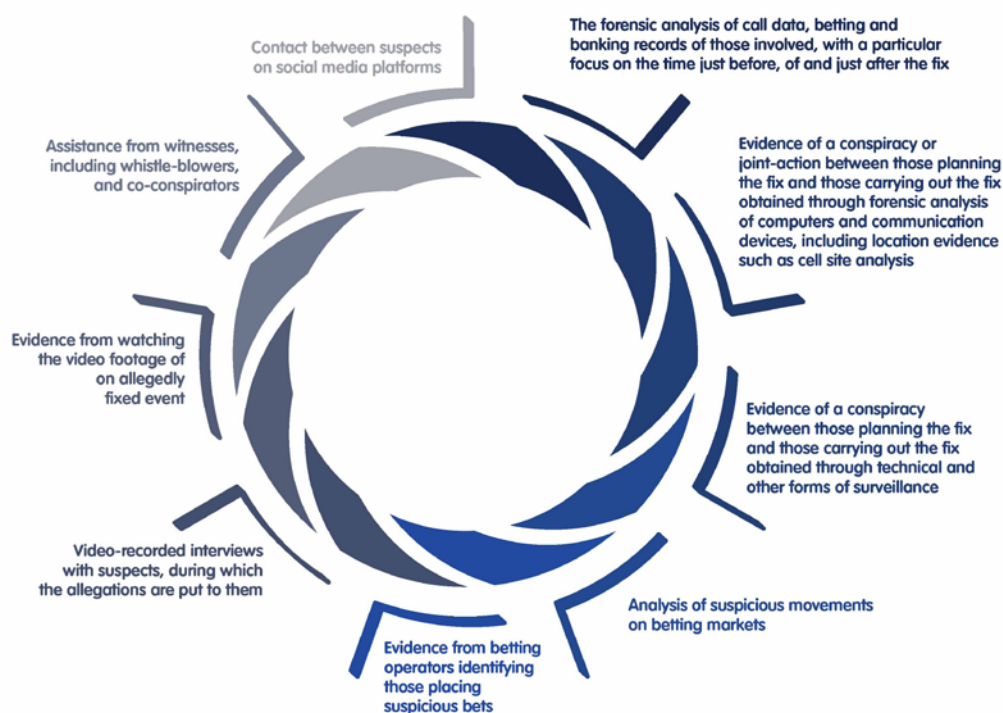
For match-fixing where the circumstances constitute a criminal offence, the preferred option would be a law enforcement investigation and criminal prosecution. However, there will be occasions where although the circumstances involve a criminal act, operational priorities or resources constraints may mean that law enforcement agencies cannot or choose not to investigate. As a result, the investigation into the match-fixing allegations will be carried out by the sport, either alone or, where relevant and available, as a joint enquiry with the betting regulator in relation to disciplinary proceedings.

The motives for match-fixing can vary from purely monetary to sporting advantage, although the most common motive is undoubtedly financial gain, specifically by making money through legal or illegal betting markets.

Most of the areas of good practice relate to reactive investigations (as opposed to the proactive targeting of suspected match-fixers). This means investigations are launched as a consequence of a fixed match that has already taken place.

What can be learned by law enforcement agencies and sports organizations from successful investigations is that these investigations have relied on the gathering of a combination of direct and indirect (circumstantial) evidence to prove match-fixing allegations. Key types of evidence that fall into these categories are shown in figure 2.

Figure 2. Key types of evidence categories



Match-fixing cases, especially those with a clear cut international dimension and the involvement of well-known sportspersons, always attract media attention. Therefore, it is essential in any complex investigation to take into account the media interest and how this could affect the protection of the identity of potential witnesses and reporting persons/whistle-blowers.

B. Cooperation between law enforcement agencies and sport investigators

A successful match-fixing incident has four stages, which can be understood in simple terms as: planning, placing, executing and collecting. These stages will be the principal focus of investigations carried out by law enforcement agencies that are invariably best placed to carry out investigations into the actions of criminals involved in the match-fixing and the conspiracy element of its planning. This is because law enforcement agencies have jurisdiction over criminal matters, the relevant experience in investigating serious and organized crime (although rarely match-fixing) and additional powers available to them (e.g. arrest, search and seizure).

On the fix itself and securing evidence from betting markets, the situation is less clear cut as law enforcement agencies are unlikely to have a full understanding of either the rules and nuances of the sport in question or the betting markets, and will require specialist assistance in both areas.

Once the decision is made on who will be the lead agency of an investigation, an agreement needs to be reached on which other agencies will be asked to assist. It is difficult to see how an investigation into match-fixing by a law enforcement agency can be effective without the assistance of the sports organization that has been the subject of

the match-fixing incident. In the past, law enforcement agencies that have led match-fixing investigations have been reluctant to involve sport governing bodies for fear of a perceived conflict of interest on the part of a body or in more extreme cases because of a lack of trust.

Case study: Horseracing fixing trial in the United Kingdom collapses

In 2004, the City of London Police in the United Kingdom commenced a four-year criminal investigation into allegations of race-fixing in British horseracing by a number of the sport's participants.

From the beginning, the police decided to carry out the investigation unilaterally, keeping the regulator of the sport at the time, The Jockey Club, at arm's length, despite the objections put forward by The Jockey Club. The reasons given by the police were a lack of trust and a fear of a conflict of interest.

The subsequent prosecution failed. The criminal case was thrown out by the judge early in the trial because of a number of flaws in the prosecution case.

A review of the investigation found that excluding the sports regulator from the investigation was a fundamental error by the police. It found that The Jockey Club's expert knowledge regarding horseracing and betting would have been invaluable to the investigation and may well have prevented the case from collapsing at a significant cost to the taxpayer and embarrassment to the police.

Source: Ingle, S. "Fallon race-fixing case collapses", *The Guardian*, 7 December 2007 www.theguardian.com/uk/2007/dec/07/sport.ukcrime [Last accessed 19 February 2016].

Historically, for various reasons (e.g. no jurisdiction, competency or law) law enforcement agencies have refrained from investigating match-fixing matters as they were regarded primarily as a sporting issue and not one strictly related to the rule of law. This has now changed and law enforcement agencies have realized that they are best placed to deal with evidence of a criminal offence occurring in a sporting event. In addition, the value that sports organizations can add to a match-fixing investigation is recognized, as is their ability to take their own actions and to impose sporting sanctions. A partnership approach is key. The benefits that a sport's governing body can bring to a match-fixing investigation are as follows:

- They have the expertise on the rules and regulations of their particular sport, which is especially relevant when viewing footage of match-fixing incidents.
- They know the identity of players involved in alleged match-fixing incidents and may have other information/intelligence about relevant individuals or matches that is supportive or dismissive of any allegations.
- They can provide an expert view on any footage and give evidence on match-fixing incidents and conduct on the field of play, and
- They are the gateway to a range of other information that may be useful to investigations, such as names, telephone numbers and addresses.

While it is unlikely that a law enforcement agency would consider carrying out a truly joint investigation (despite some sports having trained investigators, often from a law enforcement background), at the very least someone from the sport in question should be assigned to provide information and expertise to the investigation for the above reasons. Ideally, cooperation and dialogue should be encouraged by both investigative bodies

and, if at all possible, formalized by a written agreement, such as a memorandum of understanding.²⁷

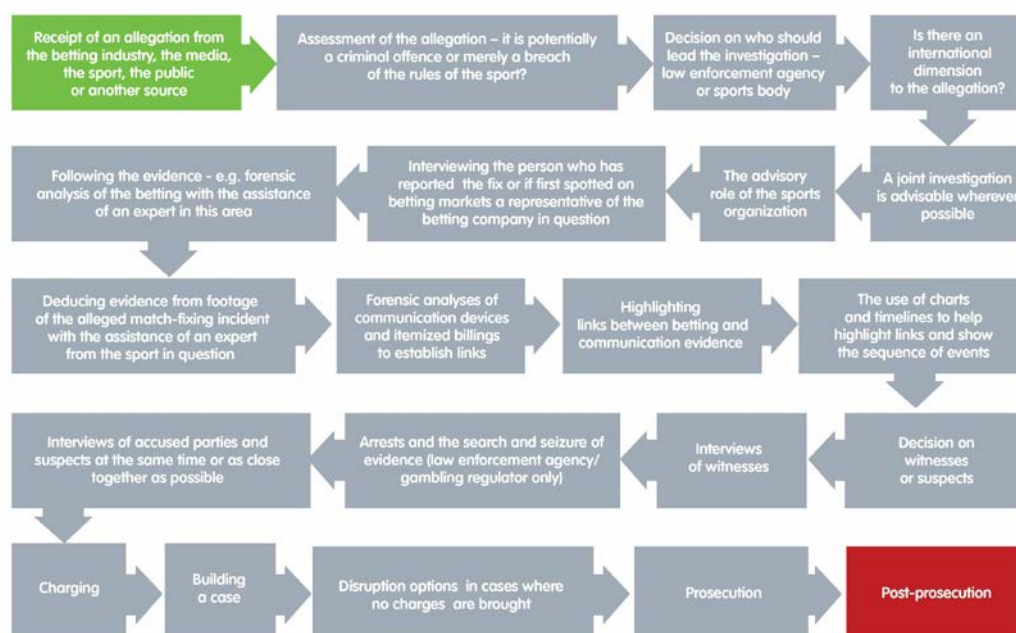
Some of the above issues are also prevalent when interpreting and analysing information related to allegations that come from betting operators. Therefore, if a fix is related to betting, from the onset of an investigation, it is vital that someone with an expertise in sports betting markets is consulted. On some occasions, such a person can tell from the betting market data obtained that a sporting event is highly suspect, and in some cases may even be able to state this is the case with absolute certainty, although additional supportive evidence would still be needed for a criminal prosecution or a disciplinary hearing.

C. Sequence of events in a typical investigation

A typical match-fixing investigation can be broken down into a series of stages. These stages are similar to those of a general criminal investigation, although they will have some distinct elements that are particular to match-fixing investigations and unique to the sport in question.

Assuming a match-fixing allegation is betting-related, the investigation it is likely to take the path shown in figure 3.

Figure 3. Common approaches to a match-fixing investigation



It should be clear at the start of an investigation what the objectives are if the match-fixing allegations are proven. These can range from catching and sanctioning the perpetrators, to merely disrupting their activities. If an allegation relates to a match or sporting event that has yet to take place, efforts should be made to prevent the fix from occurring. Allowing the competition to take place, and therefore the fix (a decision for the sports organization,

²⁷An example of such a memorandum is <http://www.uefa.org/disciplinary/news/newsid=2111481.html>

with the option of consulting the relevant law enforcement agency) may be appropriate as a means of collecting further evidence, but it carries the risk of causing increased reputational damage to the sport and raising potential arguments by the defence at trial.

Case study: International governing body criticized for letting planned fixed matches go ahead

Serious allegations of match-fixing arose in relation to the 2013 edition of the Bangladesh Premier League Twenty20 cricket tournament, with charges being brought against team owners, players, coaches and others.

Prior to the tournament, the national governing body and tournament organizer, the Bangladesh Cricket Board (BCB), had engaged the Anti-Corruption and Security Unit (ACSU) of the international governing body, the International Cricket Council (ICC), to take responsibility for all matters relating to betting integrity and match-fixing.

One of the main allegations after the tournament had taken place was that a team owner had told the coach of the franchise to deliberately lose a match so that they could make money on betting markets. The coach felt uncomfortable about this and reported the statement to the ICC's integrity officer at the tournament, saying he wanted to leave the country. However, the integrity officer asked the coach to stay in Bangladesh and secretly record any future conversations with the franchise owner to provide direct evidence that could be used to prove his involvement in fixing matches. As a result, the fixed match went ahead.

At the sports tribunal hearing, it was clear from the transcript and the testimony of witnesses that well before the fixed match was played, details of how the team in question would lose the match and who would or might be involved were known to the ICC ACSU. The tribunal disagreed with this course of action by the ICC and had this to say:

- This was a significant matter that should have been brought to the attention of the BCB and the law enforcement agencies in Bangladesh because corruption of this nature breaches domestic penal laws.
- The emphasis of ACSU on gathering evidence and prosecution of offenders rather than on prevention of corruption could not be accepted by the tribunal as the correct approach to fight corruption in the sport.
- The tribunal felt that the ICC as the sports regulator must take a more proactive approach towards prevention of corruption and that fixed matches should never be allowed to take place.

Overall, the tribunal found that there were no systems in place to deal with specific situations as they arose, there were no discussions with the BCB, no liaison with the local law enforcement authorities or consideration for the domestic laws of Bangladesh. It was also found there was also no consideration for the Bangladeshi citizens, in that a fixed match was played before them, and that the fee paying public was deceived by the regulators who are entrusted to prevent such deception.

Source: Bangladesh Cricket Board v M. Ashraful and others, Case No.1/2013 before the Anti-Corruption Tribunal of the Bangladesh Cricket Board, 8 June 2014 www.tigercricket.com.bd/assets/pdf/anticorr/detfinal.pdf

The limited resources of a sport or the method of operation of the individuals involved in a fix may dictate that the more appropriate course of action is to disrupt the activities of the fixers [see chapter II, section M].

D. Sources of information, allegations, intelligence and evidence

It is important that whatever the source of a match-fixing allegation, the information/intelligence is not dismissed without a number of options being explored to try to substantiate the allegation. This is particularly relevant to allegations made by media outlets or the betting industry. Likely sources of information/intelligence about a fixed sporting event include those shown in figure 4.

Figure 4. Sources of allegations, intelligence and evidence



1. Information from betting-related sources

Betting operators can be a principal source of information/intelligence about a fixed sporting event, both past and future, and are likely to be keen to provide assistance not just for the good of sport, but also given the economic harm it can do to their business.

There have also been occasions where individuals working within a betting organization have alerted sports organizations about suspicious betting activity when the company they work for have declined to do so.

There are also other betting-related sources, such as the companies that monitor betting markets on behalf of the sport and individual betting customers.

2. Information from reporting mechanisms

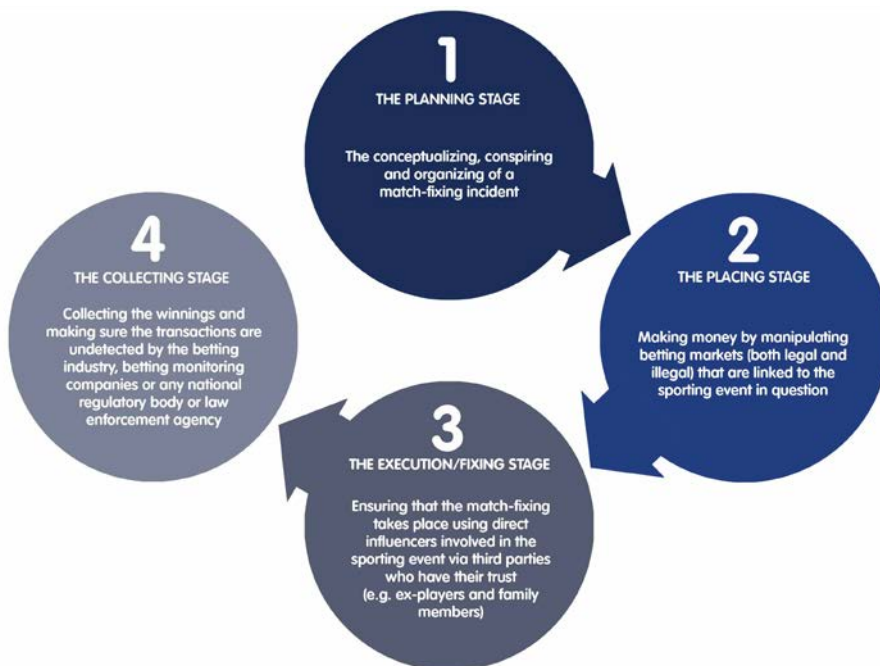
Mechanisms for individuals to report information/intelligence about a match-fixing incident are an important means by which evidence can be gathered on match-fixing activities.

It would be preferable if there were secure and confidential reporting mechanisms, provided by law enforcement agencies and/or the sport, through which individuals could report information/intelligence. Reporting mechanisms are detailed in chapter II, section M.

E. Avenues for investigation

Generally speaking, a successful match-fixing incident has four stages. Each one is a potential area of focus for an investigation and are shown in figure 5.

Figure 5. Avenues for investigation



The above model can be developed further to include common facts or themes established from previous investigations, including match-fixing cases in football, tennis and horse-racing. These facts and themes all represent further avenues for the focus of an investigation of this type and are developed later in this Resource Guide. In summary they are:

- Those planning the match-fixing incident are not likely to be involved in the sport and, therefore, will require a direct or indirect link with a participant inside the sport who will carry out the fix (whether it be a player, official, coach, chairman, etc.).
- The conspirators will need a way of influencing (persuading) those carrying out the fix, which can range from financial rewards (bribes) to coercion.
- There is likely to be regular communication by telephone, e-mail or instant messaging service (e.g. Skype) between the parties arranging the fix and those carrying out the fix.
- There will be a correlation between the timing of communications between all parties and the carrying out of the fix.

- In the lead-up to the fix, bets will need to be placed on legal or illegal markets (to make as much profit as possible without being detected).
- There is likely to be regular communication by telephone, e-mail or instant messaging service between the parties arranging the fix and those placing the bets.
- There will be correlation between the timing of bets being placed and the carrying out of the fix.
- Those placing bets on the legal markets will use their real identity, or those of surrogates recruited for that specific purpose who have no knowledge of the fix. Additionally, voice recordings of those placing the bets may be available from bookmakers.
- In relation to bets placed over the Internet, it will be possible to track down the unique Internet protocol (IP) address that has been used. This will provide evidence of which computer or mobile device has been used and whether it has been used by anyone else.
- Computer forensics often reveals fixers placing large numbers of bets through different bookmakers using different accounts from the same IP address. This can assist in identifying a group of fixers who are working together to maximize the fraud.
- Upon the conclusion of the fix, the volume of communication between all parties will be disproportionate to that taking place during other periods.
- If those arranging and carrying out the fix are one and the same, there will still be a number of avenues to explore in relation to the betting.
- Even if the bets are believed to have been placed on an illegal or poorly regulated market, it is likely there will still be activity or an indication of betting on the fix in legal markets.

If the fix has yet to take place, there will be additional considerations relating to how the investigation moves forward. In essence, the beginning of the investigation is likely to be more proactively focused, which may involve considerations such as:

- If and how to prevent the fix from taking place, including the role of the sports organization and whether it has rules in place to do so
- Options for targeting of all the suspects through various types of surveillance
- Specialist technical options, such as telephone intercepts and covert listening devices
- Use of undercover operatives
- Consideration of a conspiracy or attempt offence if the fix is prevented or never takes place

The use of these methods is subject to the legislative and law enforcement frameworks of the country in question.

F. Evidence

1. Burden and standard of proof

The burden of proof in any legal or regulatory proceedings places an obligation on the party who is bringing the action to establish the facts that support their case in relation

to the charges brought by producing evidence. In all cases of match-fixing, the burden to prove a case lies upon the prosecuting body, whether that is a law enforcement agency or a sports organization. What a prosecuting body must not do is to make unsubstantiated allegations of match-fixing against a suspect, which the suspect then has to disprove.

The burden of proof is distinct from the standard of proof. The standard of proof is the level of certainty and the degree of evidence necessary to establish and prove a case. In general, the standard of proof for criminal cases is beyond reasonable doubt. For sporting disciplinary proceedings, it is the balance of probabilities or to the comfortable satisfaction of a panel. For further details, see chapter II, section F.1, section J.1 and section K.4.

2. Following the evidence

The primary objective of any investigation, whether carried out by a law enforcement agency or another body, is to follow the evidence in a logical and methodical manner.

Experience from previous match-fixing cases suggests that following the money associated with the betting is usually the best starting point, although where to start will be dependent to a certain extent on what the initial interview with the person reporting the alleged fix reveals. Crucially, this is an early opportunity to identify some or all of those who may be involved in the conspiracy, or someone who can help identify who may be involved.

3. Identifying the betting evidence

In countries such as China, India and the United States of America, sports betting is illegal and is viewed as one of the main causes of match-fixing. Nevertheless, illegal sports betting operators do exist in these countries and consequently, they are unregulated.²⁸ It is important that the focus of an investigation is the match-fixers participating in the sport in question and those directing and/or engaged in the match-fixing incident from outside the sport. The betting markets are simply the way in which corruptors make money.

In other countries such as Australia, Ireland and the United Kingdom, where betting is embraced as a pastime and legal betting markets are well-regulated, tackling match-fixing has been quite successful, in large part due to easier access to betting evidence.

The overriding reason why these countries have had successful prosecutions is the fact that those responsible for investigating match-fixing work closely with betting operators and gambling regulators to tackle corruption in sport. This cooperation is crucial both during the reactive and proactive stages of an investigation. It is more difficult to investigate allegations of match-fixing where betting is illegal because investigators are unable to work closely with betting operators and do not have access to crucial evidence directly related to fixes, such as the identity of key individuals involved in events.

The level of cooperation that betting operators provide varies according to the country from which they operate. In most western European countries, operators are generally required to cooperate, or are willing to do so, as they consider such assistance as being in their best interest—they are protecting themselves against the financial losses incurred

²⁸Carpenter, K. “Time for change: US sports betting regulation”, ICSS Journal, Vol.2(1) <http://icss-journal.newsdesk-media.com/Time-for-change-US-sports-betting-regulation> [Last accessed 13 October 2015].

as a result of match-fixing. In some Asian countries where betting is either lightly regulated (e.g. the Philippines) or illegal (e.g. Cambodia), the potential level of cooperation is likely to be minimal.

It is worth noting that even if the initial fix involved activity on an illegal or poorly regulated betting market, there may well be evidence of the fix on legal betting markets, because those involved could not resist the opportunity to make more money or wanted to launder illegal profits already made. If this is the case, it will increase the chance of catching the perpetrators.

After receiving initial notification of match-fixing activity (either past or planned), if there is no other way of corroborating the allegation, immediate steps should be taken to establish whether there are any indications of related activity in any betting markets globally. There are a number of options relating to how this information/intelligence maybe obtained. These include:

- Approaching individual betting operators directly, especially if there is specific intelligence about which platform has been used
- Checking with any specific monitoring company that has a contract with the sport in question
- Approaching national betting regulators, e.g. the Gambling Commission in the United Kingdom or Autorité de régulation des jeux en ligne in France
- Requesting assistance from betting operators more generally or betting trade associations, such as the European Sports and Security Association
- Checking with the International Olympic Committee's Integrity Betting Intelligence System
- Checking International Centre for Sports Security intelligence sources
- Checking with companies that monitor betting markets on a commercial basis [see section M 5]
- Considering making contact with niche betting operators, such as betting exchanges and spread betting operators

4. Analysis of the betting evidence

There are a number of ways betting operators (and to a lesser extent monitoring companies) can identify suspicious betting activity. These include:

- Price movements that are outside of the normal parameters for that market
- Disproportionate volumes of bets made against a favourite to win a competition
- Large volumes of money that are disproportionate to the market
- The size of a bet by placed by an individual that is outside of their normal parameters/betting behaviour
- Factors related to the individual placing of the bet, such as those outside usual betting behaviours/patterns (e.g. bet sizes and sports they prefer) and any criminal history, which can be used to create a risk profile for each customer
- Geographical clustering of bets for a sporting event (e.g. all bets placed are in or around a particular city)²⁹

²⁹Johnson, M. "Footballer Steve Jennings' relief after bet probe lifted", *Liverpool Echo*, 21 April 2012 www.liverpoolecho.co.uk/news/liverpool-news/footballer-steve-jennings-relief-after-3347975 [Last accessed 28 October 2015].

- An unusual number of new accounts being opened for bets to be placed on a specific event
- Analysis of the match circumstances and anything in the public domain (e.g. reports of player injuries/illnesses or very bad weather) that may provide a rational explanation for the betting movements observed

The first objective is to try to establish whether the initial report of suspicious betting has a rational or legitimate explanation (e.g. is merely unusual/irregular), or whether there may be a nefarious reason and some illegality involved. In essence, this requires the help of a betting expert who has experience of assessing sport betting markets. They should be able to say whether there is a plausible explanation for the betting on the event or whether a fix may be involved. Such an expert will usually be working for a betting operator, private betting company or for a betting monitoring company, although there are some sports organizations that have such expertise in-house (e.g. the British Horseracing Authority).

Occasionally, an expert may say that the betting is so suspicious that the event must be corrupted in some way. In other cases, the expert may believe there is reason to be concerned but are not able to say with conviction that the sporting event may have been manipulated.

It should also be noted that on occasion independent betting experts may disagree about whether a match is suspicious or not. If this is the case, law enforcement agencies and sports organizations are advised to seek a second opinion (and ideally multiple expert analyses) on an individual match so as to improve understanding of the betting activity and the likelihood that it is suspicious.

In any event, the expert will be expected to make a written statement relating to their analysis and possible concerns about the betting. This is done in the knowledge that the statement is likely to be produced as evidence in the legal proceedings and made available to the defence at some stage. As with other experts, consideration should be given to their suitability to give evidence and be questioned on their opinion in person at a later date.

Case study: Betting expert evidence key to match-fixing sanctions being upheld

In the FK Pobeda case that went to the Court of Arbitration for Sport [see case study—chapter I, section B.2], one of the key reasons for the success of the disciplinary case was the betting expert UEFA mandated to analyse betting patterns on the two matches when rumours of match-fixing and various pieces of information began to surface.

The expert UEFA had chosen had been working in the English betting industry for more than 25 years and had become a member of the UEFA Disciplinary Committee in April 2009.

The expert produced a report that was submitted to UEFA on 18 March 2009. In that report, he stated that, according to his findings, unusually large amounts of money had been bet on the first game. In particular, the game attracted ten times the usual amount for this kind of match.

In addition, the expert made the following statements:

- “There was obviously something very strange and very unusual going on with the market price in Asia.”

- “For me there is absolutely no doubt that this game was not straight and it was either fixed or criminal organizations were influencing the outcome of this fixture.”

At the hearing, the expert explained in a general way the mechanism of betting in international football and the way bookkeepers handled the betting of football matches. He turned to the games and confirmed the content of his report that he had delivered to UEFA. Based on the available data, he concluded that the betting patterns of the first game were extraordinary and abnormal, and did not correspond at all to the expected strength of the two clubs. There was no other conclusion than the game must have been manipulated.

No evidence put forward by the appealing parties was sufficiently convincing to rebut the report of the betting expert. The strong sanctions on both the club president and the club itself were upheld by the arbitral panel.

The next step of this process is to try to establish the identity of the person behind the placing of the bets. In reality, this is only likely to be feasible at this stage with regard to bets placed on legal, well-regulated betting markets. This will require the cooperation of the betting operator. In some countries, such as Australia, France and the United Kingdom, it is a mandatory legal or regulatory requirement for betting operators to cooperate with match-fixing investigations being conducted by law enforcement or other nominated investigative bodies. This cooperation include sharing the personal details (e.g. name, address and date of birth) of the person(s) placing bets and any other evidence connecting them to the bets, such as voice recordings or computer intelligence, as well as their past betting history.

In countries where there are no statutory provisions, obtaining the information/intelligence will depend on whether there are voluntary agreements in place or whether it is necessary to seek judicial assistance to obtain information from betting operators.

If personal data are handed over to the investigation, it is unlikely that investigators would be in a position to interview the individuals at this stage. Therefore, the objective is to start building a picture of what has happened as the more intelligence available prior to any interviews the better and the more worthwhile the interviews will be.

It is likely the first action will be a series of background checks on the individuals named as placing the bets. These checks would include:

- Checking with the relevant sport governing body to see if any links can be established between the individuals and the relevant sport
- Criminal background checks for previous convictions
- Searches of all law enforcement intelligence databases (and those belonging to other regulatory bodies) for any useful intelligence on the individuals
- Checks with other betting operators for any other possible suspicious betting activity
- Obtaining the full betting history of those placing the bets
- The open-source checks that are detailed in section 9 below

5. Deducing evidence from footage of the match-fixing incident

Video footage of an allegedly fixed match or incident can indicate that a fix has taken place. On rare occasions, footage can constitute direct evidence that a fix has occurred.

There are examples of cases where video footage was helpful, including football matches in which the referee has seemingly made perverse decisions (e.g., a Nigeria v. Argentina international football friendly in 2011)³⁰ or in which a footballer has deliberately committed an act with the intention of being sent off (e.g. allegations made against former Motherwell player Steve Jennings in 2010).³¹ However, in most cases the footage is likely to be inconclusive because of the small margins of error for skilled participants in high-level sport.

Case study: Snooker player banned for deliberately losing the first frame

One of the most important rulings on match-fixing offences in the United Kingdom came as a result of allegations levelled at former world number five ranked player Stephen Lee of match manipulation and the passing of inside information in professional snooker.

The allegations were brought by the world governing body of snooker, the World Professional Billiards and Snooker Association (WPBSA) and related to seven matches that Mr. Lee played during 2008 and 2009, including at the World Championships.

The matches in question had been televised but having been analysed after the event by an independent snooker expert, he could not say that the footage showed Mr. Lee had deliberately missed shots due to the small margins of error in snooker. Therefore, it was of limited evidential value and was not put forward at the hearing.

Nevertheless, given the strength of the evidence that the WPBSA had relied on, namely substantial witness and documentary evidence relating to betting patterns and the timing (but not content) of telephone communications, the WPBSA's Independent Disciplinary Hearing Board found Mr. Lee guilty of all charges on the balance of probabilities and handed him a 12-year suspension.

Source: World Professional Billiards and Snooker Association (WPBSA) v Stephen Lee, SR/0000540006, Sport Resolutions United Kingdom, 16 September 2013 www.worldsnooker.com/wp-content/uploads/2015/01/decision.pdf

Whether a law enforcement agency or a sports organization-led investigation, it is important that expert evidence be obtained in relation to any footage that exists of the alleged fix. Law enforcement investigators will not generally have the necessary expertise to perform this function. This is because it is difficult to detect potential match-fixing conduct in human activity that demands skill and precision. Top-level sports participants exercise a skill to a higher level than the vast majority of people who take part in sport. However, all sporting participants can miss shots, foul or make other mistakes because of misjudgement, nerves or pressure. Detecting corrupt conduct and in the normal course of a sporting event is a major challenge.

³⁰“Football match-fixing history: referees guilty of fixing final scores in high-stakes games”, *The Daily Telegraph* online, 23 June 2014 www.telegraph.co.uk/sport/football/world-cup/10918404/Football-match-fixing-Referees-guilty-of-fixing-final-scores-in-high-stakes-games.html [Last accessed 14 January 2016].

³¹Edwards, L. “Motherwell match-fixing investigation: the facts”, *The Daily Telegraph* online, 6 October 2011 www.telegraph.co.uk/sport/football/players/wayne-rooney/8811565/Motherwell-match-fixing-investigation-the-facts.html [Last accessed 16 January 2016].

When selecting an expert to view a match-fixing incident, the first requirement will be an in-depth knowledge of the rules of the sport. The preferred option would be to use a retired player who competed at the same level of those purportedly involved in the alleged fix. If suspects include match officials, the use of a retired referee, again of the same standard, is recommended. Using someone from another sport or another country is an option but can be problematic. For example, in the previously mentioned failed horseracing trial [see chapter II, section B—case study: Horseracing fixing trial in United Kingdom collapses] the expert chosen came from another country where the rules on horseracing are slightly different to those in the United Kingdom where the alleged fix took place.

Possible conflicts of interest should be taken into account when selecting the individual to ensure they are, as far as is possible, independent and that they have no previous connection with the team or players involved. Contacting the governing body of the sport in question is an option for identifying the right person.

At this early stage, consideration should also be given to how competent a witness the expert would be, their willingness to appear in court and their ability to remain robust during a court hearing involving cross-examination by the defence counsel. This is important because of the difficulty in achieving the standard of proof in criminal proceedings (proof beyond reasonable doubt), which requires clear and compelling evidence.

Once the expert has reviewed the event, a written statement should be taken. Video recordings of the event (of the highest audio-visual standard possible) should be secured at an early stage and be retained for any future prosecution.

Care should be taken in using video footage and expert evidence in any subsequent criminal prosecution. Past prosecution cases have shown that although negative inferences can be drawn from the visuals of an alleged fix, it is usually not enough on its own and there is also a need to have additional supporting evidence, such as telephone and betting records, and information from interviews with witnesses and suspects.

6. Establishing early links using call data records

As noted, a match-fixing incident has four specific stages: the plan to fix the sporting event, the execution of the fix, the placing of the bets and the collecting of the bets. Establishing direct links between the individuals involved at each stage is critical to the success of an investigation.

There will be communication between the individuals involved, certainly during the planning stage and most likely after the fix to share out the profits. While face-to-face meetings are an option, the most likely form of communication is by telephone and other channels, such as by e-mail and instant messaging. This type of communication leaves a potential evidential trail that helps connect the individuals. The communication is particularly useful during the early stages of an investigation and will be used as evidence of the match-fixing incident at a later stage.

At the start of an investigation, the focus should be on establishing evidence of contact between those placing or collecting the bets and those carrying out the fix. Experience from previous match-fixing cases has shown that these early connections have usually been made by obtaining telephone records.

7. Analysis of call data records

One of the most important tools available to law enforcement agencies and other investigative bodies is the ability to forensically analyse communication devices and data records (e.g. telephone handsets, billings and voice recordings of conversations between co-conspirators and with betting operators when placing bets). In recent years, these sources have become an increasingly important means for obtaining evidence in serious criminal investigations.

Additionally, in some countries law enforcement agencies have the option of utilizing intercept data (telephone wiretaps, etc.) either as direct evidence in an investigation or for intelligence purposes. In either case, it can be used alongside other communications traffic data.

The investigation of match-fixing is no different. The evidence gathered from the forensic examination of communication devices and itemized billing records not only helps to establish the connections between the individuals involved in the fix, but also helps to build a picture of when and how the fix was carried out. In previous investigations, it has been possible to use this evidence to identify more than one, if not all, of the stages of a match-fixing incident: the planning, the placing of the bets, the fix and the collection of the money (illegal profits).

Case study: Telephone and betting records used to prove horseracing fixing conspiracy

The British Horseracing Authority (BHA) obtained telephone and betting evidence relating to horse owners Mr. Maurice Sines and Mr. James Crickmore in the course of their investigation into fixing in horseracing using phantom betting accounts that was vital to fixing disciplinary charges being proved against the accused to the satisfaction of a tribunal in 2012.

The principal evidence cited by the BHA was the analysis of the betting on the 10 fixed races and the analysis of betting patterns on other races. The BHA alleged that this analysis demonstrated that the pattern of betting on the 10 fixed races was different from that on races on other days and involved much larger bets.

In addition, the BHA cited evidence of telephone contact between the jockeys involved in the 10 races and Mr. Sines and Mr. Crickmore. This telephone contact took place at or around the times of each of the 10 fixed races. There was also evidence of telephone contact between the bettors and the betting company where the bets were placed at times close to the races.

Source: Appeal Board Decisions Regarding the Appeals of Maurice Sines, James Crickmore, Peter Gold, Nick Gold and Kirsty Milczarek, British Horseracing Authority, 10 April 2012 www.britishhorseracing.com/press_releases/appeal-board-decisions-regarding-the-appeals-of-maurice-sines-james-crickmore-peter-gold-nick-gold-and-kirsty-milczarek

The format and content of itemized telephone billing records will vary greatly from company to company: some will show a minimal amount of call data, such as only outgoing calls and text messages sent, while others will provide more, such as incoming and outgoing calls, text message sent and received, and location data. In one case, billing records showed a conference call involving three participants involved in a fix. All of this information is important to a match-fixing investigation. Therefore, it is important for law enforcement bodies to obtain as much call data as possible. What data is

available, with or without a court order, will depend on the data protection and communications law in the relevant country.

In match-fixing cases investigated by law enforcement agencies and other statutory bodies, investigators will have the option to seize and examine communication devices. Additional evidence can be extracted from these devices. This includes:

- Evidence of connections between individuals from the examination of contact lists contained on various communication devices
- Relevant telephone numbers that indicate possible further lines of enquiry, such as those of betting operators and social networking sites
- Evidence of conversations taken from text messaging indicating possible further lines of enquiry, such as those relating to betting operators and on social media platforms
- Evidence of app-based communication that does not show on itemized billing records
- Other relevant images and/or data on a device

However, extracting evidence from communication devices and itemized billing records is only the first step. Once this evidence has been gathered, the next step is to ensure this intelligence informs the investigation to enhance the evidence trail.

It is also important that both direct and circumstantial evidence is captured and formatted in a way that will be understood by a judge and jury or a sport disciplinary panel. In their raw form, communications device records are just long lists and as stand-alone documents they have very limited value as evidence.

Linking the use of computers used by individual bettors to place bets (by cookies, IP addresses and Internet sessions) with common findings or open-source research is vital, as is linking individuals through shared betting accounts.

8. Linking the evidence—charts and timelines

A variety of evidence can be extracted from communication devices and itemized billing records, and incorporated into charts and timelines. With regard to evidence relating to connections between those involved in an alleged fix, law enforcement and other investigative bodies use specialist software to present evidence. This way of presenting evidence is used as much for intelligence purposes to aid and direct an investigation as it is for evidential reasons.

Timelines are a very effective way of presenting evidence from communication devices and itemized billing records. Evidence can be presented in a pictorial form that is concise and easy to understand. Timelines make it clear why evidence is relevant to a case and are a clear way of presenting this evidence in a criminal court or sport disciplinary tribunal. As well as being used to show evidence of connections between individuals involved in fixes, timelines can also be used to show timings and connections to match-fixing incidents and betting. It needs to be demonstrated in court that the timing of unusual communications relates to alleged illicit on-field performance. However, in reality not all of the communication data may be available (e.g. data relating to unknown phones/persons), which means there is potential for gaps in traffic data and an incomplete picture.

Experience from previous match-fixing investigations has shown that presenting the evidence in a timeline format is an effective way to highlight the significance of the timing

of calls made by key individuals placing the bets, collecting winnings and arranging payouts. For example, if on the conclusion of a call between those planning the fix and those carrying it out, a call is made to place a bet, this is evidence relevant to the fix, despite the fact that the content of the conversation is unlikely to be known. Similarly, if after the fix has occurred, calls are made by those involved to those collecting the money from the bets: again, this is evidence of the fix. The more links between the timing of calls and the placing of bets can be shown, the stronger this evidence becomes.

Evidence from the forensic analysis of device records presented in a timeline format in previous match-fixing investigations has included:

- Direct links between key individuals in the fix (or the conspiracy to carry out a fix) at each of the key stages, in particular links between those planning the fix and those carrying it out
- The clustering of calls between key individuals, in particular just before and just after the fix
- Evidence of relevant individuals placing bets during a call
- The possible location of individuals when making calls
- Indirect links between key individuals involved in the fix through the use of third parties as a go-between
- The timing and possibly the location of the various elements of the fix
- The identity of those taking and paying out the bets placed during the fix
- The timing and the clustering of the calls relevant to the fix and the paying out of the money
- The identity of possible witnesses to the fix

In recent years, this type of evidence has been instrumental in helping prove cases against those involved in match-fixing.

Case study: Evidence timelines used to prove match manipulation by a leading snooker player

In the Stephen Lee case [see chapter II, section F.5—case study: Snooker player banned for deliberately losing the first frame], the World Professional Billiards and Snooker Association (WPBSA) relied on a substantial amount of documentary evidence of betting patterns relating to the allegedly fixed matches.

The WPBSA also cited evidence of the bets placed by various individuals, of the opening of betting accounts by them, of the fact (but not content) of telephone communications between them, and of which computer was being used to do what, where and at a given time.

The WPBSA produced evidence timelines that showed all of this intelligence, in relation to when the match in question was played, to prove the charges against Mr. Lee.

The Stephen Lee case also highlighted CCTV footage from betting shops and outlets as another potential source of information/evidence. The accuracy of time/date/location information relating to the images is also of value in the context of charts that are prepared to demonstrate the links between different persons involved in the match-fixing.

9. Open-source intelligence options

At all stages of a match-fixing investigation, evidence can be found by regularly searching social media sites connected to the sport involved, the betting operator used during the fix and individuals suspected of being involved in the fix. This type of evidence gathering is particularly useful when trying to establish connections between individuals involved in the planning of the match-fixing incident or potential witnesses of the fix.

Case study: Players' social media activity proves to be important in securing match-fixing convictions

An example where open-source information/intelligence helped secure both criminal and sporting convictions was the Southern Stars case [see chapter II, section I—case study: Southern Stars football team in Australia corrupted by UK and Malaysian nationals].

Suspicion had been raised about the players from the United Kingdom who had been sent to Australia to fix a match. They were already being monitored due to betting activity when they played in the United Kingdom because they had posted photos on social media that showed them partying on islands that players on the salaries earned in a semi-professional football environment could not normally afford to visit.

In previous match-fixing cases, it has been possible to find direct evidence relating to match-fixing on social media sites.

Case study: Facebook posts reveal contact between co-conspirators in race-fixing investigation

In 2011, a corruption case in British horseracing came to the notice of the British Horseracing Authority, the regulator of the sport, because of references to race-fixing on a social media website.

All nine people charged in this enquiry were said to have acted in breach of the rule that provides that a person who conspires with any other person to commit a corrupt or fraudulent practice acts in breach of the rules of racing.

The evidence obtained from the social media sites was critical in proving the subsequent disciplinary case against the accused.

Source: Heffernan and others—Decision, British Horseracing Authority, 25 January 2013 www.british-horseracing.com/resource-centre/disciplinary-results/disciplinaryappeal-hearings/disciplinary/?result=535a30afb33ebfaa5320edb3

In previous match-fixing cases, searches of social media sites have revealed:

- Identifiable links between individuals involved in fixes
- Potential witnesses to match-fixing (e.g. ex-partners and other people with a grudge against the accused)
- Specific details of how fixing activity was carried out
- The motive for fixes

- Aliases of individuals involved
- The location of key individuals

Investigators should consider the implications under data protection legislation in their country about the collection and use (for intelligence or evidential purposes) of open-source material. For example, in the European Union, if any open-source information/intelligence identifies an individual, to use it without consent could be a breach of data protection laws.

With regard to investigations that involve the Internet, investigators should consider seeking specialist advice on the options available and the risks. A key consideration for law enforcement agencies should be to ensure that the intelligence is recorded and collected in a manner acceptable to the relevant jurisdiction. In seeking specialist advice, investigators should also be aware of the “Dark Web”. This is a term that refers specifically to a collection of websites that are publicly visible, but hide the IP addresses of the servers that run them. This means that they can be visited by any web user, but it is very difficult to work out who is behind the sites. These sites are also difficult to identify because they cannot be found using search engines as special techniques are required to find them.³²

10. Use of experts

Although the use of experts has been mentioned already in the Resource Guide, this section is intended to provide more detail on an important part of evidence in the investigation and prosecution of match-fixing.

It is likely that a range of professionals/specialists will be needed to present evidence in court. Such experts will be needed to explain what is suspicious or out-of-the-ordinary about the alleged incident(s), particularly with regard to betting evidence [see chapter II, section B—case study: Horseracing fixing trial in the United Kingdom collapses], video footage of alleged fixes and financial records.

Using an expert is not without its risks. Experts are essentially giving evidence of opinion (albeit a professional one), and not of fact in relation to actions. This evidence is essentially subjective and as a result, is open to challenge by the defence. Therefore, the following factors should be considered when choosing an expert to provide an evidential assessment of a fix:

- Independence—Ideally the expert should be at arms length (distanced) from the sport or betting organization to prevent any perception/accusations of bias, although in respect to the former this may not always be possible due to resource or logistics constraints.
- Experience—The expert must have substantial and robust credentials relating to the sport subject to the fix and as such retired athletes or referees may be useful. This means they have the ability to distinguish between a failure of performance and defective performance for a corrupt purpose (i.e. performing under pressure).

On the presentation by experts of any betting evidence, while it can be analysed mathematically and against objective comparators, the actions of the person placing the bets

³²Egan, M. “What is the Dark Web? How to access the Dark Web. What’s the difference between the Dark Web and the Deep Web?”, *PC Advisor*, 28 April 2016 www.pcadvisor.co.uk/how-to/internet/what-is-dark-web-how-access-dark-web-deep-joc-beautifulpeople-3593569 [Last accessed 03 May 2016].

is a matter of opinion. Therefore, the expert must be able to demonstrate that the betting was outside of the parameter of what would be expected and not merely unusual.

The prosecutor must be aware of the inherent danger of an overreliance on expert evidence in match-fixing cases. Such evidence will rarely be sufficient in itself. Therefore, all other investigative avenues should be explored in order to obtain evidence that corroborates the expert opinion.

G. Interviewing

1. Witness or suspect?

As in any criminal investigation, an early decision needs to be made as to whether to treat someone as a witness or a suspect, as this decision has an impact on how the person is questioned. It is not possible to say definitively who should fall into what category. However, certain generalizations can be made.

Previous experience shows that potential witnesses or suspects will be limited to the person or organization reporting the allegation and those involved in the sporting event that is subject to the allegation. It is good practice to treat the individual making the match-fixing allegation as a witness; in general, this position is unlikely to change throughout the duration of the investigation.

How to interview the individuals involved in the sporting event linked to the fix is more sensitive. Again, in general, if there is no direct evidence that they are a part of the conspiracy, they should be treated as a witness rather than a suspect, unless and until further evidence comes to light that suggests improper and possible illegal conduct. This approach would be good practice and conforms with article 37, paragraph 1 of the United Nations Convention against Corruption, as it would encourage persons who may have participated in the commission of criminal offences to supply useful intelligence for investigative and evidentiary purposes and to provide factual, specific help to competent authorities. This may contribute to depriving the criminals masterminding the match-fixing incident of the proceeds of their crime and to recovering such proceeds.

2. Witness interviews

When interviewing a potential witness, the main objective is to obtain an account of the information/evidence they may have that is relevant to the investigation. This information/evidence should be recorded in a format that can be used in a court case or sports disciplinary hearing. Generally, this takes the form of a written statement that can be accompanied by any other relevant documents or materials.

While there is generally no legal requirement to remind witnesses of their rights (in contrast to procedures when dealing with a suspect), as a matter of good practice, and in the interests of justice, it is important to inform them of the need to tell the truth and the potential consequences of giving a false statement in the context of a criminal investigation.

The inherent complexities of match-fixing investigations make it highly likely that there will be at least two stages of interviews, certainly with suspects and quite possibly with witnesses. Previous investigations show that the first phase of interviews is very much

about trying to secure evidence relating to how the fix was carried out and who is involved. Evidence from forensic examination of itemized billing records and betting records will not usually be available at this stage and will have to be put to the suspects during subsequent interviews.

3. Arrest, search and seizure by law enforcement

It is strongly recommended that, where the option is available, anyone suspected of being involved in a criminal match-fixing incident should be formally arrested before they are interviewed by law enforcement authorities.

Formally arresting an individual ensures they will have to submit themselves for interview and also widens the scope for obtaining evidence from that individual. In some countries, the arrest of a person may provide the opportunity to search the residence and vehicle of the arrested person; in others, a search warrant may be required. If a suspect's property is to be searched, ideally this should be carried out before any formal interview takes place, as any evidence seized is likely to be relevant when questioning the suspect. However, the ability to do so will depend on what is permitted in a particular country.

The evidence that will be relevant will depend on the status and role of the individual with regard to the match-fixing incident. In general, relevant evidence includes:

- Evidence that directly or indirectly links the individual to any stages of the match-fixing incident
- Evidence that proves links or associations between the individuals involved in the conspiracy
- Significant amounts of cash/deposits of cash
- All evidence contained in telephone handsets, including text messages and identities of people in contact lists
- Computers or other electronic information storage devices
- Relevant financial information, such as bank statements
- Travel documentation
- Betting records

There are other reasons why the option to arrest a suspect may be important:

- To prevent the match-fixing incident taking place
- To prevent further association with co-conspirators, either through a remand in custody or the imposition of bail conditions
- To secure the presence of a person whose extradition may be sought
- To disrupt the activities of the suspects involved in the match-fixing incident
- To prevent them from absconding by seeking their detention or obtaining bail conditions that limit travel, such as by seizing their passport

4. Initial suspect interviews

Prior to interviewing someone suspected of being involved in a match-fixing incident, it is important that a detailed written plan for questioning of the suspect is agreed upon by the interviewer and the person leading the investigation. If relevant to the interview,

this plan should include an outline of expert evidence relating to the fix. The interview should be recorded, either by an audio recording device or, ideally, by an audio-visual recording device. Particularly in respect of criminal proceedings, the suspect should be given full access to legal advice in accordance with the legal requirements of the country in which they are being interviewed.

Experience has shown that the first interview will usually be general in nature. The content of the interview will depend on which part of the match-fixing conspiracy the individual is implicated in (the betting, the planning or in the match-fixing incident itself).

In addition, it is important that the officers carrying out the interviews have a working knowledge of the sport in which the alleged fix took place. Similarly, if betting is a key aspect of the fix, the interviewers should either have a good understanding of betting or have access to someone that can advise on the subject. This is important for both for the interviewer's credibility and the effectiveness of the interview.

The likely starting-point for the interview will be open questions about the allegations of match-fixing with the aim of trying to elicit a full explanation from the suspect. Open questions are those that cannot be answered with simple yes or no and have the following characteristics:

- They ask the interviewee to think and reflect.
- They invite the interviewee to provide more of a narrative/detail.
- They invite the interviewee to give their opinions and feelings.

Open questions usually begin with: who, what, where, when, why, how or describe (e.g. Where were you when the alleged fixed match took place? When did you first meet with the captain of the team?). Such lines of questioning could include:

- An explanation of why they have been arrested and their response to that explanation
- The extent of their knowledge and involvement in the match-fixing incident prior to their arrest
- Their location at the time of key stages of the match-fixing incident
- Their relationship with the other individuals in the match-fixing incident
- Their knowledge of the sport that was subject to the match-fixing incident, and any involvement they have or have had with it
- Their knowledge of betting
- Questions relating to evidence that may have been extracted from the examination of communications devices, telephone records and betting data
- Questions relating to the evidence seized during the arrest and search of the suspect or other searches ordered

In this initial interview stage, interviewers are trying to gather evidence that helps prove the match-fixing allegation and are trying to establish further lines of enquiry for the investigation.

Allowing the suspect to place on record, in their own words, their explanation of their involvement in the match-fixing incident is another key element of an initial interview.

Even in cases where there is limited evidence of a person's involvement, there is the potential for them to place on record fabricated explanations that can be later disproved, which in itself can be crucial to calling into question the credibility of the accused and thus important in securing a conviction. Evidence of suspects lying at interviews has certainly helped to secure disciplinary judgments at a number of sports tribunals in the past

Case study: Co-conspirator shown to have lied during interview with investigators

One of the co-conspirators charged in the Heffernan race-fixing case [see chapter II, section F.9—case study: Facebook posts reveal contact between co-conspirators in race-fixing investigation] was Michael Chopra, who at the time was a professional footballer with a well-publicized gambling problem. He had frequent contacts with a co-conspirator who was a stable employee.

The tribunal found that much of what he had said in interviews to the sports investigators was untrue. His claims were contradicted by data from the phone records that showed evidence of calls and texts with co-conspirators.

Source: Heffernan and others—Decision, paras 81-95, British Horseracing Authority, 25 January 2013 www.britishhorseracing.com/resource-centre/disciplinary-results/disciplinaryappeal-hearings/disciplinary/?result=535a30afb33ebfaa5320edb3

5. Second interviews

It is highly likely that a match-fixing investigation will involve a second round of interviews with suspects and possibly witnesses. This will occur following the analysis of the evidence seized and after all other lines of enquiry post-arrest have been completed. These lines of enquiry are likely to include:

- Confirming answers given to questions of fact by suspects during the first interviews, including alibis
- The forensic analysis of suspects' call data and bank records
- A detailed analysis of suspects' betting history
- Any additional evidence from proactive initiatives instigated in the first arrest phase, such as surveillance evidence
- Additional evidence from the re-interviewing of witnesses

As with the first round of interviews, a detailed written plan of what will be asked of suspects in second interviews should be agreed by those carrying out the interviews and the persons leading the investigation. In particular for criminal proceedings, second interviews can be recorded and suspects must be given full access to legal representation, assistance and advice in accordance with the law of the country in which they are being interviewed.

The second phase of interviews will occur when the investigation has gone as far as it can in terms of evidence gathering. This is the time to put questions to the suspects specifically related to the evidence collected. These questions are likely to include evidence relating to itemized billing records, betting records and financial data that can be

complex. Therefore, it is important that the evidence is presented during the interview in a clear and concise way, preferably in a timeline format.

Furthermore, if complex betting data are to be referred to during the interviews, it is important that the interviewers have knowledge of betting practices so they can question the witnesses or suspects effectively and maintain credibility whilst doing so. The importance of knowing relevant betting terminology and being able to distinguish between different types of bets is crucial in this regard.

In addition, when referring to the match-fixing incident, it is important that the interviewers have a good understanding of the mechanics of a fix and the rules of the sport in question. In exceptional circumstances, it may be necessary during a criminal investigation to apply to the competent court to be allowed to have an expert from the sport present during the interview if there are complexities to the rules of the sport, such as when viewing the actions of a jockey in a horserace. This is likely to be allowed because it will aid the understanding of the judge or jury.

As the second phase of interviews are likely to be the first occasion that key elements of the evidence of the match-fixing incident are put to suspects, it is possible that further lines of enquiry will come from their answers. If this is the case, the procedures set out between the arrest and the second phase of interviews should be repeated.

H. Charging

At the end of the investigation, the decision needs to be made if there are sufficient grounds to bring criminal charges. If there are not, the person should be informed that the investigation into their actions is being discontinued unless further information/evidence comes to light. Another option is to inform them that the case is being referred back to the relevant sports organization for potential disciplinary action.

There are a number of factors that must be considered before a suspect is formally charged depending on the legal framework of the country. The first factor is who decides whether there is sufficient evidence to present charges. In different countries it will be the police, the prosecution or an investigating judge who makes this determination. In some countries, the decision will also be made as to whether it is in the public interest to proceed with the prosecution.

The second consideration will be which offences the suspects should be charged with (annex A gives an overview of how the Convention against Corruption and the Organized Crime Convention are applicable in cases involving match-fixing). This also affects the charging decision for law enforcement agencies. For those countries where there is specific legislation for which to charge match-fixing, the decision is straightforward although authorities will also need to decide if additional offences should be charged in addition to match-fixing. However, in countries where this is not possible, the decision on how to proceed will depend very much on where the strengths of the evidence are found. In most countries, the conduct is likely to be covered by fraud, corruption or bribery offences.

A third and related factor is whether to charge the suspects individually or jointly. It is likely that there will be more than one person involved in the match-fixing incident and that individuals will have clearly defined roles within the conspiracy, such as arranging the fix, carrying out the fix, placing the bets and collecting the money. In countries

where there is a general offence of conspiracy or participation in a criminal enterprise, it is an attractive option to consider collectively charging all of those involved with such an offence as it is likely to simplify the prosecution and increase the chance of a conviction. Indeed, in a number of previous cases it was easier to obtain a conviction based on the criminal charges of conspiracy.

Case study: French handball star charged and prosecuted with 15 others for fixing league match

Allegations were made by La Française des Jeux, the body that operates the national lotteries and sports betting in France, that the handball match between Montpellier and Cesson in May 2012 was fixed based on their detection of an unusual amount of bets placed during the game. The game attracted bets of €103,000, far and above the few thousand euros that are usually bet on the sport.

The main accused was the world champion player Nikola Karabatic. It was alleged that those involved in the betting conspiracy were Mr. Karabatic's girlfriend and several other of his sporting friends, namely football players from Spanish first and second division clubs.

Regarding Mr. Karabatic, at the trial, the prosecutor explained that the evidence was overwhelming and consisted of proof of:

- A €1,500 bet that Mr. Karabatic's girlfriend had placed for him
- His knowledge of the betting pool and its purpose, namely that the fix had been organized to generate sufficient money to go on an expensive holiday to a resort in Ibiza
- His close proximity to the betting agencies locations
- His numerous phone calls to La française des jeux

Nevertheless, Mr. Karabatic maintained his innocence. He was found guilty and fined €10,000.

A total of sixteen people were charged with the criminal offence of "cheating as a group". All pleaded guilty and were fined between €7,000 and €20,000, and received suspended prison terms of up to six months.

Source: "French handball star Karabatic found guilty of match-fixing", RFI, 11 July 2015 www.english.rfi.fr/sports/20150711-french-handball-player-found-guilty-match-fixing [Last accessed 14 January 2016].

I. Specific investigative issues for law enforcement investigators

1. Standard of proof

As stated in chapter II, section F.1, the standard of proof for a criminal conviction in most legal systems is beyond reasonable doubt or a *conviction intime*. Generally, the prosecutor has the burden of proof and is required to prove the State's case to this standard using the evidence law enforcement agencies have acquired. This means that the proposition being presented by the prosecution must be proven to the extent that there could be no reasonable doubt in the mind of a reasonable person that the defendant is guilty.

Proof beyond a reasonable doubt does not involve proof to an absolute certainty. It is not proof beyond any doubt, nor is it an imaginary or frivolous doubt. However, more is required than proof that the accused is probably guilty. A judge or a jury that concludes merely that the accused is only probably guilty must acquit.

2. Continuing the investigation post-arrest

The next course of action in the investigation depends on the outcome of the initial round of interviews with the suspects. In cases where there is insufficient evidence to criminally charge the suspects and no further lines of investigation have been identified, the matter can be referred back to the relevant sport's governing body for further action as it may still be possible that a breach of the rules of the sport, which may use a lower standard of proof, had occurred.

As mentioned, investigating match-fixing cases can be a time-consuming and complicated process. It can involve managing a vast number of factors, including the forensic analysis of betting, telephone and financial records and the examination of a wide range of other evidence. The source of a great deal of this evidence is more likely to become apparent at later stages of the investigation, in particular because of the interviews with the suspects and searches of their property.

It is likely that the investigation will still be in its early stages after the first round of arrests and interviews because relevant telephone, betting and financial records will have just been discovered. Considerable time will be needed to obtain and examine these records and for experts to help extract evidence from them.

The scope and nature of the investigation may need to be reconsidered at this stage. It will need to be decided whether to widen or narrow the scope of the investigation and whether the tactics should be changed to include proactive investigative options.

3. Following the money

Following the money trail in relation to a match-fixing incident may initially involve following the money related to a bet on a legal betting market. If there is an accessible audit trail (clear links between the bettors and those in the sport carrying out the fix) in the betting markets, this will provide an early indication of who stood to profit from it. Importantly, it may well help identify who from within the sport is in collusion with match-fixers.

This betting information may well be the start of an identifiable money trail, as once the money is extracted from the betting element of the match-fix, it will need to be shared among the conspirators. At some point, this is likely to involve money being moved between bank accounts, the acquisition of goods and/or the purchase of property, as the conspirators each receive their share of the profits or bribes.

These transactions bring with them further opportunities to identify others not previously connected to the conspiracy. Even if the money is moved around as cash, there are still opportunities to follow the money as at some point it will be laundered and converted to more tangible property and therefore traceable. Articles 14 of the United Nations Convention against Corruption and article 7 of the United Nations Convention against Organized Crime (measures to prevent money-laundering) mandate States parties to “institute comprehensive domestic regulatory and supervisory regime for banks and non-bank financial

institutions ... in order to ... detect all forms of money-laundering” and advocates “implementing feasible measures to detect and monitor the movement of cash”.

Therefore, each State party to the Convention against Corruption and the Organized Crime Convention should already have the measures in place that law enforcement agencies can utilize to follow the money trail emanating from a match-fixing incident.

J. Specific investigative issues for sports organizations

1. Scope of rules and powers

Sports organizations are limited in the extent to which they can investigate allegations of match-fixing for two principal reasons.

Firstly, they only have jurisdiction over people participating in the sport. Usually the rules/regulations of a sport include players, coaches, referees and owners/directors as being under the jurisdiction of the sports organization. However, given historical cases it is advisable for the broadest range of participants to be covered by the sports’ rules/regulations, which means also including medical staff, agents and the employees of the sports organization itself.

Secondly, investigators from sports organizations do not have the same wide-ranging powers as officers from law enforcement agencies. For instance, they do not have powers of arrest and often cannot compel accused participants to produce certain personal information (e.g. bank and telephone records).

However, there are contractual ways around this by making it a condition of the rules of participation in the sport that evidence gathering tactics have to be complied with under certain circumstances, such as an investigation into match-fixing. For example, in horseracing in the United Kingdom, specific conditions are placed on a participant’s licence. Some rules also include a requirement to answer questions during an interview (i.e. no automatic right to silence) as part of a disciplinary enquiry. Experience shows that lawyers representing a suspect will look for ways to challenge this type of rule, so a robust contractual requirement within the rules of the sport is essential.

In relation to match-fixers not covered by the rules of the sport, it is an option for sports organizations that may have the authority to ban suspected match-fixers from the stadiums where the particular sport is played, to make a rule that participants of the sport are not allowed to associate or communicate with such individuals outside of the sport while they are subject of such a ban.

Chapter II, section M.8 details how having an integrity unit within a sports organization can overcome some of the issues outlined in this subsection.

2. Conflict of interest

Sports organizations must be aware that there is an inherent conflict of interest when investigating match-fixing in their sport due to the damage that public reports of match-fixing can cause to an organization’s reputation and finances. This should not be used as an excuse to avoid thoroughly investigating any allegations that arise.

If stakeholders sense that match-fixing activity within a sport is being overlooked, either consciously or through negligence, questions about the governance of the sport will be raised. For instance, the media may pursue investigations in the public interest that could lead to uncomfortable revelations for the sports organization. This happened in January 2016 when investigative journalists published an article detailing widespread allegations of match-fixing by players at the upper level of world men's tennis. The shock that this revelation caused among both tennis' stakeholders and the media led to the people responsible for the integrity of tennis being summoned before a committee of politicians to answer questions about their approach to investigating match-fixing in the sport.

A further consideration in respect of potential conflicts of interest is to ensure that if a particular sports organization has an ethics committee that is involved with an investigation, it should contain members who are fully independent from any of the people accused with any match-fixing offences.

3. Impact where there are allegations against senior members of a sports organization

Another potential issue for sports organizations when having to investigate allegations of match-fixing is when a member of the management of a sports organization, in particular a governing body, is potentially involved in the match-fixing incident.

This will put people in the sports organization who are responsible for the investigation in a very difficult situation. Suggested solutions are to involve more senior people within the sport in question (i.e. the regional or international federation) or to speak to a law enforcement agency. In extreme cases, depending on who and how many people may be involved, the Government could be approached.

Case study: Brazilian football official banned for instigating politically motivated match-fixing scandal

In 1997, a major Brazilian television network broadcast a recording of a telephone conversation involving Mr. Ivens Mendes, the President of the body in charge of appointing referees at the Brazilian football federation.

The conversation was about an alleged manipulation of results of matches in the top Brazilian football league. Mr. Mendes promised to favour some teams in the competition in exchange for money to finance his campaign for the Brazilian National Congress.

Although a public hearing into the matter did not result in a criminal prosecution, as a result of the sport disciplinary proceedings, Mr. Mendes was banned from football for life.

4. Standard of proof

Further to the criminal standard set out in chapter II, section F.1, an advantage that sport investigators may have over law enforcement investigators is the lower standard of proof they have to achieve.

The standard of proof found in sport regulations is either the balance of probabilities (or preponderance of the evidence test) or the comfortable satisfaction test. This standard

is lower than the criminal standard of proof given that the proceedings are disciplinary matters internal to the sport and do not have the stigma of a criminal conviction.

The balance of probabilities, which is also commonly used in civil cases, requires the judging body and the investigator when building their evidential picture, to ask if it is more likely than not that the match-fixing offence occurred. This is also described as being a 50%+1 likelihood.

The second standard, the comfortable satisfaction standard, is unique to sport and is greater than a mere balance of probability but less than proof beyond a reasonable doubt, and derives from anti-doping law. The Court of Arbitration for Sport (CAS) has said on a number of occasions that comfortable satisfaction should be used for all cases of sporting fraud/corruption due to their serious nature and the consequences (i.e. sanctions) if the participant accused is found guilty.

Although CAS recommends the use of the comfortable satisfaction standard of proof for match-fixing matters, it will uphold the lower standard of the balance of probabilities if a particular sport decides it is more appropriate and the rights of the accused participant are properly safeguarded.

Indeed, article 3.3 of the International Olympic Committee's Olympic Movement Code on the Prevention of the Manipulation of Competitions states, "The standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implied that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred." [See chapter I, page 23 for further details about the Code.]

5. Use of evidence

Sports organizations are not bound to the same strict rules on the admissibility of evidence as in criminal law proceedings. This allows them greater flexibility in what can be put forward as evidence to a sport tribunal, with such tribunals willing to consider any relevant piece of evidence when making their assessment and coming to a decision.

Case study: All evidence permitted for Turkish football match-fixing cases

Three match-fixing cases involving Turkish clubs stemmed from a match-fixing epidemic in the latter stages of the 2010/11 Turkish domestic football season.

All the clubs involved appealed the decision by UEFA (the European football governing and regulatory body) to exclude them from either the Champions League or Europa League for the domestic match-fixing offences committed by, among others, their chairman, board members, assistant manager and players. They took their appeal to the Court of Arbitration for Sport.

The principal forms of evidence presented by UEFA were covert police wiretapped conversations and intercepted text messages obtained in the Turkish criminal investigations, the transcripts of which were revealed in the judgments of the Turkish criminal courts.

During the criminal investigations and hearings, there was an amendment made to Turkish law that meant that the evidence of the wiretapped communications were no longer admissible in the criminal trials. One of the clubs accused argued that UEFA could no longer rely on them in the sporting hearing.

This was rejected as the Court of Arbitration for Sport's jurisprudence consistently said that, even if evidence would not be admissible before a civil or criminal state court, this did not automatically preclude a sporting federation or arbitral tribunal from taking such evidence into account. At the time of writing the criminal case is ongoing.

This flexibility should be expressly written into a sport's regulations. Examples of such a provision include:

"The Anti-Corruption Tribunal shall not be bound by rules governing the admissibility of evidence in judicial or other proceedings. Instead, facts may be established by any reliable means, including admissions and circumstantial evidence."

(The International Cricket Council Anti-Corruption Code for Participants, article 3.2.1, effective as from 11 November 2014)

"The Judicial Officer, Judicial Committee and/or Appeal Committee as appropriate, shall not be bound by any jurisdiction's judicial rules governing the admissibility of evidence. Instead, facts relating to an alleged Anti-Corruption Breach may be established by any reliable means, as determined in the sole discretion of the Judicial Officer, Judicial Committee and/or Appeal Committee, as appropriate."

(World Rugby Regulation 6.9.2, 1 January 2016)

6. Bringing disciplinary proceedings

The decision whether or not to bring disciplinary proceedings against a participant accused of a disciplinary offence against the rules of a sport, and who has responsibility for that decision, will depend on the rules and policies of the sports organization.

Whoever is responsible must decide whether there is sufficient evidence to discharge the applicable burden of proof (e.g. balance of probabilities). This involves that person putting themselves in the position of a sport's disciplinary officer who would hear the case and adjudicate on it.

If the person responsible believes there is sufficient evidence, the sports organization can justify charging the accused participant and proceeding with the investigation to a hearing. If the person does not think there is sufficient evidence, the investigation should be closed so as to prevent further resources being used with little prospect of a successful outcome.

Good practice would be for the decision to bring disciplinary proceedings to be made either by in-house lawyers or external legal counsel/advisers who can assess the evidence independently from the investigator. However, if for whatever reason this is not possible in the sports organization, the investigator will have to decide him or herself.

7. Rights of the accused sporting participant (including appeals)

Participants in sport subject to a sport's investigation and disciplinary process do not enjoy the same legal safeguards as those being investigated by law enforcement agencies. However, as good practice, it cannot be stressed strongly enough the importance for sports

organizations to provide sufficient rights/protection to the accused throughout the investigative process as a matter of procedural fairness. A failure to do so is a clear avenue of appeal for the accused if they are sanctioned in the disciplinary proceedings that follow.

Overall, the investigation process including the disciplinary hearing must follow the principle of natural justice and due process, namely that the process is fair, transparent and impartial. Specific rights that must be afforded to the accused participant include the:

- Right to be informed of the charge
- Right to make representations
- Right to a hearing in a timely manner
- Right to be represented by a lawyer
- Right to call and cross-examine witnesses

Ideally these rights should be explicitly written in the sport's regulations and be referred to both upon the charging of the accused and by the disciplinary panel during the hearing.

In addition, the investigator and any legal advisors must ensure that there is no actual or perceived bias throughout the process up to and including the disciplinary hearing and be mindful at all times that the burden of proof rests on the sport's organization and that it is not for the accused to prove their innocence.

Finally, with regard to protecting the rights of natural justice of the participant, there should be a right of appeal in all circumstances. This can be on a review-only basis (i.e. did the first tribunal make any obvious errors?) or can be a full re-hearing of the evidence. Whatever type of appeal approach is adopted, it is good practice for the appeal to be heard by an independent panel external to the sports organization.

8. Understanding betting

It is preferable for a sports organization to have a sound understanding of betting and a good working relationship with betting operators and betting regulators. Sport investigators may have to seek external expertise to acquire a working level of understanding, especially where betting is not legal in the country concerned.

In addition, where national legislation does not already support it, sports organizations should have formal memorandums of understanding with betting operators and betting regulators that provide for intelligence-sharing and cooperation where allegations of betting-related match-fixing arise.

K. Relationship between investigators and prosecutors in a criminal or sporting case

1. Different roles and motives of investigators and prosecutors

As good practice, the investigator and the prosecutor should be independent to ensure the proper administration of justice. The role of an investigator in a match-fixing allegation is to concentrate on discovering the facts relevant to that allegation and whether they believe they can prove a charge against a suspect or not.

The role of the prosecutor is to assess both the strengths and weaknesses of the case and make an informed decision on whether to bring charges with regard to an offence.

2. Benefits of cooperation and communication between investigators and prosecutors

Although the investigation and prosecution are separate functions, they both seek to confirm or disprove a person's involvement in a match-fixing incident and both can benefit from each other's work in this regard. To facilitate this, it is strongly recommended that regular cooperation and communication between investigators and prosecutors occurs on the general nature and scope of an investigation and on particular avenues of an investigation.

3. At what stage of the investigation to cooperate

It is recommended that during the very early stages of an investigation into match-fixing, especially those investigations that look as though they are likely to result in a prosecution, that there should be cooperation and communication between investigators and prosecutors.

4. Compiling the prosecution case

Securing a conviction in a criminal match-fixing case can be a complex matter. Problems gathering sufficient evidence and the reluctance of witnesses to come forward because of safety fears contribute to such difficulty. Applying article 32 of the United Nations Convention against Corruption (protection of witnesses, experts and victims) can assist.

Law enforcement investigators and prosecutors around the world are still learning about what evidence can be obtained and what is admissible in court.

5. Final decisions on charges and prosecution

The final decision on which charges should be laid may not be made by a law enforcement agency or by the prosecution, depending on the country. Therefore, it is important that whoever is responsible for making the decision clarifies any matters with those involved in the investigation because the latter will have an understanding of the facts of the case. Also, if a key part of the prosecution case involves betting, someone should be available to advise the charging authority on the technical elements of the betting-related evidence. Failure to do this by the police in the race-fixing case brought against several jockeys in the United Kingdom in 2007 led to the case being dismissed [see chapter II, section B—case study: Horseracing fixing trial in the United Kingdom collapses]. Similarly, the expert used to provide the evidence of the fix should be consulted.

At this stage, a key decision is whether to allow defendants to associate with each other. If allowing them to do so may be detrimental to the subsequent prosecution, seeking their detention should be considered. Seeking their detention should also be considered if there are concerns they may:

- Abscond
- Fail to show up for the trial
- Try to interfere with witnesses or any other elements of the prosecution case

It is recommended that the prosecution team be composed of prosecutors who have experience prosecuting corruption in sport cases or other types of cases with similar characteristics, such as those involving organized crime or complex financial crime.

The prosecution team should have direct access to someone who understands the sport in question and can advise on betting and other specialist issues connected with the case [see chapter II, section F.10]. One option is to employ someone to provide advice and guidance to the prosecution team who has experience of appearing before sport tribunals, particularly in cases involving betting manipulation or corruption cases.

6. Post-prosecution

As the number of successful prosecutions for match-fixing is still relatively low, it is important that lessons are learned from those previous prosecutions that have taken place, whether they have been successful or not. Once the match-fixing trial is over, law enforcement agencies and prosecutors should take the time to reflect on and learn from the experience so that similar allegations can be better addressed next time.

A sport governing body is more likely to carry out such a process internally. For example, after the completion of a horseracing betting-related corruption case carried out by the British Horseracing Authority in the United Kingdom, a full debrief took place that focused chiefly on what worked and what did not. The debrief included not only the processes, procedures and verdict in the case, but also the wider impact on the sport in question, including the disruptive effect on those involved in the case.

L. Alternative and complementary approaches to combat match-fixing

1. How to disrupt and dismantle

One of the attractive elements of match-fixing for criminals is that, when compared to other criminal activities, it represents a low-risk activity due to the very low probability of being caught by law enforcement agencies [see chapter I, section c]. This is principally due to the inherent difficulties of proving involvement in match-fixing incidents (i.e. connecting the suspect to the match-fixing incident either through the money trail relating to betting or connections to people within the sport) through traditional reactive investigative techniques.

Therefore, other law enforcement options need to be considered if the activities of the match-fixers are to be combatted. The first and most obvious option is to investigate whether suspects have been involved in any other forms of crime, and if so, using this information to disrupt their involvement in match-fixing activities. As a last resort, law enforcement agencies may confront the suspect if there is no possibility of preventing the activity.

In some instances, match-fixers will be out of reach of all conventional law enforcement investigations, for example, where it is not possible to obtain the extradition of a suspect to the country whose law enforcement agency is leading the investigation. For those individuals, it is important that as many relevant agencies join forces to attempt to disrupt the activities of the suspects—the intention of this being to put as many preventive barriers in their way as possible.

Sports organizations can also take steps to disrupt a potential fix with options, including:

- Monitoring by sports officials and other participants
- Issuing warnings or communicating their suspicions to those involved
- Changing match officials
- Changing the structure of events to prevent matches that have no effect on the on the final outcome of a competition or matches where there is an advantage to lose [see chapter I, section B.2: case study—Badminton fixing at the 2012 Olympic Games]
- Excluding suspects from sporting areas and banning them from placing bets with legal betting operators

Case study: Applying creative sanctions to disrupt corrupt participants

In the horseracing fixing case involving registered racehorse owners Mr. Sines and Mr. Crickmore [see chapter I, section C—case study: Fixing in horseracing by using phantom betting accounts], the outcome of their disciplinary hearing was a ban from horseracing for 13 years.

The sanction also included a restriction on associating with participants connected to the sport which means Mr. Sines and Mr. Crickmore are not allowed to go to any race meetings in the United Kingdom. This is seen as a way of preventing/disrupting their corrupt racing activities.

2. Intelligence-sharing and data protection

In order to successfully combat match-fixing, it cannot be stressed strongly enough how imperative it is to have efficient and effective channels to share intelligence on a range of issues vital to investigations, between one or more of the following parties (depending on the facts and circumstances of the allegations).

Figure 6. Intelligence sharing and data protection



To facilitate the process of sharing operational intelligence at a national level, countries should consider establishing a national platform on match-fixing as set out in article 13 of the Council of Europe Convention on the Manipulation of Sports Competitions, which also conforms to article 48(1)(a), (d), (e) and (f) (Law enforcement cooperation) and article 61(2) (Collection, exchange and analysis of intelligence on corruption) of the United Nations Convention against Corruption [see chapter II, section I and annex A].

Intelligence and data sharing functions of a national platform for match-fixing should include:

- Serving as an intelligence hub; collecting and disseminating relevant intelligence to each relevant stakeholder, in particular that relating to individuals thought to be involved in match-fixing incidents
- Receiving, centralizing and analysing intelligence on irregular and suspicious bets placed on sports competitions taking place in a given country and, where appropriate, issuing alerts
- Transmitting intelligence on possible infringements of laws or sports regulations to the relevant stakeholder
- Cooperating with all organizations and relevant authorities at national and international levels

Furthermore, in order to achieve successful exchanging of intelligence on match-fixing across national borders, countries should:

- Build relationships of trust with relevant contacts in other nations
- Utilize regional/international systems that are already in existence, such as that operated by INTERPOL to share intelligence

A significant consideration in relation to sharing intelligence is the legal framework regarding disclosure and data protection in a particular country. This will apply to all stakeholders in an investigation (although there may be certain exceptions for law enforcement and other public bodies) and will determine access to key evidence, such as telephone and betting records.

It is good practice to assume that the collection and use of data on any person (i.e. an identifiable individual) is prohibited, except if it is done with consent or there is a legal requirement to do so. Therefore, investigators should make themselves familiar with data protection laws of a given country.

Data protection laws and regulations are in place to safeguard privacy but not to protect match-fixing suspects, or persons of interest, against official investigation; neither is data protection designed to discourage the exchange of data between cooperating States.

3. Reporting mechanisms

As with match-fixing itself, the law on mechanisms to facilitate the reporting of crime varies significantly from country to country. Similarly, how intelligence received from such sources can be used in legal proceedings and the measures in place to protect those who come forward and provide information/intelligence can also differ from country to country.

The United Nations Office on Drugs and Crime has published a *Resource Guide on Good Practices in the Protection of Reporting Persons*, which is a useful guide for sports

organizations and law enforcement agencies. The need to improve reporting is clear as surveys suggest that fewer than 10 per cent of corruption incidents, across all sectors, are reported. The objectives of this Guide are to help States parties, and other national bodies, identify what legal and institutional reforms may be needed to meet international requirements; to identify the resources and support available for this task; and to highlight those matters that will need to be continuously reviewed as challenges arise. The key learning points from this Guide are that States should:

- Review existing legal frameworks and institutional arrangements in order to strengthen existing good practice and identify gaps in relation to reporting.
- Use new technology and traditional communication methods to facilitate reporting.
- Encourage the view that it is socially acceptable to report wrongdoing.
- Protect reporting persons using a combination of legal, procedural and organizational measures.
- Consider how to provide reporting persons with access to advice.
- Ensure that competent authorities have the appropriate mandate, capacity, resources and powers to receive reports, investigate wrongdoing and protect reporting persons.
- Ensure that the staff of competent authorities have appropriate training and specialized skills to handle reports and protect reporting persons.

There are a number of different reporting systems that can be used by the sports community to facilitate reporting on manipulation of sporting events.

One approach used by the International Olympic Committee (IOC) is a confidential reporting mechanism. This approach is designed to encourage people to come forward who may not otherwise do so due to peer pressure or fear of organized crime. As such, the mechanism is based on the principals of confidentiality, anonymity and protection.

However, a drawback of allowing for anonymous reporting is that investigators of a sports organization and/or law enforcement body may not be able to effectively follow up or check the validity of the intelligence provided. Furthermore, a sports organization cannot monitor whether participants are complying with their duty to report that is present in a number of sports regulations.

Another approach would be to guarantee anonymity to the person who provides the intelligence up to and including a trial or hearing, should charges be brought and formal evidence required. In a sporting context, this approach has already been taken by the Court of Arbitration for Sport in the case of *FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. UEFA*.

4. Role of the media

The role of the media in match-fixing is becoming more and more important. While there is a tendency for some law enforcement officers to shy away from cooperating with the media on match-fixing issues, this may not be the best approach, particularly in relation to match-fixing where the media can and will initiate their own investigations.

Therefore, it would be better for law enforcement agencies and sports organizations to develop good relationships with trustworthy media sources and outlets. For instance,

match-fixing is often exposed to the public in the form of media scandals, which lead to poor responses from ill-prepared and ill-equipped investigative and prosecution authorities and sports organizations. The inevitable negative public perception given to stakeholders is that those responsible for investigating are not only one or more steps behind the fixers but also one or more steps behind the media in terms of discovering match-fixing activities.

Case study: Media sting reveals spot-fixing by international cricketers

In August 2010, Pakistan international cricketers Mr. Salman Butt, Mr. Mohammed Asif and Mr. Mohammed Amir, and agent Mr. Mazhar Majeed were accused of offences in relation to spot-fixing during an international test match between England and Pakistan at Lord's Cricket Ground. The offence related to the bowling of no balls at specific points during England innings.

The spot-fixing was brought to light as a result of an undercover sting by a reporter from the now defunct newspaper, *The News of the World*. A reporter from the newspaper offered Mr. Majeed a large cash payment for information on when the no balls were to be bowled. Mr. Majeed arranged with the other defendants for the no balls to be bowled in exchange for cash payments.

Criminal charges for conspiracy were brought against the four defendants in England. They were also subject to disciplinary proceedings by the sport's governing body. Evidence produced at the two hearings included information from secret recordings and text messages from the undercover sting, and information from the cross-examination of the defendants.

The evidence gave the sports tribunal in the disciplinary matter and the jury in the criminal trial an insight into the conduct of those involved. The defendants were found guilty of the charges, banned from the sport in the disciplinary proceedings and sent to prison for various terms after conviction for the criminal charges.

The media, law enforcement agencies and sports organizations each abide by different rules and have different objectives that do not easily facilitate cooperation and may lead to divergent approaches to dealing with match-fixing. Law enforcement is mostly concerned with public justice and securing criminal convictions, which is an approach that requires stringent confidentiality conditions and the use of intelligence that is not obtainable by others. In contrast, the media needs transparency to be able to create stories for the public, often purely for commercial reasons.

Where the relationship between the media and investigators, whether a law enforcement body or sports organization, is already strained or non-existent (often because they have never interacted), good practice dictates that trust between the different parties, with very different cultures, will grow if benefits for both sides can be identified. Despite the differences mentioned above, both are acting in the public interest to detect criminal activity. Clear lines of communication between the media, law enforcement agencies and sports organizations, with boundaries that must not be crossed by either party, will improve the situation. Ultimately, investigators want to ensure they control the handling of the intelligence surrounding a particular case or allegation.

Having a structured relationship between law enforcement agencies and the media reduces the potential of the media to try and interfere with law enforcement agency activities.

At the same time, sports organizations should seek a structured relationship that encompasses how they deal with integrity issues. This would reduce the likelihood of organizations being exposed by the media and their reputations being tarnished by stories that claim insufficient attention is being paid to match-fixing issues.

Trust can be fostered between the parties through regular meetings and briefings that are undertaken according to strict terms of confidentiality. This will ensure that media and investigator relationships are managed within a proper structure of accountability, with the ultimate aim of protecting potential witnesses and ensuring the integrity of the evidence to be used in criminal and disciplinary proceedings.

A good and properly managed relationship between the media and investigators can lead to a mutually beneficial approach and avoid reporting of match-fixing cases only as scandals.

5. Role of betting monitoring and memorandums of understanding

Sports organizations are finding ways to be proactive and prevent fixes from occurring. For example, the regulator of horseracing in the United Kingdom employs betting experts who monitor betting markets in real time and look for unusual betting that may give advance notice of a fix taking place.

The emergence of specialist betting monitoring companies has also proved helpful by combining both technological (e.g. software to monitor odds externally) and human elements (e.g. betting specialists using extensive mathematical knowledge) to identify discrepancies between actual and expected odds that can indicate potentially irregular and suspicious betting. These companies now offer a commercial service to sports organizations and law enforcement agencies that involves providing details of any suspicious or unusual betting activity that may warrant further consideration. If this suspicious betting activity is reported back to the sports organization prior to the match taking place, it gives the sport the opportunity to stop or disrupt the intended fix.

Case study: A law enforcement agency and a betting monitoring organization cooperate to catch Southern Stars fixers

In the Southern Stars case [see chapter II, section I.1—case study: Southern Stars football team in Australia corrupted by British and Malaysian nationals], the quick response by Victoria Police was possible due to the intelligence provided by a sports betting monitoring organization and its relationship with the new Victoria Police Sport Integrity Intelligence Unit.

The Sport Integrity Intelligence Unit began co-monitoring soccer matches in the Melbourne area in which Southern Stars were playing. While the unit was conducting surveillance on a soccer match between Southern Stars and another club, the betting monitoring firm's analysts in London were monitoring betting activity on the same match. During at least one match, the unit was on the phone with the betting analysts, who talked them through the odds movements in real time.

In addition, the mobile telephones of some of the Southern Stars players were being monitored by the Victoria Police Sport Integrity Intelligence Unit.

After several weeks of real-time analysis of Southern Stars playing behaviour, the collation of betting patterns by the analysts in London and covert investigation activities by Victoria Police in Melbourne, it became clear that some of the Southern Stars players, mainly those from the United Kingdom, had been recruited by match-fixers in Malaysia.

Early warning systems have been developed that collect data directly from betting operators, pursuant to formal agreements. Where suspicious activity is noted, these systems send an alert to other betting operators, sports organizations and regulators.

One such system is the Global Lottery Monitoring System (GLMS), which has been developed by the World Lottery Association and the European Lotteries, and is powered by Sportradar. GLMS provides member lotteries with extensive monitoring of the betting markets offered by government-authorized lotteries and for-profit-only bookmakers. In addition, it provides member lotteries with alerts and a platform for users to communicate effectively about potentially suspicious matches.

The European Sports Security Association (ESSA) operates an early warning system with the specific aim of detecting and deterring the corruption of its members' betting markets through the manipulation of sporting events. ESSA members are primarily European-based regulated betting operators, although the Hong Kong Jockey Club is also a member. ESSA employs a two-tier mechanism to achieve the early warning system, which works as follows:

- An ESSA member detects an unusual betting pattern on a particular event (Tier 1, Internal Control Systems).
- This is immediately reported and communicated to ESSA's security team and Head Bookmaker. If substantiated as a potential danger, the suspicious activity triggers an alert to the whole ESSA membership (Tier 2, ESSA Early Warning System).
- If such an alert is issued, which occurs through ESSA's Advanced Security Platform, members are required to respond quickly confirming whether or not similar trends have been seen elsewhere in their markets and, if they have, giving as much detail as possible.

FIFA have their own early warning system company that looks to protect football matches in all FIFA tournaments by monitoring and analysing the international sports betting market by means of comprehensive reporting. This company, FIFA Early Warning System GmbH (EWS), also carries out match monitoring on behalf of third parties both within and outside of football. EWS has three strands to its strategy: cooperating with betting operators and regulators, a technical monitoring system and an information network.

IOC have developed their own approach, called the Integrity Betting Integrity System (IBIS), which was established in January 2014. IBIS is not a monitoring system; it collects and distributes intelligence and intelligence related to sports betting for use by all stakeholders of the Olympic Movement. IBIS is based on a network of individual agreements (memoranda of understanding) signed by IOC and the different stakeholders, namely betting regulators, betting operators, international federations and betting regulators.

National betting regulators, in countries where betting is legal and regulated, also have a monitoring function that can help combat financial corruption in sport through match manipulation. The Gambling Commission in the United Kingdom has its own Sports Betting Intelligence Unit, which was established in 2010. One of its terms of reference (which were revised in 2015) is to "undertake targeted monitoring of betting on specific events and by specific individuals". It is not as broad in scope as the other systems described above and does not undertake general, pre-emptive monitoring of betting markets or sporting events. This remains the role of betting operators and sports governing bodies respectively.

6. Single points of contact

Ideally, all law enforcement bodies and sports organizations should have a single point of contact for match-fixing issues. The single point of contact should have a good all-round knowledge of how to investigate allegations of match-fixing and have primary responsibilities for:

- Establishing and maintain integrity initiatives within their organization
- Be the first recipient of information related to match-fixing within their organization
- Conducting inquiries, and if necessary coordinating full investigations, into information and allegations received
- Liaising and building relationships with other relevant stakeholders and authorities in the field

To be able to carry out those primary responsibilities, it is important that the single point of contact is empowered by the relevant laws or regulations to make decisions when an incident or allegation of match-fixing arises.

7. Integrity officers

The use of an integrity officer by sports organizations is to be encouraged. Although the role will vary according to the needs and resources of the sport, an integrity officer can be an invaluable asset, especially in the lead-up to and during the running of any major event for that sport. Their primary function should be as a deterrent to any form of match-fixing. Their role should be distinct from that of an anti-doping officer as these positions require different sets of skills.

It is recommended that a sports organization integrity officer should have the following skills:

- An awareness of the *modus operandi* of match-fixers
- An awareness of the different jurisdictions that any allegations may fall under (i.e. national or international sports organization and any potential criminal action)
- The ability to apply the sport's regulations and the knowledge of what evidence is needed to prove an offence on the applicable standard
- The ability to develop and manage sources of information
- The ability to maintain confidentiality and anonymity, if applicable
- Basic knowledge of how betting works

It is recommended that the duties of integrity officers should include the following tasks:

- Delivering a pre-event integrity education programme to all participants
- Carrying out integrity visits to the hotels of the individuals/teams and match officials
- Providing a visible independent integrity presence on the ground at each match venue that acts as a deterrent, and intervening if necessary, to anyone intending to make suspicious approaches to participants
- Ensuring compliance with a sport's integrity rules on inside information relating to the use of communication devices by participants

- Acting as the direct point of contact with a betting monitoring company and, where suspicious incidents involving the betting markets are observed and highlighted, providing an immediate response to investigate the incident, and establishing whether there is a plausible explanation for the irregular/unusual betting patterns
- Conducting fact-finding inquiries or investigations in accordance with the sport's regulations
- Obtaining and collecting evidence
- Conducting interviews with witnesses, suspicious or accused persons, whistleblowers, etc.
- Creating case reports to submit to a sport's independent disciplinary body for sanctions

Case study: Integrity officers at the 2015 Rugby World Cup

A recent example of good practice in this area was the use of integrity officers by the tournament organizers at the 2015 Rugby World Cup. An integrity officer was deployed at each stadium for every match. The officers also delivered an integrity-related training session to all of the teams.

The integrity officers were in regular contact with the betting monitoring company contracted to monitor the betting markets on all matches in the tournament and, importantly, were on hand to follow up on any suspicious incident occurring during the tournament.

The integrity officer for a sport can be the same person as the single point of contact on integrity issues so there is no duplication of effort or resources. This is the approach that is recommended by the world governing body of football FIFA to its national member associations in its Specific Recommendations to Combat Match Manipulation.

8. Integrity units and strategies within a sports organization

The principal responsibility for maintaining the integrity of a sport rests with the sport. To this end, some sports have developed the capability to carry out investigations into match-fixing and have in-house intelligence or anti-corruption units that are typically staffed by former law enforcement officers and investigators. Examples include the British Horseracing Authority integrity unit, the Tennis Integrity Unit, the International Cricket Council Anti-Corruption and Security Unit and the UEFA Integrity Officer network. These bodies have to carry out investigations without access to some of the powers available to law enforcement and other statutory bodies (e.g. the arrest and detention of suspects).

Sports organizations that are looking to establish or improve an existing integrity unit, and as such are looking for good practice in this area, should consider the following components for an anti-match-fixing strategy.

Risk assessment

The recommended starting point for a sports organization in developing an integrity/anti-match-fixing strategy is a risk assessment of the potential threat that match-fixing

poses to their particular sport and the vulnerabilities (e.g. within the sport, betting market and criminal justice framework) that are facilitating or being exploited by those posing the threat.

Betting is one area to analyse. A significant volume of betting on a sport creates a potential threat. Other relevant betting information includes whether it is offered on a sport outside of who will win an event, which is commonly referred to as spot or micro betting. Whether a sporting event is televised or streamed live on the Internet is also relevant, as the larger the audience, the higher the volume of betting is likely to be.

Sports that are one against one, such as tennis, snooker or darts, can carry a higher risk than a team sport, as the corruptors may only need to influence one individual to manipulate the outcome of a match. Spot betting can potentially involve the influencing of one individual or a team. This explains why participants other than the players may also be targeted, such as referees and club owners.

Another factor to consider is the vulnerability of a sport's participants to approaches by corrupt individuals. In particular, it has been proven that where participants are paid a low wage, paid late or not paid at all, they are more likely to be targeted by fixers.

Case study: How betting integrity was tackled at the 2012 Olympic Games

At the 2012 Olympic Games in London, the Joint Assessment Unit (JAU), a cross-stakeholder mechanism for the collection, collation and assessment of information on betting integrity issues both before and during the Games, profiled each of the Olympic sports in detail to find their respective inherent risks and vulnerabilities.

To do this, JAU examined whether the history or culture of the sport was already compromised by corruption, through weak or compromised governance, doping or match-fixing.

An actual or perceived culture of corruption could be another factor to consider in the risk assessment of a particular sport.

Precisely what resources a sports organization may need to dedicate to an integrity unit will depend on the outcome of the risk assessment. For example, for sports such as horseracing, the risk of match-fixing is high because of its unique connection with betting and the large amounts of money that can be placed on a single race. Other sports that are potentially high risk because of their global popularity and television coverage include football, tennis and cricket.

Clear rules and policies

All sports organizations should have clear rules and policies dealing with various integrity offences, ranging from betting by participants to actual fixing.

When it comes to betting by a sport's participants, in some cases a complete ban on betting may be appropriate, such as the ban imposed on jockeys in horseracing. There should be at least a ban on betting on events/competitions in which participants are competing or officiating.

Corrupt betting can involve the misuse of inside information, so it is important that a sport has an understanding of what this constitutes and gives clear guidance for all its

participants on how to deal with such matters. During a sporting event, restricting the use of any form of communication equipment is a useful preventive measure. Having legitimate access to such equipment and a participant's itemized billings will be an integral part of any subsequent investigation, as will the requirement for persons to attend interviews and answer questions. Such obligations could be imposed on participants in a sport's rules and/or competition participation agreement.

Sports rules and policies should be complemented by an effective compliance and enforcement regime that includes a formal disciplinary process to deal with any breaches. Additionally, a requirement for participants and officials to sign up to an anti-corruption code is recommended.

Participant licensing

Not all sports have a licensing policy or process for their participants, but for those that do, it can be an important part of an integrity strategy. In horseracing in the United Kingdom, all jockeys and trainers have to be licensed before they can take part in the sport. The licensing process acts as a gateway where the sports organization can, in effect, screen individuals and can help promote integrity in that sport.

For those sports that do not currently license their participants, it is still recommended that, as a preventive measure, new participants join through a formalized process. Experience has shown that it is more effective to prevent a potentially corrupt person from entering a sport than it is to detect and exclude someone once they have been licensed.

Where sports clubs are concerned, sports organizations should also have measures in place to regulate and ensure the transparency of the ownership and financing of clubs. A lack of transparency in this regard has made clubs vulnerable to acquisition and investment by organized crime, with clubs used as a vehicle for match-fixing activities.

Case study: Investment by a Chinese businessman in Belgian football

This case started with investments made by a Chinese businessman in eight football clubs in Belgium that were in financial difficulty. The investments included in some cases the outright purchase of a club.

It is alleged that, once the investments were made, the players of these teams were offered money to influence the outcomes of games with the purpose of profiting through match-fixing.

The investigations by the Belgian law enforcement agency and football organization took 10 years, between 2005 and 2015, and involved player agents, trainers, players, CEOs and lawyers.

In 2015, a total of 31 people were sentenced for a variety of crimes, including corruption, money-laundering and tax fraud. At the time of writing, the case is ongoing as a number of those convicted have appealed.

Intelligence and investigative capability

Intelligence is the lifeblood of any anti-corruption programme. The experience of some sports, notably horseracing, cricket and tennis, has demonstrated that the gathering,

analysis and dissemination of intelligence with a view to identifying patterns of activity and targeting suspected corruptors is crucial to successfully combating threats to integrity.

A report by the Sports Betting Integrity Panel in the United Kingdom in 2010 recommended that all sports should adopt a similar principle and should either have an IT-based information and intelligence management system, or at least have access to such a facility.

Intelligence and analytical experts who are able to convert information and intelligence into evidence for any subsequent disciplinary hearing are also required.

The rigorous investigation of any suspicious betting activity on a sporting event is a vital element of an integrity strategy for any sport. Some sports organizations have that capability but others do not, and the latter may have to rely on outside assistance. Crucially, each allegation should be investigated because the fear of being caught is the best possible deterrent.

Robust disciplinary processes and sanctions

To ensure an investigation into any match-fixing allegations has been carried out properly by a sport, and the rights of the accused have been properly upheld throughout, the sport must have in place robust disciplinary processes (and independent appeals procedure) that culminate in a fair hearing by the relevant disciplinary body for that sport [see chapter II, section K.6]. If a case of match-fixing brought by a sport is successfully proven to the satisfaction of the hearing officer or panel, the sanction handed down must be robust yet proportionate and appropriate. In cases that are more serious this means life bans from the sport in question. In turn, this type of sanction acts as a major deterrent.

Working collaboratively with betting operators and monitoring organizations

It is important for sports organizations and betting operators to collaborate on integrity issues because the most likely source of intelligence on suspicious betting activity on a sporting event will be betting markets. Evidence of who placed the bets and when will make a subsequent disciplinary enquiry more likely to succeed.

Sports subject to a high volume of betting may consider employing betting analysts who can proactively monitor the betting markets. The minimum requirement for sports organizations is access to someone who can help interpret betting data and prepare betting evidence for disciplinary hearings.

Another option for a sports organization is to utilize the services of a commercial operator that specializes in monitoring betting markets.

Also, if a proactive approach is taken, timely intelligence from a betting operator or monitoring company could be used to prevent the fix from occurring.

Education

A fundamental element of any anti-match-fixing strategy is education and awareness-raising. Education raises awareness among all participants in sport and protects them from people who seek to corrupt them. The more prepared participants are, the better

they are able to recognize the tactics of match-fixers and resist them. The objective of match-fixing education should be to make all participants clear on the rules on betting, match-fixing and the use (or more accurately misuse) of inside information.

Match-fixing education can take various forms, from face-to-face and online training to written materials, such as posters and cue cards. The type of methods used should depend on the target audience and sports organizations should work with stakeholders, including player associations and trusted sports betting organizations, to make education relevant and to maximize its impact.

Participants and officials should be made to complete an education programme before entering into a sport and to attend/complete regular refresher programmes.

Importantly, sports organizations should bear in mind that education and awareness-raising should be seen as part of a comprehensive integrity strategy, not an alternative to it.



Conclusions and key learning points

A. Overview of match-fixing

Match-fixing is a multifaceted danger to the integrity of sport around the world. It is a unique offence that requires specific skills to combat successfully. This *Resource Guide on Good Practices in the Investigation of Match-Fixing* provides law enforcement agencies, sports organizations and other relevant bodies with practical tools, approaches and guidance to help tackle this threat and to make match-fixing less attractive to those within and outside of sport, thereby upholding the integrity of sport.

For law enforcement agencies, using existing international conventions, in particular the United Nations Convention against Corruption, and adopting the provisions in the context of allegations of match-fixing will assist their investigative process. Although they are not bound by all the international instruments mentioned in this Resource Guide, sports organizations and other bodies with the jurisdiction and powers to investigate match-fixing allegations can gain assistance from the principles of those instruments.

The following are the key learning points detailed in this Resource Guide for law enforcement agencies, sports organizations and other relevant bodies:

- Stakeholders should base their actions on international legal frameworks (in particular the United Nations Convention against Corruption and the Convention against Transnational Organized Crime) and national legislation.
- The Resource Guide shows various investigative bodies how best to apply selective investigation techniques to match-fixing in sport so as to achieve successful outcomes from detection, intelligence and investigative activities.
- Global betting markets and advances in technology have led to an escalation in the threat from match-fixing.
- The primary form of match-fixing is betting-related. However, match-fixing activity can also be done for sporting reasons and this is no less serious.
- The definition of match-fixing/manipulation comes from the Council of Europe's Convention on the Manipulation of Sport Competitions. It is "an intentional arrangement, act or omission aimed at an improper alteration of the result or

the course of a sport competition in order to remove all or part of the unpredictable nature of the aforementioned sport competition with a view to obtaining an undue advantage for oneself or for others.”

- The different contexts in which law enforcement and sport investigators operate affects how they work independently, and shapes how they approach working together on a match-fixing case that involves activity that breaks both sporting regulations and criminal laws.
- Organized crime is attracted to match-fixing because it is currently a low-risk, high-reward activity.
- Match-fixing is a specific form of complex financial corruption that has a cost to society as a whole.
- Match-fixing defrauds a number of stakeholders in sport, including supporters and betting operators.
- Match-fixing is a global cross-border crime that is difficult to investigate because of a lack of specific laws and a wide range of approaches.
- International legal and sporting instruments that can help combat this threat include the Convention against Corruption, the Convention against Transnational Organized Crime, the Council of Europe Convention on the Manipulation of Sports Competitions and the International Olympic Committee Olympic Movement Code on the Prevention of the Manipulation of Competitions.

B. Investigating cases of match-fixing

- A successful match-fixing incident has four stages: planning the conspiracy, placing the bets, executing the fix on the field and collecting the illegal profits.
- If a law enforcement agency is to be the lead agency with regard to investigating match-fixing allegations, it must engage with the relevant sports organization and utilize their knowledge of the sport in question.
- It is important that whatever the source of an allegation of match-fixing (e.g. betting operators or individuals), the intelligence is not dismissed without a number of other avenues being explored to try to substantiate the report, in particular the seeking evidence from the betting markets.
- The standard of proof in criminal case is beyond reasonable doubt. In a sporting regulatory hearing, it is the lower standard of either the balance of probabilities or comfortable satisfaction.
- The primary objective of any investigation, whether carried out by a law enforcement agency or another body, is to follow the evidence in a logical and methodical manner.
- Betting evidence is often technical and complex and therefore experts should be engaged to assist.
- Video footage of an alleged match-fixing incident should be treated with caution because the small margins of error for skilled participants in high-level sport makes it difficult to show any suspicious action was intentional.
- Telephone, betting and bank records should be obtained from the accused parties to establish links between them. This information should be presented in a clear format for a criminal court or sport tribunal (e.g. in the form of a chart or timeline).

- Social media can be an important source of intelligence but any searches carried out and evidence obtained must be done so with an awareness of legal restrictions and requirements.
- When deciding on using an expert for a particular piece of evidence (e.g. betting or video footage), consideration must be given to their independence, experience and potential performance in court.
- Particular care must be taken when interviewing alleged co-conspirators due to the likelihood of each individual simply seeking to protect themselves.
- By following the money in a match-fixing investigation, law enforcement agencies may identify other individuals, both within and outside the sport, not previously linked with the conspiracy.
- The jurisdiction and powers of sports organizations is limited and this impacts the extent to which they can, and indeed want to, investigate allegations of match-fixing.
- Sports organizations are not bound to the same strict rules of evidence as law enforcement agencies. This can be useful for taking action against participants in a sport who are part of the conspiracy.
- Although investigators and prosecutors should have elements of independence, they should cooperate and communicate regularly, and at an early stage on the general nature and scope of an investigation and on particular avenues of an investigation.

C. Alternative and complementary approaches to combat match-fixing

- To reduce the inherent difficulty of proving peoples' involvement in match-fixing incidents, an alternative approach is to investigate whether suspects are involved in any other form of criminal activity.
- Individual countries should look to establish national platforms to make the process of intelligence-sharing and exchanging easier.
- Data protection laws and regulations are designed to safeguard privacy and should be taken into account when investigating match-fixing suspects.
- Effective communication between the media, law enforcement agencies and sports organizations, while resource intensive, is in the interests of all parties concerned.
- Betting monitoring systems and intelligence-sharing platforms have become an important source of evidence in match-fixing cases and should be utilized to the extent that resources, both financial and human, allow.
- All law enforcement bodies and sports organizations should have a single point of contact on match-fixing issues.
- Sports organizations should also have an integrity officer and ideally an integrity unit whose primary function is to act as a deterrent and to put in place an integrity strategy.
- Educate all participants to raise the awareness of the threat posed by match-fixing and how to combat it.



Annex A. Applicability of the United Nations Convention against Corruption to match-fixing investigations

Article	Relevant text	Applicability to match-fixing
Article 1 <i>Statement of purpose</i>	<p>The purposes of the Convention are:</p> <p>(a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively; and</p> <p>(b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery.</p>	<ul style="list-style-type: none"> Being a form of complex, often cross-border, financial crime match-fixing falls squarely within the purposes of the Convention.
Article 3 <i>Scope of application</i>	<p>The Convention shall apply, in accordance with its terms, to the prevention, investigation and prosecution of corruption and to the freezing, seizure, confiscation and return of the proceeds of offences established in accordance with this Convention.</p>	<ul style="list-style-type: none"> Match-fixing is a specific form of corruption that requires improvement in the recovery of the proceeds of the crime.
Article 5 <i>Preventive anti-corruption policies and practices</i>	<p>2. Each State party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.</p> <p>3. Each State party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.</p>	<ul style="list-style-type: none"> There are many preventive measures that can help to combat match-fixing. Given the fact that those involved in match-fixing constantly evolve their methods and modus operandi, evaluating investigative approaches and tactics is necessary.

	4. States parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures	<ul style="list-style-type: none"> • Match-fixing is a problem that can only effectively be tackled by cooperation on an international level.
Article 12 <i>Private sector</i>	Each State party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.	<ul style="list-style-type: none"> • In some cases, match-fixing involves public officials. • It typically involves organized criminals and sports persons operating in the private sector.
Article 14 <i>Measures to prevent money-laundering</i>	<p>Each State party shall:</p> <p>(a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;</p> <p>(b) Without prejudice to article 46 of the Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.</p>	<ul style="list-style-type: none"> • Laundering the proceeds of match-fixing is often accomplished via betting operators but can also be through buying or investing in sporting assets, such as clubs and players. • The co-conspirators can of course utilize traditional channels of money-laundering, such as through financial institutions and by buying property.

<p>Article 21</p> <p><i>Bribery in the private sector</i></p>	<p>Each State party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:</p> <p>(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;</p> <p>(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.</p>	<ul style="list-style-type: none"> • The key offence involved in match-fixing is bribery with money or another financial benefit paid by the criminal, often via a third party, to the sports participant (direct influencer) to manipulate the result of a particular sporting match/competition.
<p>Article 23</p> <p><i>Laundering of proceeds of crime</i></p>	<p>Each State party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</p> <p>(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;</p> <p>(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;</p> <p>(b) Subject to the basic concepts of its legal system:</p> <p>(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;</p>	<ul style="list-style-type: none"> • For organized criminals to be successful with their match-fixing operations, they have to launder money through legitimate channels. • Unique to this crime, this is often through betting operators but can also be through buying or investing in sporting assets, such as clubs and players. • The co-conspirators can of course utilize traditional channels of money-laundering, such as through financial institutions and by buying property.

	(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.	
Article 27 <i>Participation and attempt</i>	<p>Each State party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law:</p> <p>(a) Participation in any capacity, such as an accomplice, assistant or instigator, in an offence established in accordance with this Convention;</p> <p>(b) Any attempt to commit an offence established in accordance with this Convention;</p> <p>(c) The preparation for an offence established in accordance with this Convention.</p>	<ul style="list-style-type: none"> • To provide a comprehensive deterrent, those who participate in acts of match-fixing must also be investigated and, where proven, prosecuted. • Such people will be co-conspirators, for example, those who act as agents/runners/third parties between the criminal directing the fix and the sporting participant on the field of play. • Not all attempts to fix and manipulate sport for money are successful due to failure or frustration, and so provision should also be made for this in the relevant criminal laws.
Article 30 <i>Prosecution, adjudication and sanctions</i>	Each State party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.	<ul style="list-style-type: none"> • If the relevant law enforcement body believes corruption in sport has occurred through match-fixing, they must initiate an investigation and, depending on the strength of the evidence, prosecute all co-conspirators in accordance with the relevant anti-corruption law(s) in that country.
Article 31 <i>Freezing, seizure and confiscation</i>	<p>1. Each State party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:</p> <p>(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;</p> <p>(b) Property, equipment or other instruments used in or destined for use in offences established in accordance with this Convention.</p> <p>2. Each State party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.</p>	<ul style="list-style-type: none"> • One of the great weaknesses of strategies and actions taken in relation to match-fixing is the failure of law enforcement and other relevant bodies to try to secure the proceeds involved. • Therefore, there needs to be a greater focus on "following the money" in the same way as the relevant bodies would for any other form of corruption involving serious organized crime. It will also require the engagement and cooperation of financial institutions and betting operators.

4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled, shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

Article 32

Protection of witnesses, experts and victims

1. Each State party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.

- It is vital that protection is given to those brave enough to provide information about corrupt activities through match-fixing and who are ultimately prepared to cooperate with law enforcement to secure a successful conviction of the perpetrators.
- There is heightened importance for this where organized crime is involved as they are often well versed in witness intimidation.
- Witnesses must be afforded the utmost protection since those involved will use various methods to attempt to conceal their corrupt activities meaning there is often little other evidence to use.

Article 33 <i>Protection of reporting persons</i>	Each State party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with the Convention.	<ul style="list-style-type: none"> • It is vital that protection is given to those brave enough to speak out and provide information about corrupt activities through match-fixing. • This is especially the case where sports participants are themselves involved and come forward. Often they do not realize the criminality at the outset and are in danger if they then refuse to cooperate. • Other people who may speak out include those involved in the conspiracy to corrupt sport, other sporting participants or members of the general public who have information.
Article 37 <i>Cooperation with law enforcement authorities</i>	<p>1. Each State party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.</p> <p>2. Each State party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.</p>	<ul style="list-style-type: none"> • Some countries' laws may permit those criminals involved in a match-fixing conspiracy to have their sentence reduced if they cooperate fully with the investigation. • This should be considered appropriate where an individual could provide information/access to a co-conspirator higher up the chain who is directing the match-fixing conspiracy.
Article 39 <i>Cooperation between national authorities and the private sector</i>	<p>1. Each State party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.</p> <p>2. Each State party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.</p>	<ul style="list-style-type: none"> • Given match-fixing is principally a form of private sector corruption, the private entities that it will be essential for law enforcement to cooperate with on a national level will be sports governing bodies. • Depending on the type of regulatory structure and offence, betting regulators and operators may also be private sector entities for the purpose of this article.

Article 42 <i>Jurisdiction</i>	<p>1. Each State party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with the Convention when:</p> <p>(a) The offence is committed in the territory of that State party.</p> <p>2. Subject to article 4 of this Convention, a State party may also establish its jurisdiction over any such offence when:</p> <p>(a) The offence is committed against a national of that State party; or</p> <p>(b) The offence is committed by a national of that State party or a stateless person who has his or her habitual residence in its territory.</p> <p>3. For the purposes of article 44 of this Convention, each State party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.</p> <p>4. Each State party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.</p> <p>5. If a State party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States parties shall, as appropriate, consult one another with a view to coordinating their actions.</p>	<ul style="list-style-type: none"> • The majority of match-fixing activities are transnational, which makes investigations complex from a jurisdictional perspective. • The dialogue about which country has jurisdictional primacy for a particular investigation into corrupt match-fixing activities can be facilitated by using the provisions of this article.
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Article 43	<p>1. States parties shall cooperate in criminal matters in accordance with articles 44 to 50 of this Convention. Where appropriate and consistent with their domestic legal system, States parties shall consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption.</p>	<ul style="list-style-type: none"> • International cooperation in cross-border match-fixing investigations is of paramount importance to ensure key suspects, evidence and witnesses are not able to evade the law.
Article 44	<p>1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State party and the requested State party.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this article, a State party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.</p> <p>4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States parties. States parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.</p> <p>5. If a State party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.</p> <p>9. States parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.</p>	<ul style="list-style-type: none"> • Given the transnational nature of the criminality involved in match-fixing, countries must cooperate on the basis of this article for the extradition of suspects to the jurisdiction which is leading the investigation. • In the past, too many key suspects in cross-border match-fixing activities have escaped prosecution through a failure to secure extradition to the country with jurisdictional primacy.

<p>Article 46</p> <p><i>Mutual legal assistance</i></p>	<p>1. States parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.</p> <p>4. Without prejudice to domestic law, the competent authorities of a State party may, without prior request, transmit information relating to criminal matters to a competent authority in another State party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State party pursuant to this Convention.</p>	<ul style="list-style-type: none"> • Mutual legal assistance (MLA) between countries is particularly important in the field of match-fixing given that it is often an issue with a strong transnational element and that MLA that it is about gathering evidence through coercive measures or in a form that is admissible for trial.
<p>Article 48</p> <p><i>Law enforcement cooperation</i></p>	<p>1. States parties shall cooperate closely with one another, consistently with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States parties shall, in particular, take effective measures:</p> <p>(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States parties concerned deem it appropriate, links with other criminal activities;</p> <p>(b) To cooperate with other States parties in conducting inquiries with respect to offences covered by this Convention; [...]</p> <p>(d) To exchange, where appropriate, information with other States parties concerning specific means and methods used to commit offences covered by this Convention, including the use of false identities, forged, altered or false documents and other means of concealing activities;</p>	<ul style="list-style-type: none"> • Law enforcement cooperation is imperative to the success of investigations into match-fixing, both in terms of prevention and investigation. • The importance of information and intelligence exchange cannot be underplayed given the paucity of understanding and evidence globally. • Modern technology drives the threat of match-fixing and so law enforcement must be at least equally advanced and equipped to combat the threat.

(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

3. States parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.

Article 49 <i>Joint investigations</i>	States parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States parties involved shall ensure that the sovereignty of the State party in whose territory such investigation is to take place is fully respected.	<ul style="list-style-type: none"> Depending on the decision regarding the proper jurisdiction for the match-fixing investigation, joint investigations by two or more countries may be necessary considering the complex and transnational character of some match-fixing investigations.
Article 50 <i>Special investigative techniques</i>	1. In order to combat corruption effectively, each State party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.	<ul style="list-style-type: none"> Given corruption through the manipulation of sport is a relatively new field for criminal activity, and the natural concealment of that activity, special (modern) techniques to intercept, disrupt and investigate match-fixing activities will often be needed.

	<p>2. For the purpose of investigating the offences covered by this Convention, States parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.</p>	
<p>Article 51</p> <p><i>Asset recovery</i> —General provision</p>	<p>The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States parties shall afford one another the widest measure of cooperation and assistance in this regard.</p>	<ul style="list-style-type: none"> • “Following the money” and recovering the assets will severely limit the attractiveness of match-fixing to criminals. Therefore, this action should be pursued.
<p>Article 52</p> <p><i>Prevention and detection of transfers of proceeds of crime</i></p>	<p>Without prejudice to article 14 of this Convention, each State party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.</p>	<ul style="list-style-type: none"> • The criminal proceeds of match-fixing crime will often pass through financial institutions at some stage of attempts to launder the money. • Therefore, following the money and recovering the proceeds of crime will severely limit the attractiveness of match-fixing to criminals. Therefore, this action should be pursued.
<p>Article 60</p> <p><i>Training and technical assistance</i></p>	<p>Each State party shall, to the extent necessary, initiate, develop or improve specific training programmes for its personnel responsible for preventing and combating corruption.</p>	<ul style="list-style-type: none"> • Training for law enforcement and other persons responsible for combating match-fixing must be sought and will greatly aid the investigation process.

Article 61	<p>1. Each State party shall consider analysing, in consultation with experts, trends in corruption in its territory, as well as the circumstances in which corruption offences are committed.</p> <p>2. States parties shall consider developing and sharing with each other and through international and regional organizations statistics, analytical expertise concerning corruption and information with a view to developing, insofar as possible, common definitions, standards and methodologies, as well as information on best practices to prevent and combat corruption.</p> <p>3. Each State party shall consider monitoring its policies and actual measures to combat corruption and making assessments of their effectiveness and efficiency.</p>	<ul style="list-style-type: none"> Collecting, analysing and exchanging information and intelligence on match-fixing both within a country and globally will enhance understanding and improve the number of successful investigations and prosecutions.
<p>Article 62</p> <p><i>Other measures: implementation of the Convention through economic development and technical assistance</i></p>	<p>States parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of corruption on society in general, in particular on sustainable development.</p>	<ul style="list-style-type: none"> Match-fixing is a threat to sport at all levels and therefore harmful to society, having an impact on a large proportion of the population. Therefore, strategies can be developed to highlight this.



Annex B. Equivalent provisions of other applicable international legal instruments to match-fixing investigations

United Nations Convention against Corruption	United Nations Convention against Transnational Organized Crime	Council of Europe Convention on the Manipulation of Sports Competitions
Article 1 <i>Statement of purpose</i>	Article 1 <i>Statement of purpose</i>	Article 1 <i>Purpose and main objectives</i>
Article 3 <i>Scope of application</i>	Article 3 <i>Scope of application</i>	Article 1 <i>Purpose and main objectives</i>
Article 5 <i>Preventive anti-corruption policies and practices</i>	Article 31 <i>Prevention</i>	
Article 12 <i>Private sector</i>		
Article 14 <i>Measures to prevent money-laundering</i>	Article 7 <i>Measures to combat money-laundering</i>	Article 11 <i>The fight against illegal sports betting</i> Article 16 <i>Laundering of the proceeds of criminal offences relating to the manipulation of sports competitions</i>
Article 21 <i>Bribery in the private sector</i>	Article 5 <i>Criminalization of participation in an organized criminal group</i>	Article 15 <i>Criminal offences relating to the manipulation of sports competitions</i>
Article 23 <i>Laundering of proceeds of crime</i>	Article 6 <i>Criminalization of the laundering of the proceeds of crime</i>	Article 16 <i>Laundering of the proceeds of criminal offences relating to the manipulation of sports competitions</i>
Article 27 <i>Participation and attempt</i>		Article 17 <i>Aiding and abetting</i>

Article 30 <i>Prosecution, adjudication and sanctions</i>	Article 11 <i>Prosecution, adjudication and sanctions</i>	Article 22 <i>Criminal sanctions against natural persons</i>
Article 31 <i>Freezing, seizure and confiscation</i>	Article 12 <i>Confiscation and seizure</i>	Article 25 <i>Seizure and confiscation</i>
Article 32 <i>Protection of witnesses, experts and victims</i>	Article 23 <i>Protection of witnesses</i>	Article 21 <i>Protection measures</i>
Article 33 <i>Protection of reporting persons</i>		Article 21 <i>Protection measures</i>
Article 37 <i>Cooperation with law enforcement authorities</i>	Article 26 <i>Measures to enhance cooperation with law enforcement authorities</i>	Article 4 <i>Domestic coordination</i> Article 13 <i>National platform</i>
Article 39 <i>Cooperation between national authorities and the private sector</i>		Article 4 <i>Domestic coordination</i> Article 13 <i>National platform</i>
Article 42 <i>Jurisdiction</i>	Article 15 <i>Jurisdiction</i>	Article 19 <i>Jurisdiction</i>
Article 43 <i>International cooperation</i>		Article 26 <i>Measures with a view to international cooperation in criminal matters</i> Article 28 <i>International cooperation with international sports organizations</i>
Article 44 <i>Extradition</i>	Article 16 <i>Extradition</i>	Article 22 <i>Criminal sanctions against natural persons</i> Article 26 <i>Measures with a view to international cooperation in criminal matters</i>
Article 46 <i>Mutual legal assistance</i>	Article 18 <i>Mutual legal assistance</i>	Article 26 <i>Measures with a view to international cooperation in criminal matters</i>
Article 48 <i>Law enforcement cooperation</i>	Article 27 <i>Law enforcement cooperation</i>	Article 26 <i>Measures with a view to international cooperation in criminal matters</i>
Article 49 <i>Joint investigations</i>	Article 19 <i>Joint investigations</i>	
Article 50 <i>Special investigative techniques</i>	Article 20 <i>Special investigative techniques</i>	

Article 51 <i>Asset recovery—general provision</i>		
Article 52 <i>Prevention and detection of transfers of proceeds of crime</i>	Article 31 <i>Prevention</i>	
Article 60 <i>Training and technical assistance</i>	Article 29 <i>Training and technical assistance</i>	Article 6 <i>Education and awareness-raising</i>
Article 61 <i>Collection, exchange and analysis of information on corruption</i>	Article 28 <i>Collection, exchange and analysis of information on the nature of organized crime</i>	Article 12 <i>Exchange of information between competent public authorities, sports organizations and sports betting operators</i> Article 13 <i>National platform</i> Article 14 <i>Personal data protection</i>
Article 62 <i>Other measures: implementation of the Convention through economic development and technical assistance</i>		



Annex C. Effective media relations during match-fixing cases

1. Introduction

The media can play a crucial role in a match-fixing investigation. Not only can it educate and help to form public opinion but effective media relations can shape positive attitudes, enhance the credibility of an investigating organization (a law enforcement agency or a sports organization), and potentially help uncover further information that could support a case.

However, dealing with the media does have implications for the investigator in terms of time, energy and resources with regard to interacting with journalists and unwanted stories.

This annex aims to provide investigators of match-fixing allegations (and sport integrity officers) with further details on how to effectively deal with requests from the media, as well as providing some useful tips on interacting with journalists and sharing information on an investigation with various media outlets.

2. Types of media

The growth of the global media industry,³³ as well as the rapid growth of social media, has had a significant impact on the way news is gathered and reported, and on the way people consume it.

Before exploring the best practice that can be applied when dealing with media enquiries, it is important to understand the various platforms and types of media available to assist investigators conducting an investigation.

The four main media platforms that investigators should be aware of are:

³³Global Media Report 2014—Global Industry Overview, McKinsey & Company.

- *Written media*—can be in the form of newspapers, magazines, journals, newsletters and other printed or online material.
- *Broadcast media*—includes both television and radio, and has wide-ranging reach and influence, with 24-hour news channels providing up-to-the-minute news coverage.
- *News agencies*—agencies breaking print and/or broadcast news reports that are distributed internationally through subscribing news outlets. As a result, these agencies are very important when sharing and managing news stories.
- *Social media*—web-based platforms that bring people together in virtual communities and networks, and where individuals or groups can share, co-create, discuss and modify user-generated content.

Recent years have seen a blurring of these traditional distinctions as platforms have converged, making the media landscape increasingly complex.

In addition to different types of platforms, it is also important to consider the readership and a journalist's subject or specialist area.

As an investigator, it is important to be aware of prominent media outlets and local, national and specialist titles that may be relevant to a match-fixing investigation. This knowledge will help communications and media teams linked to investigating authorities (law enforcement or sports) and assist them in prioritizing and satisfying requests quickly and effectively as an investigation progresses.

3. Media relations—best practice

Developing an effective relationship with the media, particularly with investigative reporters, is important.

A professional relationship can serve to underscore the reputation and credibility of the organization conducting the investigation. Also, an exchange of information with journalists can help the operations of an integrity unit and with an ongoing investigation.

However, while the media can aide an investigator and such help can be extremely important, it should be taken into account that interacting with the media can be very resource intensive. Research has suggested that some senior investigating officers spend between 20 and 40 percent of their time dealing with the media in the first two days of an investigation.

As a result, it is important that, if available, communications and media teams (those within sports organizations responsible for communications/public relations) develop effective relationships with the media and understand, examine and be responsive to any requests that are made.

3.1. What are journalists looking for?

This section aims to provide some guidance on what type of information journalists are searching for, the approaches used and quick tips and techniques that can be employed to facilitate communication.

With the rise of the Internet revolutionizing how people consume media, journalists and news organizations have had to dramatically adapt and evolve news gathering, resulting

in a very fast-paced and highly competitive media environment. As a result, when receiving a media request or being contacted by a journalist, it is important to react in a quick and professional manner.

3.2. Responding to a media request

It is important that any media enquiry or interaction with a journalist is immediately shared with the communications and media team, should one be available.

It is likely that there will be interaction with the media at some point during an investigation. Investigators often manage highly-confidential and publicly-sensitive information that, if published by a journalist, could compromise an investigation, reveal the identity of a whistle-blower or source, or have a significant impact on the people and organizations directly and indirectly associated with a case. Therefore, it is imperative to be aware at all times that investigators have a duty of care when it comes to managing information during a match-fixing investigation.

As a result, caution should be exercised when responding to any media request and appropriate consultation should be undertaken regardless of whether the request is on or off the record.

Here are some quick tips and techniques to help respond to a media request about a match-fixing case:

Dos

Check company policy on media requests/speaking with journalists

Many organizations have company policies in place to provide guidance on company procedures and points of contact for such requests.

Defer enquiries and seek advice from the media/communications team

If possible all enquiries should be managed in partnership with the media/communications team. Asking for advice or deferring to a media colleague can prevent possible miscommunication. Colleagues may also know the reporter in question and be able to speak to them in advance of the request being made, which will provide time to prepare an informed and useful answer while taking into consideration the organization's policy when responding to media requests.

Ask for as much information as possible

Specifically with regard to unexpected contact by journalists, key information to ask for includes name and contact details (e-mail/phone number), deadline, nature of enquiry, who else the journalist has contacted in relation to the case, and an outline of their proposed story/or their understanding of the current situation/case.

Be responsive, courteous and timely

Regardless of whether a comment can be provided or not, goodwill can be created if a request is responded to in a professional manner. A journalist will remember a

well-managed enquiry and return to an organization for future comment on other stories at a later date.

Follow up with the media/communications team at an appropriate moment

Coordinate with the media/communications team following an interview to get feedback that can be used for future requests.

Don'ts

Ignore an enquiry

If you are unable to comment, politely explain why.

Feel obliged to respond immediately if contacted via telephone

It is always best to prepare for media enquiries and consult with the organization's media/communications team if possible.

Where possible, set a time for an interview rather than providing an immediate response. If unsure, ask the reporter to get in contact via e-mail with any questions. Answers via telephone could be taken out of context or misunderstood and additional time will allow for a measured, thoughtful and appropriate response to any enquiry received.

Mislead a journalist about giving an interview/briefing

If unable to talk about a case at a moment in time, say so. Schedule a time when an interview can be given or get the media/communications team to follow up at an appropriate time.

Forward e-mail chains from an organization's media relations team

As good practice, it is advised not to share e-mail discussions from inside the investigating organization.

3.3. Speaking with the media

When the time comes, speaking with the media can be daunting but it is worth remembering that it is an important role.

Speaking with the media provides a vital opportunity to share information about a match-fixing case with a wider audience and communicate information that may be of public interest.

Before exploring some ways of speaking with the media, it is important to understand the different formats that a media opportunity or interview may take. These include:

- Telephone/face-to-face interviews
- Press conferences
- Media roundtable or briefing

- Radio/TV interview (live or pre-recorded)
- Written release/statement
- Newspaper column
- Speeches/presentations or public meetings

It is important to prepare key message points in advance, ideally with a media/communications team. It is recommended that some time is set aside to prepare and rehearse talking points and questions in advance.

When speaking with any journalist, it is important to keep in mind that trust is an important factor and recognize that this relationship works both ways.

Investigators can provide valuable information for reporters. However, at the same time, it is important to note that investigators have a duty of care towards evidence within a case, as well as towards sources and whistle-blowers with whom they may be working during an investigation. If a particular request for information or for interview is made and it may compromise this information or evidence, due consideration should be given as to whether it is appropriate to continue the exchange.

3.4. Useful phrases

The next section provides some quick tips and techniques for speaking with the media.

On/off the record

A common phrase heard with regard to interviews that are normally in a one-to-one setting. Interviews can be a combination of on and off the record. However, be cautious with off-the-record statements and be aware of when recording devices are turned on and off. If you know something should not be published, don't mention it.

Not for attribution

A journalist may suggest referring to you as a source if you prefer not to have your name/organization alongside a particular statement, quote or comment. As above, caution is advised and this technique should only be used when appropriate and following consultation with your media/communications team that has an established relationship with the media.

Background

Used to explain historical or factual information around a case that helps the journalist understand what has happened previously. If appropriate and materials are approved by your line manager and the media/communications team beforehand, previous news stories, articles or documents can be shared with the journalist for further reading.

Some other useful tips:

Be confident, clear, concise

Audiences often remember impressions, not facts.

Preparation is key

Always prepare for interviews with the media/communications team:

- Research the audience—who does the outlet reach and who is the journalist?
- Research the material—know what you want to say
- Know the negatives—what would you least like to be asked?
- Anticipate the questions
- Rehearse

Be aware of the “angle” or “peg”

A story always has an angle and it should be clear what this is before conducting an interview. If preferred, answer any difficult questions in a written statement in advance of the interview. Also, if possible, ask the organization’s media/communications team to cover any controversial areas beforehand, particularly for broadcast interviews.

Focus

Switch off phones and maintain eye contact with the interviewer. For broadcast interviews, listen carefully to the interviewer’s introduction; this will set the tone.

Record your conversation

As a good habit, it is always useful to record an interview or briefing in case it needs to be referred back to at a later date.

Keep it simple

- Try to stick to three clear points
- Avoid jargon, which will confuse and be less accessible to the audience
- Don’t be afraid to repeat key points

Use examples

Statements should always be supported by valid and interesting facts.

Use the acknowledgement/action-bridging technique in response to difficult questions

- “That’s an interesting question ...” (acknowledge)
- “However, our recent figures show ...” (action)

Use holding phrases for difficult questions

- “That is part of an ongoing investigation so I cannot discuss the details but I can give you the context ...”
- “I don’t have the precise details about that case, but what I do know is ...”
- “That’s an interesting question, so let’s try to put it in perspective ...”
- “You’re quite right to ask me that but I think perhaps what is more relevant is ...”

Don't be pressured

Don't be pressured into divulging confidential information or speaking on behalf of someone else. Always focus on what you can contribute rather than surmising what others might think. Do say if you think you have gone as far as you can with a question.

Avoid prompts

Do not bring notes into a TV studio. For radio, if necessary, take a few simple bullet points.

3.5. Tips and techniques used within the media

As someone with access to information that is valuable to any news organization, it is important to understand some of the approaches employed by some journalists when working on a story or conducting an interview.

- *Contacting other colleagues*—in order to validate or receive further information, some reporters may contact colleagues or organizations that may be involved with a case.
- *Freedom of information requests*—particularly with regard to public authorities and government departments, reporters may submit freedom of information requests in order to obtain government information.
- *Sting operations and hidden cameras/microphones*—similar to tactics used by investigators and law enforcement agencies, this is a technique usually employed by investigative journalists.
- *Softening*—a tactic used by the media before an interview or when speaking over the phone. Charm and flattery can occasionally be used to extract additional information or quotes.
- *Leaving the camera, microphone or audio boom on after an interview*—this is a technique employed by many investigative journalists designed to capture off-the-record comments.
- *Perseverance*—occasionally, media organizations may regularly contact integrity officers or investigators in order to receive or validate information during a case.

4. Conclusion

As highlighted at the beginning of this annex, an effective and positive relationship with the media can be a powerful resource for any organization.

Alongside the techniques and best practice outlined, at the beginning of any new match-fixing case, it is recommended that investigators liaise with their media/communications team, if possible, and consider appointing a media/communications relations officer or assigning a consistent point of contact to handle media enquiries. This will ensure expert guidance on media matters and that the investigation is run as efficiently and effectively as possible.

With match-fixing reported on by journalists in many countries around the world, effective media relations is becoming essential for many investigators and integrity officers.

Ultimately, it is worth remembering that speaking with the media is an important role and public service, as well as a skill that takes patience and experience to master. By working with the media/communications team and reporters, an effective and positive relationship can be built with the media that can greatly enhance any match-fixing case.



Annex D. Case studies in the Resource Guide

Case study	Chapter/annex	Section and title	Page
Basketball referee provides inside information to professional gambler	Chapter I: Overview of match-fixing	B. What is match-fixing? 1. Definition approach	
European betting operator pays out on the result of a game in Belarus that never took place	Chapter I: Overview of match-fixing	B. What is match-fixing? 1. Definition approach	
Tennis player gets five-year ban for deliberately losing having been approached via Skype	Chapter I: Overview of match-fixing	B. What is match-fixing? 2. Typical circumstances	
Football club president banned for life for ordering his club to lose in a competition	Chapter I: Overview of match-fixing	B. What is match-fixing? 2. Typical circumstances	
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Annex E. Glossary

Balance of probabilities	Standard of proof most commonly used in sport regulatory investigations and disciplinary proceedings. Sports organizations have to provide evidence it is more likely than not that the offence occurred
Beyond reasonable doubt	Standard of proof in criminal proceedings. This requires a criminal prosecutor to produce clear and compelling evidence that there could be no reasonable doubt in the mind of a reasonable person that the defendant is guilty of the match-fixing offence
Comfortable satisfaction	Standard of proof unique to sport. Greater than a mere balance of probability but less than proof beyond a reasonable doubt. The Court of Arbitration for Sport recommends this standard of proof should be used by sports organizations for all cases of sporting corruption (which includes match-fixing)
Conflict of interest	Situation where an individual or the entity for which they work is confronted with choosing between the duties and demands of their position and their own private interests
Corruption	The abuse of entrusted power for private gain
Direct influencers	The players or match officials involved in the sporting event who fix that contest
Disruption	Actions by law enforcement agencies or sports bodies that prevent the fixing of a sporting event by disrupting the activities of those believed to be planning/taking part in the fix
Expert	A person who has been instructed to give or prepare expert evidence for the purpose of proceedings. The person should have relevant expertise, be impartial and their evidence must be reliable. An expert owes their duty to the court or sport disciplinary panel/tribunal
Expert evidence	Evidence relating to matters of a technical or scientific nature. This generally includes an expert's opinion
Illegal sport betting	Any sports betting activity whose type or operator is not allowed under the applicable law of the jurisdiction where the consumer is located
Indirect influencers	Third parties who can influence the environment where the sporting event is taking place (e.g. agents, sport club owners or organized criminals)

Information	Any raw data that may be relevant to corruption/malpractice in sport (e.g. names, addresses and telephone numbers)
Inside information	Information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant sport competition
Intelligence	Information compiled and analysed that anticipates, prevents and monitors corruption/malpractice in sport
Irregular sport betting	Any sports betting activity inconsistent with usual or anticipated patterns of the market in question
Law enforcement agency	A police force or any other agency performing a similar function
Match-fixing (match manipulation)	An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sport competition in order to remove all or part of the unpredictable nature of the aforementioned sport competition with a view to obtaining an undue advantage for oneself or for others
Open-source information	Information collected legally and ethically from publicly available sources. Such sources include social media, websites, newspapers, magazines, TV and radio
Prosecutor	A barrister, lawyer or other similarly qualified person who conducts the case against a defendant in a criminal court or sports disciplinary hearing
Sports organizations	Any organization that governs sport or one particular sport, and any person (of whatever legal form) who organizes sports events/competitions
Spot-fixing (micro manipulation)	Fixing specific elements of a sporting contest
Stakeholders	Any individuals, groups or organizations that have an interest in sport or a sport
Suspicious betting	Any sports betting activity that, according to reliable and consistent evidence, appears to be linked to a manipulation of the sports competition on which it is offered





UNODC

United Nations Office on Drugs and Crime

Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria
Tel.: [+43-1] 26060-0, Fax: [+43-1] 26060-5866, www.unodc.org