

IN THE MATTER OF PROCEEDINGS BROUGHT  
UNDER THE ACB ANTI-CORRUPTION CODE

B/w  
THE AFGHANISTAN CRICKET BOARD  
And  
MR SHAFIQULLAH SHAFaq

**Decision pursuant to Article 5.1.12 of the ACB Anti-Corruption Code**

**Introduction:**

1. Afghanistan Cricket Board (the "ACB") which is affiliated as full member to the International Cricket Council (the "ICC") is the governing body for the game of cricket in Afghanistan and as such is responsible for the development, co-ordination, regulation and integrity of cricket in Afghanistan.
2. As part of its continuing efforts to maintain the integrity, public image and popularity of cricket in Afghanistan, the ACB has adopted and implemented the ACB domestic Anti-Corruption Code for Participants (the "Code"), which sets out the framework of rules designed to provide: (a) an effective means to deter any Participant from engaging in any form of corrupt conduct; and (b) a robust disciplinary procedure pursuant to which all matters of corrupt conduct can be dealt with fairly, efficiently, and expeditiously<sup>1</sup>.
3. Shafiqullah Shafaq is Afghanistan national team senior player who has played domestic and international games of cricket for Afghanistan.

**Status as a Participant bound by the Code:**

4. Through Shafiqullah Shafaq's position as Afghanistan National team central contracted player since [2009], he constitutes a Participant for the purposes of the Code. As such, he was automatically bound by the code and agreed, among other things: (1) to comply with the Code; (2) not to engage in conduct that would constitute a breach of the Code and to comply with the requirements of the Code; and (3) to submit to the exclusive jurisdiction of ACB to investigate apparent or suspected corrupt conduct that would amount to a violation of the Code.

**Summary of relevant background facts:**

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<sup>1</sup> Unless otherwise indicated in this decision, capitalized terms are defined terms and their respective definitions are set out in the code.



5. In around October 2018, Mr. Shafiqullah Shafaq met with an individual he had known for the previous 8 years, a friend, (Mr. X). During this meeting, Mr X asked Mr Shafiqullah Shafaq whether they could “do some work together” in the APL 2018, with the reference to “work” being a request to assist with the fixing of a few matches in the APL 2018 (the “APL”).
6. In particular, Shafiqullah Shafaq agreed to Mr X’s request, namely he agreed to the approach to “do some work together”.
7. During the meeting, Mr X made an offer to Shafiqullah Shafaq of an undefined cash amount in order for Mr Shafaq to fix matches for him.
8. Mr X and Mr Shafiqullah Shafaq continuously met each other, with Mr X insisting to Mr Shafaq that he “fix matches for him as soon as possible”.
9. Mr Shafiqullah Shafaq did not report any of the invitations he received from Mr X to meet with him or to offer him hospitality to the Designated Anti-Corruption Official or any other Anti-Corruption authority on time.
10. Mr. Shafiqullah Shafaq did not disclose details of any of the meetings he had with Mr X to the Designated Anti-Corruption Official in which Mr X asked him to engage in corrupt conduct under the Code on time.
11. In addition, in around September 2019, Mr. Shafiqullah Shafaq met an individual, Mr Y, who claimed that he wanted to own a team in APL 2019 and therefore wanted to meet Shafiqullah.
12. During this meeting, Mr Shafiqullah Shafaq was told by Mr Y “he will own a team for APL 2019, and we are going to assign you as captain of the Team”. Mr Y then asked Mr Shafiqullah Shafaq whether he could “do some work together” in the upcoming APL 2019, with the reference to “work” being a request to assist with the fixing of a few matches in the APL 2019. In addition, Mr Shafiqullah Shafaq was requested by Mr Y to introduce players for the team that will cooperate you fixing in the APL 2019.
13. Mr Shafiqullah Shafaq agreed to Mr Y’s request to fix matches in APL 2019, although the APL 2019 was later canceled by the ACB.
14. During the meeting, Mr. Y offered Mr Shafiqullah Shafaq effectively a cheque, i.e. giving Mr Shafiqullah Shafaq the choice as to how much money he wanted to fix matches.
15. Mr. Shafiqullah Shafaq did not disclose details of any of his meetings with Mr Y or any of the approaches he received from Mr Y to the Designated Anti-Corruption Official on time.
16. During the Bangladesh Premier League 2019 (“BPL”) (played between 11 December 2019 and 17 January 2020), Mr Shafiqullah Shafaq was contacted via WhatsApp on 1<sup>st</sup> January 2020 by an unknown individual (Mr Z), who told him that “your Teammate [Player A] has received \$5,000



cash and an iPhone11 from us.” Mr Z then told Mr Shafaq to speak to Player A and tell him to contact Mr Z.

17. Mr Shafaq spoke to Player A and told him that he had also received an offer of \$5,000 to engage in corrupt conduct at the BPL. Player A told him that he had reported the approach he had received to the anti-corruption authorities.
18. The following day (2nd January 2020), Mr Shafaq received a further WhatsApp message from Mr Z, in which Mr Z told him to tell Player A that they would pay Player A \$5,000 if he did not play in that day’s match between Sylhet and Camilla Warriors, and they would pay Mr Shafaq the same if he passed the message on to Player A. Mr Shafaq did pass the message on to Player A in advance of that day’s game. Mr Shafaq did not disclose details of any of his contact with Mr Z to the Designated Anti-Corruption Official on time.
19. On 4 February 2020, Mr Shafiqullah Shafaq was interviewed by the ACB’s Designated Anti-Corruption Official. In this interview, the above facts were put to him following which he admitted receiving the approaches referred to above, and he admitted that he had not reported any of those approaches to the Designated Anti-Corruption Official, in breach of the Code.

#### **Relevant Provisions of the Code:**

#### **20. Code article 2.1.1 makes the following an offence**

“Fixing or contriving in any way or otherwise influencing improperly, or being a party to any agreement or effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any *Domestic Match*, including (without limitation) by deliberately underperforming therein.”

#### **21. Code article 2.1.3 makes the following an offence:**

“Seeking, accepting, offering or agreeing to accept any bribe or other Reward to (a) fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any Domestic Match...”

#### **22. Code article 2.1.4 makes the following an offence:**

“– Attempting to solicit, induce, entice, persuade, encourage or intentionally facilitate a Participant to breach Article 2.1.”

#### **23. Code article 2.4.4 makes the following an offence:**



“Failing to disclose to the Designated Anti-Corruption Official (without unnecessary delay) full details of any approaches or invitations received by a Participant to engage in Corrupt Conduct under this Anti-Corruption Code.”

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

#### **Jurisdiction over the BPL allegations**

25. Pursuant to Code Article 1.7.4.4, the Bangladesh Cricket Board and the ACB have agreed that, in light of the fact that the alleged Corrupt Conduct involving Mr Shafaq relates to both Domestic Matches under the ACB’s jurisdiction (in respect of the APL) and the BCB’s jurisdiction (in respect of the BPL) and that the allegations arose out of an ACB investigation, it is more appropriate for the ACB to take action against Mr Shafaq in respect of all the allegations pursuant to the ACB’s Code. As such, pursuant to Code Article 1.8, all references to Domestic Match in the Code and in this Decision are extended to include references to the relevant BPL matches at issue in this investigation.

#### **Disciplinary Proceedings:**

26. On the basis of the evidence obtained through its investigations, and the admissions made by Mr Shafiqullah Shafaq to the Designated Anti-Corruption Official and set out above, on 10<sup>th</sup> February 2020, the ACB ACU charged Mr Shafiqullah Shafaq with breaches of Code Articles 2.1.1 (on the basis that he contrived, or was party to an agreement or effort to fix or contrive or otherwise influence improperly, the result, progress conduct or any other aspect of matches in APL 2018 & 2019), 2.1.3 (on the basis that he attempted to agree to accept any bribe or other Reward to fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any APL 2018 & 2019), 2.1.4 (on the basis that he attempted to solicit, induce, entice, persuade, encourage or intentionally facilitate a Participant to breach Article 2.1 (in respect of the BPL), and 2.4.4 (on the basis he failed to disclose the approaches or invitations that he received from Mr X, Mr Y and Mr Z to be a party to an agreement or effort to fix matches).<sup>2</sup>
27. In response to the charge, Mr Shafiqullah Shafaq formally admitted that he had breached Code Articles 2.1.1, 2.1.3, 2.1.4 and 2.4.4 ,therefore waived his right to hearing before the Anti-Corruption Tribunal.

<sup>2</sup> The notice of charge provided Mr Shafiqullah Shafaq with a period of 14 days in which to respond to the charges. It further advised him that if he failed to respond within that 14 day period, he would be deemed to have admitted the breaches with which he was charged. Additionally, pursuant to the notice of charge, Mr Shafiqullah Shafaq was advised that he would be provisionally suspended as from 24 February 2020 pending resolution of the charges against him.



28. This decision is issued pursuant to Code Article 5.1.12 and sets out the Sanction proposed by the ACB ACU and accepted by Mr Shafiqullah Shafaq for his admitted breaches of Code Articles 2.1.1, 2.1.3, 2.1.4, and 2.4.4.

**Agreed Sanction:**

29. Code Article 6.2 stipulates that the range of permissible sanctions for breach of Code Articles 2.1.1 2.1.3 and 2.1.4 is period of ineligibility of at least five (5) years up to a maximum of lifetime, and, in respect of Code Article 2.4.4 a period of ineligibility of at least six (6) months and a maximum five years.
30. Code Article 6.1 sets out the relevant factors that the Anti-Corruption Tribunal would be required to consider in determining the relative seriousness of the Offence and thereby arriving at an appropriate Sanction within that range.
31. It is acknowledged by the ACB ACU that any Sanction imposed must be proportionate. In considering what is proportionate, the ACB is entitled to weigh against the impact of a ban on Mr Shafiqullah Shafaq the importance of the objectives underlying the Code, the seriousness of the particular breach of Code by Mr Shafiqullah Shafaq, the need to deter others from similar wrongdoing, the need to protect the image of sport, and (above all else) the need to maintain public confidence in the determination of the sport of cricket to stamp out corruption.
32. The ACB notes that in order to seek to be adequately and effectively protect the sport of cricket against the threat of corruption, it is of paramount importance that Participants do not engage in any form of corrupt conduct under the Code and immediately report any approaches or invitations or other information which comes to light which suggests potential corrupt conduct under the Code.
33. Relevant aggravating factors in Mr. Shafiqullah Shafaq's case including the following:
- 33.1. The fact that Article 2.2.1, 2.1.3 and 2.1.4 offences had the potential to substantially damage the commercial value and public interest in relevant Domestic League, i.e. the APL.
- 33.2. The fact that the Article 2.1.1, 2.1.3 and 2.1.4 offences had the potential to effect the result of the relevant domestic league matches.
34. Relevant mitigating factors in Mr. Shafiqullah Shafaq's case including the following:
- 31.1. Mr Shafiqullah Shafaq's prompt admission of his breaches during his interview with the ACB ACU. As well as his prompt admission following receipt of the notice of charge:



- 30.2. Mr Shafiqullah Shafaq's full cooperation with the ACB ACU's investigation;
- 30.3. Mr Shafiqullah Shafaq's good previous disciplinary record;
35. The ACB has considered all of the circumstances of this case, including giving Mr Shafaq credit for agreeing an outcome that avoids the need for a hearing and so saves considerable time, and has considered relevant precedents. In light of this, the ACB considers that a period of ineligibility of 6 years is reasonable and proportionate.
36. In coming to this sanction, that ACB has taken into account Code Article 6.2.3 which provides that where a Participant is found guilty of committing two offences in relation to the same incident or set of facts, any multiple periods of ineligibility imposed should run concurrently, not cumulatively
37. Mr Shafiqullah has agreed to this sanction and the terms set out herein. As such, a period of ineligibility of six (6) years is imposed.
38. In accordance with Code Article 6.4, Mr Shafaq's period of ineligibility shall commence on the date of this decision. Credit will be given for the period of provisional suspension served by Mr Shafiqullah Shafaq from 24 February 2020 to the date of this decision.
39. During his period of ineligibility, Mr Shafiqullah Shafaq's status is as set out in Code Article 6.5. This provides:
- "No participant who has been declared ineligible may during the period of ineligibility, play, coach, officiate or otherwise participate or be involved in any capacity in any match or any other kind of function, event or activity (other than authorized Anti-Corruption education or rehabilitation programs) that is authorized, organized, sanctioned, recognized or supported in any way by the ACB, a National cricket federation, or any member under the jurisdiction of a national cricket federation, or receive accreditation to provide media or other services at an official venue or match. National Cricket Federations shall take all reasonable steps within their powers to give effect to this Article 6.5 to the extent that they have the jurisdiction, power or ability to do so."
40. In accordance with Code Article 7.2 neither Mr Shafiqullah Shafaq nor the ACB shall have any right of appeal against this decision.

### Conclusion

#### 41. To summarise:

- 41.1. Mr Shafiqullah Shafaq admits that he has committed breaches of Code Article 2.1.1, 2.1.3, 2.1.4 and 2.4.4.



- 41.2. A period of ineligibility of six (6) years is imposed pursuant to Code Article 6.2, commencing on the date of this decision, with credit being given for the provisional suspension served by Mr Shafiqullah Shafaq since 24 February 2020. Mr Shafiqullah Shafaq's period of ineligibility will therefore expire at the midnight on 23 February 2026.
- 41.3. Mr Shafiqullah Shafaq's status during the period of ineligibility is as set out in Code Article 6.5.
- 41.4. This decision constitutes the final decision of the ACB in this matter. In accordance with Code Article 8.2, this decision will be disclosed publicly, including on the ACB's website.
- 41.5. There is no need for any further hearing in these proceedings, which are hereby terminated.



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**Lutfullah Stanikzai**  
**Chief Executive**  
**Afghanistan Cricket Board**

  


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**Farhan Yusefzai**  
**Chairman**  
**Afghanistan Cricket Board**

