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A large, out-of-focus crowd of people with their hands raised in the air, suggesting a sports event or a large gathering. The image is used as a background for the title.

# INVESTIGATION OF CASES OF COMPETITION MANIPULATION: A PRACTICAL GUIDE

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UNITED NATIONS OFFICE ON DRUGS AND CRIME

# Investigation of Cases of Competition Manipulation: A Practical Guide



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## TABLE OF CONTENTS

<b>1. INTRODUCTION</b>	<b>6</b>
1.1 Why competition manipulation investigations are important	7
1.2 Target audience	7
1.3 Aim of the guide	7
1.4 How to use the guide	8
<b>2. UNDERSTANDING COMPETITION MANIPULATION</b>	<b>9</b>
2.1 What is competition manipulation?	10
2.2 Types of competition manipulation	10
<b>3. KEY CONSIDERATIONS FOR INVESTIGATING COMPETITION MANIPULATION</b>	<b>14</b>
3.1 Purpose of an investigation into alleged competition manipulation	15
3.2 Issues to be considered when launching an investigation into competition manipulation	15
3.3 Relationship between criminal justice-led investigations and sport organization-led investigations	15
3.3.1 Benefits of sport organization-led investigations to criminal justice-led investigations	16
3.3.2 Benefits of criminal justice-led investigations to sport organization-led investigations	16
3.4 Ethical principles relevant to competition manipulation investigations	16
3.5 Proactive and reactive investigations	17
3.6 Burden of proof	18
3.7 Standards of proof	18
3.8 Relevant laws and regulations related to the investigation of competition manipulation	19
3.8.1 National criminal law	19
3.8.2 Sport regulations	20
3.9 Media and communication	21
<b>4. INVESTIGATION OF COMPETITION MANIPULATION</b>	<b>23</b>
4.1 Decisions on instigating an investigation into competition manipulation	24
4.1.1 Instigating a criminal investigation	24
4.1.2 Instigating a sports investigation	25
4.2 Challenges related to conducting competition manipulation investigations	26
4.3 Steps to conducting an effective investigation	26
4.3.1 Initial assessment/seek further information	27
4.3.2 Legislation/regulations and powers	27
4.3.3 Risk management	27
4.4 Selection of the investigation team and assigning roles	28
4.4.1 Investigation manager	28
4.4.2 Role of the prosecutor	28
4.4.3 Role of team members and specialized investigators	29
4.5 Case management of competition manipulation investigations	29
4.5.1 Evidence	30
4.5.2 Exhibits	33
4.5.3. Information management, confidentiality, and sharing	34
4.5.4 Intelligence	36

4.6 Coordination of criminal and sports investigations	38
4.6.1 Stakeholders and partners: sport	40
4.6.2 Stakeholders and partners: law enforcement	41
4.6.3 Gambling regulators	42
4.6.4 Betting experts	43
4.6.5 Sport betting entities	44
4.6.6 Competition analysis	44
4.6.7 External stakeholders and partners	45
4.6.8 information-sharing mechanisms relevant to criminal justice authorities	45
4.7 Data protection	47
<b>5. INVESTIGATIVE TECHNIQUES AND APPROACHES TO CASES OF COMPETITION MANIPULATION</b>	<b>49</b>
5.1 Identifying persons of interest	50
5.2 Choosing investigative methods	52
5.2.1 Rights of targets of investigations and culture of surveillance	52
5.2.2 Integrity Testing	53
5.2.3 Rights of suspects and managing reporting person	54
5.2.4 Betting-related sources	55
5.2.5 Use of digital evidence	57
<b>6. CONCLUSION OF THE INVESTIGATION</b>	<b>58</b>
6.1 Factors to consider in concluding an investigation	59
6.1.1 Liaising with other stakeholders	59
6.1.2 Investigation debriefs: law enforcement and sports bodies	59
6.1.3 Freezing, seizure and confiscation	60
<b>7. ANNEXES</b>	<b>61</b>
Annex I – Risk involved in competition manipulation investigations	62
Annex II – Examples of types of sports bets	63
Annex III – Investigation log and tips for completing the investigation log	64
Annex VII – Preliminary investigation report template	67
Annex VIII – Investigation report template	68

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# 1. INTRODUCTION





## 1.1 Why competition manipulation investigations are important

The exponential growth of the sports business market, extensive media coverage and the global growth of real-time online betting have created an environment in which many individuals and organizations have a direct or indirect financial interest in the course or the outcome of sports competitions. Such an environment can incentivise those seeking to exploit sport for illicit gain.

The nature of competition manipulation involves criminal acts that are not unique to sport, including fraud and money-laundering as well as the involvement of organized crime. It is viewed as an attractive area to infiltrate because of the opportunity to make large profits<sup>1</sup> with limited risk of detection and sanction as a result of a lack or non-uniformity of laws and regulations around the world.<sup>2</sup>

The implication is that sports organizations cannot deal with this issue on their own and cooperation with law enforcement agencies and criminal justice authorities can only strengthen the fight against competition manipulation. Sport organizations only have the power to take disciplinary measures, while criminal justice authorities and law enforcement agencies have a wider range of measures at their disposal.

Because of the complex and transnational nature of competition manipulation, the investigation of offences can be challenging for a wide range of stakeholders and jurisdictions. Effective and timely investigations play a crucial role in prevention strategies. At the same time, the failure to investigate or ineffective investigations can embolden would-be offenders.

At the national, regional and international levels, there is growing recognition that more needs to be done to tackle these threats effectively, including the allocation of more resources. This has been highlighted at the international level, including by the Conference of the States Parties (the main policymaking body of the United Nations Convention against Corruption), the General Assembly and the Group of 20 Anti-Corruption Working Group, and by the entry into force on 1 September 2019 of the Council of Europe Convention on the Manipulation of Sports Competitions, the only legally binding international instrument solely dealing with the issue of competition manipulation.

## 1.2 Target audience

The guide has been developed to better inform and guide investigators and other practitioners and policymakers in instituting and conducting criminal or sports disciplinary investigations into suspected cases of competition manipulation. Specifically, it caters to:

- Officials from relevant criminal justice authorities, including prosecutors, law enforcement agencies and anti-corruption authorities
- Officials undertaking, supporting or involved in sports disciplinary investigations, including single points of contact, who are individuals designated by their sports federation or organization to act on all matters related to competition manipulation within international sports federations, national Olympic committees and national sports federations. It is also targeted at organizers of multi-sports events.

This guide can also be used by a wider range of stakeholders, including all those who are working to safeguard the integrity of sports competitions.

## 1.3 Aim of the guide

This guide is aimed at strengthening the capacity of relevant stakeholders to conduct effective and efficient investigations into allegations of competition manipulation. It seeks to do this by functioning as a practical tool to support those tasked with conducting criminal or sports disciplinary investigations into suspected cases of competition manipulation.

The guide complements and can be read in conjunction with the following publications:

- United Nations Office of Drugs and Crime (UNODC), *Global Report on Corruption in Sport*<sup>3</sup>

<sup>1</sup> Sportradar Integrity Services estimates that around 165 million euros was generated in match-fixing profits in 2021 – Sportradar, “Betting Corruption and Match-Fixing in 2021: A Review by Sportradar Integrity Services” (2022).

<sup>2</sup> In the report by the United Nations Office on Drugs and Crime (UNODC) and the International Olympic Committee (IOC) entitled *Criminalization approaches to combat match-fixing and illegal/irregular betting: a global perspective* (Lausanne and Vienna, 2013), it is stated that “the large number of substantial loopholes in the offences established in the legislation of many countries seriously hamper the efforts of law enforcement agencies and judicial authorities to combat match-fixing at the national, and even more so, at the international level.” (p.14).

<sup>3</sup> UNODC, *Global Report on Corruption in Sport* (Vienna, 2021), available [here](#).

- UNODC and International Olympic Committee (IOC), *Legal Approaches to Tackling the Manipulations of Sports Competitions*<sup>4</sup>
- UNODC and IOC, *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation*<sup>5</sup>
- International Criminal Police Organization (INTERPOL) and IOC, *Handbook on Protecting Sport from Competition Manipulation*<sup>6</sup>
- UNODC and International Centre for Sports Security, *Resource Guide on Good Practices in the Investigation of Match-Fixing*<sup>7</sup>

These publications provide a thorough review of the context, scale and practice of competition manipulation. They also provide officials from relevant criminal justice authorities, sports organizations and other relevant bodies with the necessary practical tools and approaches to help combat the problem.

Understanding of the challenges posed by and solutions related to the investigation of competition manipulation is constantly evolving. This guide draws on the lessons learned from past competition manipulation cases and uses these to illustrate and support the guidance provided with relevant examples and case studies.

This guide is structured in accordance with the key investigative strategies and the essential steps for conducting effective investigations. The guidance provided throughout is based on a combination of open-source research and international good practice.

## 1.4 How to use the guide

This guide is focused on the investigation of competition manipulation. However, given its strong links to corruption in general, it should be read in conjunction with the UNODC publication entitled *Investigation of Corruption Cases: A Basic Practical Guide*. This will give readers a broad understanding of how to investigate corruption and will allow for the development of synergies and related capacities.

<sup>4</sup> UNODC and IOC, *Legal Approaches to Tackling the Manipulations of Sports Competitions* (Vienna, 2021), available [here](#).

<sup>5</sup> UNODC and IOC, *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation* (Vienna, 2019), available [here](#).

<sup>6</sup> INTERPOL and IOC, *Handbook on Protecting Sport from Competition Manipulation* (Lausanne, 2016), available [here](#).

<sup>7</sup> UNODC and International Centre for Sports Security, *Resource Guide on Good Practices in the Investigation of Match-Fixing* (New York, 2016), available [here](#).



## 2. UNDERSTANDING COMPETITION MANIPULATION

## 2.1 What is competition manipulation?

Competition manipulation is defined in the Council of Europe Convention on the Manipulation of Sport Competitions as “an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of the aforementioned sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue benefit for oneself or for others.”<sup>8</sup>

It can also include actions by athletes and other sport competition stakeholders, such as betting on their own sport, sharing insider information and failing to report other breaches of the Olympic Movement Code on the Prevention of the Manipulation of Competitions.

Various actors with a range of motivations can be involved in an act of competition manipulation. Generally, it cannot occur without the cooperation of those who are active on or around the field of play. They may be athletes, referees, managers, coaches, technical staff and club or sport association management. They may also include side-line actors, such as family members and friends, who may be just as eager to participate in an act of competition manipulation or may be coerced into doing so. Opportunistic individuals may also be involved: those who use their connections and knowledge in sport (e.g. former athletes) to approach athletes to manipulate a competition. These actors are often not the source of the manipulation but are merely conduits in the process who can be replaced when their usefulness or influence is exhausted.

A growing concern is that would-be corruptors are increasingly approaching athletes directly through social-media platforms to influence them to engage in competition manipulation and betting-related activities on manipulated matches.<sup>9</sup> Another form of manipulation is when athletes deliberately underperform to avoid specific opponents during qualifying stages of a tournament to improve their chances of advancement. In addition, in some investigated cases, former athletes were identified as the main organizers of competition manipulation, displaying a remarkable capability to recruit other athletes and engaging in betting-related activities on manipulated matches.

Organized crime groups are increasingly involved in competition manipulation, both directly and indirectly. This activity may include acquiring sports organizations for the purpose of using them to control the performance of players and athletes through coercion and intimidation.

Another concern is the existence of ghost games, fake games<sup>10</sup> and sports events that fall outside of the remit of sport governing bodies and international federations and that are offered on betting markets. The risk of competition manipulation posed by these games and events has been exacerbated by the imposition of restrictions relating to the coronavirus disease (COVID-19) in order to fill the void created by the lack of official sports events.

The United Lotteries for Integrity in Sport reported a significant increase in red alerts in 2019 and 2020, as operators looked for options to offer markets in a greater number of less well-known and/or obscure competitions, given the large-scale suspension of larger competitions as a result of the coronavirus disease (COVID-19). Some of these competitions may have simply been fabricated for betting-motivated reasons.

## 2.2 Types of competition manipulation

There are two principal types of competition manipulation, namely:<sup>11</sup>

### a). Betting-related competition manipulation

Betting-related competition manipulation exists when competitions are manipulated to make illicit financial gains using legal or illegal sports betting platforms, or a combination of both. It often involves persons with no formal relationship with a given sports organization, who share a proportion of the profit with those connected to the sport who manipulate the competition on the field of play, whom they have corrupted to influence the outcome or course of a sporting competition.

Alternatively, this type of competition manipulation can be organized and controlled by players and athletes who either place the bets themselves or persuade others to do so on their behalf. Betting-related competition manipulation can also be linked to other forms of criminal activity, including money-laundering, trafficking in persons, tax evasion, physical

<sup>8</sup> Council of Europe, *Convention on the Manipulation of Sport Competitions* (2020), Art. 3.4

<sup>9</sup> Sportradar, “Match fixing on the rise as global sports betting turnover surpasses €1.45 trillion for the first time”, 3 March 2022, available [here](#).

<sup>10</sup> “A ghost game is a match that simply does not take place as stated, and is falsely advertised to bookmakers, punters and the public in order to achieve profit from the betting markets, with the perpetrators having advanced knowledge of the final score, which they have decided” – Sportradar, “Ghost Games: An Explanation” (2020), p.3.

<sup>11</sup> UNODC, *Global Report on Corruption in Sport* (Vienna, 2021).

intimidation and violence, fraud, bribery and extortion. It also serves as a means for organized criminal groups to raise capital to undertake other more lucrative and serious crimes.

When betting related to competition manipulation is carried out on legal betting markets, or in countries that have strong and effective regulations, it is easier for investigators to obtain data and evidence from transactions. This is because licenced betting operators are subject to defined standards in terms of transparency and betting integrity.

#### b). Sporting-related competition manipulation

Competition manipulation can also be primarily motivated by sporting purposes (e.g. a game is manipulated so that a team will not be relegated from a league). The investigation of sporting-related competition manipulation is more challenging because it is more difficult to gather relevant evidence, such as proof of betting, and to prove that a disciplinary offence has taken place.

#### CASE STUDY: COMPETITION MANIPULATION FOR SPORTS-RELATED PURPOSES

During the women's badminton tournament at the London 2012 Summer Olympics, eight women (four women's doubles pairs) were disqualified after a Badminton World Federation panel found that the players were "not using one's best efforts to win a match" and were "conducting oneself in a manner that is clearly abusive or detrimental to the sport."

A decision of the Badminton World Federation also resulted in the removal of the top-seeded pairs from the teams of China, Indonesia and the Republic of Korea.

Source: Peter Walker and Tania Branigan, "Badminton's world governing body apologises after players are disqualified", The Guardian, 1 August 2012.

The manipulation of a sports competition can be broken down into six distinct stages, depending on whether the act of manipulation is sports related or betting related. Each stage is an area of focus for an investigation and will have various evidence-gathering opportunities associated with it.

SIX STAGES OF COMPETITION MANIPULATION				
Stage	Actions	Aim: betting related or sporting related	Indicative sources of evidence	Key considerations
1. Intention	<ul style="list-style-type: none"> <li>Becoming motivated</li> <li>Conceptualizing</li> <li>Making the conscious decision to deliberately engage in competition manipulation</li> </ul>	Both	<ul style="list-style-type: none"> <li>Reporting persons</li> <li>Informants</li> <li>Witnesses</li> <li>Digital (phone/ electronic device analysis)</li> </ul>	<ul style="list-style-type: none"> <li>Individuals/entities that stand to gain an undue advantage by manipulating a competition</li> <li>Manipulation method</li> <li>Athletes or support personnel who can unfairly influence the outcome or course of a competition</li> </ul>
2. Planning	<ul style="list-style-type: none"> <li>Preparations/ making arrangements</li> <li>Identifying means/ opportunities</li> <li>Infiltration</li> <li>Conspiring and organizing the act of competition manipulation</li> </ul>	Both	<ul style="list-style-type: none"> <li>Reporting persons</li> <li>Informants</li> <li>Witnesses</li> <li>Digital (phone/ device analysis)</li> <li>Surveillance</li> <li>Wiretaps</li> </ul>	<ul style="list-style-type: none"> <li>Individuals/entities who stand to gain an undue advantage</li> <li>Manipulation method</li> <li>Athlete support personnel who can unfairly influence the course or outcome of a competition</li> <li>Improper decision-making or application of sporting rules by competition official(s) prior to or during the competition</li> </ul>

3. Attempt	<ul style="list-style-type: none"> <li>Direct physical actions aimed at executing the act of competition manipulation (may include a trial attempt or actual attempt that, if not stopped, would result in successful execution)</li> </ul>	Both	<ul style="list-style-type: none"> <li>Reporting persons</li> <li>Informants</li> <li>Witnesses</li> <li>Digital (phone/electronic device analysis)</li> <li>Surveillance</li> <li>Match analysis</li> </ul>	<ul style="list-style-type: none"> <li>The undue advantage that individuals/entities stand to gain</li> <li>Manipulation method</li> <li>Athlete support personnel who can unfairly influence the natural course of an event prior to or during the event</li> <li>Improper decision-making or application of sporting rules by competition official(s) prior to or during the event</li> </ul>
4. Placing a bet	<ul style="list-style-type: none"> <li>Aimed at making money by manipulating betting markets</li> </ul>	Betting related	<ul style="list-style-type: none"> <li>Reporting persons</li> <li>Informants</li> <li>Witnesses</li> <li>Digital (phone/electronic device analysis)</li> <li>Closed-circuit-television footage</li> <li>Financial records</li> <li>Identification documents (passports, identification cards, driving licences, utility bills, etc.)</li> <li>Surveillance information from betting entities</li> </ul>	<ul style="list-style-type: none"> <li>The timing of the bet placement</li> <li>The bet placement relating to and the execution of the manipulation may occur in different jurisdictions and involve different parties</li> <li>The nature of the bet placement (for example, if it involves a combination of suspicious bets)</li> <li>Bookmakers affected</li> <li>It will require effective communication between the manipulators and the bettors to avoid detection</li> <li>May be an evidence source. However, many licenced betting operators have in place data protection requirements that prohibit them from sharing data with other private entities (such as sports governing bodies) and may only be able to share betting data through a regulatory authority</li> </ul>
5. Execution	<ul style="list-style-type: none"> <li>Physical, direct actions aimed at ensuring that the competition manipulation takes place as planned and ensuring that the actions are undetected by the betting industry, betting monitoring companies, national and international regulatory bodies and criminal justice authorities</li> </ul>	Both	<ul style="list-style-type: none"> <li>Reporting persons</li> <li>Informants</li> <li>Witnesses</li> <li>Digital (phone/electronic device analysis)</li> <li>Match analysis</li> <li>Betting monitoring reports</li> <li>Information from betting entities</li> </ul>	<ul style="list-style-type: none"> <li>Analysis of on-field action as it relates to the betting transaction</li> <li>Improper decision-making or application of sporting rules by competition official(s) prior to or during the event</li> <li>Athletes and/or officials who can influence the natural run of play</li> </ul>
6. Collecting	<ul style="list-style-type: none"> <li>Collecting the winnings and ensuring that the transactions are undetected by the betting industry, betting monitoring companies, any national regulatory body and criminal justice authorities</li> </ul>	Betting related	<ul style="list-style-type: none"> <li>Reporting persons</li> <li>Informants</li> <li>Witnesses</li> <li>Digital (phone/device analysis)</li> <li>Closed-circuit television footage</li> <li>Match analysis</li> <li>Financial records</li> <li>Betting monitoring reports</li> <li>Information from betting entities</li> </ul>	<ul style="list-style-type: none"> <li>How winnings were collected: in person or by remittance</li> <li>Any specific betting or bank account</li> </ul>

Note: The stages may differ in terms of chronology and priority depending on whether the manipulation is inside or external to the sporting event.



Stages 4 and 6 involve interacting with betting entities that are well placed to provide information relating to competition manipulation under certain conditions. In stage 4, the placing a bet stage, while individuals may place bets anonymously, there is a possibility that account information would be available to the betting entity that processed the bets. In addition, a voice recording or closed-circuit-television footage of the suspect(s) placing the bets may exist and be available from the same betting entity.

If online betting platforms are used, it may be possible for investigators from criminal justice authorities to track down the unique Internet protocol address that was used. This, in turn, will provide evidence of the specific digital device used. However, it should be noted that criminals and persons involved in corruption are reportedly stealing identities or misusing personal details belonging to third parties to place bets in order to further hide their identity. Criminals may also use virtual private networks (VPNs) to hide their online betting operations. In addition, many betting sites now accept cryptocurrencies as a form of payment and, when also combined with cryptocurrency mixing services, this presents new challenges<sup>12</sup> to investigations of cases of competition manipulation.

Evidence gathering opportunities may also exist with third-party financial entities such as banks and payment providers, which may hold relevant information regarding the identity of customers who make deposits into and withdrawals from the betting accounts that are used to place suspicious bets.

At stage 5, the execution stage, if the act of competition manipulation is motivated by betting, the timing of the bet placement will be important information to ascertain. This is because there will be a correlation between the time the bets were placed and the on-field action in the competition associated with the suspicious betting transaction.

At stage 6, the collecting stage, if the course and/or the result of a competition has been successfully manipulated, the winnings will need to be collected either in person or by remittance to a specific account. This may leave a trace of relevant information about the details of that transaction with the betting entity.

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<sup>12</sup> For more information on new challenges, see Asian Racing Federation, "A report on blockchain and cryptocurrencies in illegal betting" (May 2021) and Word Lottery Association, "Blockchain and cryptocurrencies in lotteries and gaming," 2021.



### 3. KEY CONSIDERATIONS FOR INVESTIGATING COMPETITION MANIPULATION

There are four key considerations associated with competition manipulation investigations, namely:

- The purpose of the investigation into alleged competition manipulation
- Issues to be considered when launching an investigation into alleged competition manipulation
- Relationships between a criminal justice-led investigation and a sport organization-led investigation
- Ethical principles relevant to competition manipulation investigations

### 3.1 Purpose of an investigation into alleged competition manipulation

The purpose of an investigation is to examine the relevant incident or actions systematically and robustly to establish if a breach of legislation or sport regulations, or both, has occurred or has been attempted. It is not the function of the investigation to decide guilt or innocence.

For this, it is necessary to gather, validate and preserve information and evidence that will help to establish facts and support decision-making. Information derived from investigations is used to inform decision-making in sports disciplinary hearings or criminal prosecutions, and should be conducted in accordance with relevant laws, regulations, rules, policies and procedures.

### 3.2 Issues to be considered when launching an investigation into competition manipulation

There are several high-level issues an organization should consider when launching an investigation into competition manipulation, including the following:

- Investigations are not a cost-free tool for sports organizations or law enforcement authorities
- Early dialogue between law enforcement authorities and sport organizations is important to agree on a way forward to achieve a mutually beneficial outcome, especially in terms of the type of investigation that is launched (i.e. whether it is a sports led disciplinary investigation or a criminal justice led investigation) and in the case of two types of investigation, whether or not they should be carried out in parallel.
- Investigations can have a significant impact on the wider sports community and on victims and witnesses
- An investigation may cause disruption to individuals, organizations, events and competitions while it pursues its objectives
- It should be considered whether an investigation can or should seek to maintain the anonymity of potential witnesses and/or reporting persons
- An investigation can fail to meet its objectives for a variety of reasons, including a lack of resources, weak investigative skills, a lack of information-gathering systems and inefficient intelligence sharing. The function of an investigation is to gather, validate and preserve information and evidence and ensure that this information and evidence meet the relevant standard of proof
- If the investigation is transnational in nature, cross-border, information-sharing issues must be considered

### 3.3 Relationship between criminal justice-led investigations and sport organization-led investigations

The sports disciplinary framework and the criminal justice system can be complementary. Sports bodies have jurisdiction over sports disciplinary frameworks and can use them to sanction individuals, including by imposing bans (if they are within the jurisdiction of the sport). Criminal justice authorities have jurisdiction over criminal matters. They are experienced in investigating organized and transnational crime and they have powers to conduct a wide range of law enforcement activities, including searches and seizures and detaining suspects for questioning.

Many sports investigations focus only on the violation of sports rules and no indications of criminal activity are uncovered. For instance, the sharing of inside information or betting on one's sport is per se a breach of sporting rules which will require a disciplinary follow-up – however, in most jurisdictions there will be no of interest for a follow-up on a criminal level. However, in some cases, a sports disciplinary proceeding and a criminal investigation may take place concurrently. In such cases, criminal justice authorities may rely on the relevant sports body to explain the rules and nuances of a particular sport and for information regarding potential evidence, witnesses and suspected offenders. It is in the interests of all stakeholders that an investigation by criminal justice authorities into criminal networks behind cases of competition manipulation are fully facilitated to prevent and deter further corrupt activity. However, this involves

complex and sensitive issues linked to the sharing of information between criminal justice authorities and sports federations. Information-sharing is discussed in section 4.6.7.

#### SPORTS DISCIPLINARY JURISDICTION

Olympic Games and relevant olympic competitions: IOC directly  
 International Competitions, notably World Championships: respective IF (or continental federation)  
 National championships: national federations (and only exceptionally NOCs)  
 National Games: normally NOCs (e.g. China, Brazil)  
 Multi-sport events: multi-sport events organisers (e.g. Olympic Council of Asia for Asian Games)

### 3.3.1 Benefits of sport organization-led investigations to criminal justice-led investigations

Sport organization-led investigations can benefit criminal justice-led investigations because:

- They often would know the identity of sport participants involved in alleged wrongdoing and may have other information about relevant individuals or competition organizations that is supportive or dismissive of any allegations
- They can provide an expert view and give evidence based on their expert knowledge of the rules and regulations of the particular sport
- They are the gateway to other information that may be useful to criminal justice-led investigations, such as names, telephone numbers, addresses, match reports and betting market information

### 3.3.2 Benefits of criminal justice-led investigations to sport organization-led investigations

Criminal justice-led investigations can benefit sport organization-led investigations because:

- A sports federation often lacks the necessary investigative capacity
- A sports federation cannot conduct investigations beyond its own jurisdiction
- A sports federation cannot summon witnesses to appear before its disciplinary hearings
- A sports federation cannot provide effective witness protection
- When the evidence obtained by a criminal justice-led investigation is not sufficient to sustain a criminal prosecution, it may nevertheless be sufficient for the sports disciplinary framework to sanction individuals (if they are within the jurisdiction of the sport), where the standard of proof is less onerous (for more on standards of proof, see section 3.7)
- Many criminal legal systems allow, under certain circumstances, the “transfer” of evidence gathered as part of a criminal investigation to sport entities in their disciplinary proceeding if the prosecutors deem it relevant.
- Sports organizations that have open, trust-based relationships with criminal justice authorities can consult with this partner to find the most appropriate sanctioning entity, and work with this entity to manage the case.

Whenever a criminal investigation and a sports investigation are conducted concurrently, open dialogue between the two investigating organizations at an early stage is important. This will ensure that any potential adverse impact on either investigation is avoided. This could be achieved through national cooperation frameworks (national platforms) and/or international cooperation networks.

It is also important to be aware of the different procedures and rules of evidence between the two investigations. For example, evidence that is admissible in a sporting investigation might not be acceptable in a criminal investigation.

## 3.4 Ethical principles relevant to competition manipulation investigations

The investigation process and its outcome may have a significant impact on organizations and individuals. For sports organizations and criminal justice authorities to trust the findings and recommendations of investigations, it is vital that the investigation process can withstand internal and external scrutiny and be legally defensible.

Any misconduct by an investigator or authority tasked with investigating an alleged case of competition manipulation

can have a disastrous effect on an investigation and can even constitute corruption in and of itself. The investigators must be independent and be able to withstand internal and external scrutiny for confidence in the integrity of the investigation to be maintained.

An investigator should ensure that the person or persons who are the focus of the investigation are not subject to predetermined outcomes or biases. For this reason, investigations into reports of competition manipulation should:

- Comply with key underlying ethical principles outlined below
- In cases of criminal investigations, comply with legislation, policies, guidelines and procedures applicable to the relevant jurisdiction and agency
- In cases of sport investigations, comply with the relevant regulations, guidelines and procedures applicable
- Comply with the Olympic Movement Code on the Prevention of Manipulation of Competitions whenever sports investigations are operating under it (i.e. under the remit of the Olympic Movement)
- Recognize the fundamental rights of all those that may be involved in the investigation (athletes, coaching staff, administrative staff, etc.), including fundamental human rights as well as those relating to privacy, data protection and self-incrimination
- Be conducted in a timely manner
- Be objective and thorough
- Be free from any conflict of interest (actual, perceived or potential) and independent of any subsequent hearing or disciplinary process

UNDERLYING ETHICAL PRINCIPLES OF AN INVESTIGATION IN COMPETITION MANIPULATION	
Respect	All persons contacted as part of the investigation are entitled to be treated with respect, fairness, moderation, thoroughness and impartiality.
Professionalism and competence	The investigation should be conducted in a timely, diligent and professional manner. The quality of the investigation depends on the competence of the investigator.
Confidentiality	The integrity of the investigation depends on information, documents and other materials relating to the investigation remaining confidential. Every aspect of the investigation should be kept confidential by ensuring that any information shared is done so on a need-to-know basis.
Objectivity and impartiality	An investigation must follow the evidence and resist prejudgement. Each investigation must be free from malice, personal gain or personal agendas.
Accountability	The investigator is accountable to the organization for all aspects of the investigation. Investigative steps and decision-making should be recorded in a consistent, standardized manner.

All investigators should be aware of the ethical responsibilities associated with their role and observe the highest standards of integrity and professional conduct when investigating.

### 3.5 Proactive and reactive investigations

The absence of or a limited number of investigations into allegations of competition manipulation may serve to embolden criminals and manipulators, and encourage them to focus their attention on this type of illicit behaviour. Given this, proactive and reactive investigations can play an important role in deterring this type of activity.

A proactive investigation is typically conducted in response to information on ongoing suspicious activity obtained through intelligence gathering or from witness reports. Usually there is no imminent risk to witnesses or potential evidence and investigators can therefore plan their activities and manage their resources effectively.

A reactive investigation is usually initiated by criminal justice authorities or sports organizations in response to information received from a reporting person, a report of suspicious betting activity from a betting monitoring company or an alert raised as a result of analysing performances of athletes and players during a competition.<sup>13</sup> A reactive investigation faces challenges that can be different from a proactive investigation, such as the following,<sup>14</sup> including:

<sup>13</sup> UNODC, *Global Report on Corruption in Sport*.

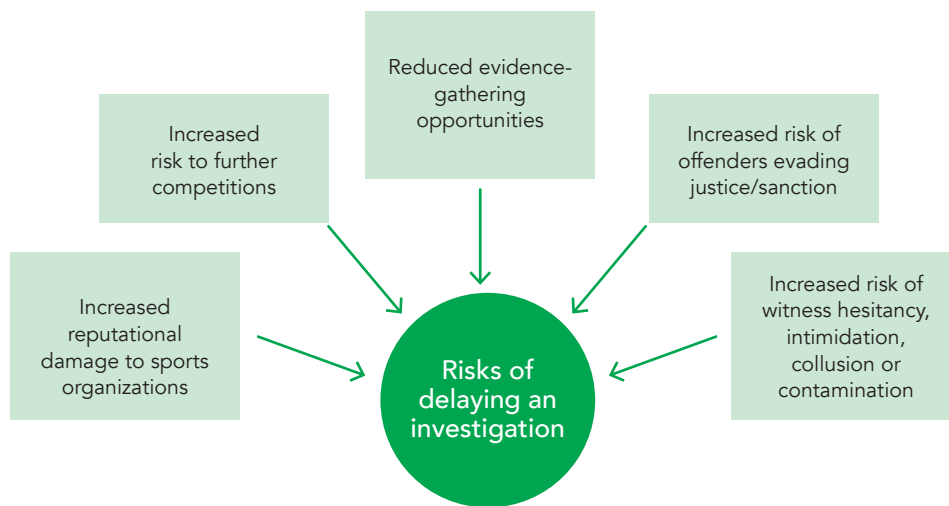
<sup>14</sup> UNODC, *Toolkit to Combat Trafficking in Persons* (New York, 2006) (see chapter 5, tool 5.2).



- The act or attempt of competition manipulation may already have taken place
- The integrity of the sport and competition has already been compromised as a result of the manipulation having already taken place
- Winnings on bets placed on manipulated competitions may have already been paid out
- There is a risk to potential witnesses and persons of interest
- Opportunities for identifying and securing digital, forensic and other evidence are reduced
- Over time, the power and influence of criminals increase and corrupt practices become embedded in a group or a sports organization

When an allegation, report or alert of competition manipulation is received and is deemed sufficient for the purposes of initiating a criminal or a sports investigation, or both, it is important for the credibility and success of the investigation that the response is managed in a timely fashion. If not, the deterrent effect, detection options and the potential for an effective investigation may be significantly affected.

FIG. 1 TIME AND HOW IT IMPACTS AN INVESTIGATION



### 3.6 Burden of proof

The burden of proof in any legal or disciplinary proceeding<sup>15</sup> is on the party that is bringing the action to establish the facts that support their case in relation to the charges brought by producing evidence. In cases relating to competition manipulation, the burden to prove a case rests with the prosecuting body. The burden of proof is distinct from the standard of proof. Once the burden of proof is established, it is necessary to consider the standard according to which the relevant party must prove the particular facts at issue.

### 3.7 Standards of proof

The standard of proof<sup>16</sup> is the level of certainty and the degree of evidence necessary to establish and prove a case. There is no universal approach to the standard of proof applied in cases of competition manipulation brought by sport governing bodies. The standards applied range from the civil standard of the balance of probabilities and comfortable satisfaction to the criminal standard of beyond reasonable doubt.

In the Olympic Movement Code on the Prevention of the Manipulation of Competitions, it is stipulated that the balance of probabilities standard is used for disciplinary investigations,<sup>17</sup> while the comfortable satisfaction standard is used for certain international federations, such as the Fédération Internationale de Football Association (FIFA).<sup>18</sup>

<sup>15</sup> This concept mostly relates to common law legal theory and may not be easy to discern in other legal jurisdictions

<sup>16</sup> Ibid.

<sup>17</sup> IOC, *Olympic Movement Code on the Prevention of the Manipulation of Competitions* (Lausanne, 2022), Art 3.3.

<sup>18</sup> According to Court of Arbitration for Sport (CAS) jurisprudence on competition manipulation cases: *FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. UEFA*, Case No. CAS 2009/A/1920, Award, 15 April 2010; *Besiktas Jimnastik Kulübü v. UEFA*, Case No. CAS 2013/A/3258, Arbitral Award, 23 January 2014.



Consistent decisions issued by the Court of Arbitration for Sport (CAS) has reinforced the autonomy of sports governing bodies to select their own applicable standard of proof.<sup>19</sup> CAS case law provides that in cases where the applicable rules do not contain any explicit standard of proof, the comfortable satisfaction should be the standard.

#### **CASE STUDY: COURT OF ARBITRATION FOR SPORT FAVOURS THE COMFORTABLE SATISFACTION STANDARD**

**FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. UEFA,  
Case No. CAS 2009/A/1920, Award, 15 April 2010:**

“Taking into account the nature of the conduct in question and the paramount importance of fighting corruption of any kind in sport and also considering the nature and restricted powers of the investigation authorities of the governing bodies of sport as compared to national formal interrogation authorities, the Panel is of the opinion that cases of match-fixing should be dealt in line with the CAS constant jurisprudence on disciplinary doping cases.”

*Source: Court of Arbitration for Sport, FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. Union of European Football Associations (UEFA), Case No. CAS 2009/A/1920, Award, 15 April 2010, available [here](#).*

**Besiktas Jimnastik Kulübü v. UEFA, Case No. CAS 2013/A/3258, Arbitral Award,  
23 January 2014:**

The panel held that even in the absence of a specific identification and agreement to the standard of proof, the standard of proof to be applied in competition manipulation cases is the standard of comfortable satisfaction, or even of only balance of probabilities, but in no way shall the criminal law standard of beyond all reasonable doubt be applied.

*Source: Court of Arbitration for Sport, Besiktas Jimnastik Kulübü v. UEFA, Case No. CAS 2013/A/3258, Arbitral Award, 23 January 2014, available [here](#).*

The standard of comfortable satisfaction is considered higher than the standard of balance of probabilities but lower than the standard of beyond a reasonable doubt.

Regardless of standard of proof, the evidence gathered and presented must be sufficient to prove that the relevant criminal or disciplinary offence took place

### **3.8 Relevant laws and regulations related to the investigation of competition manipulation**

Prior to commencing an investigation, it is essential that both criminal and sports investigators are clear about the potential breaches of criminal law or sports regulations that have potentially occurred and that authorize the investigation.

The relevant article of the criminal code of the jurisdiction and the relevant code of the sports federation concerned will outline the specific violations, powers and general procedures available (e.g. in certain circumstances, the power to demand information and search and seize evidence). This process of offence recognition guides the investigator towards seeking information and evidence to support the elements of the specific breach. It is important to be aware that the case may involve various violations. For example, it may relate to the manipulation of a sports competition, betting on a competition that directly includes the participant and the failure of a person to cooperate.

As the investigation progresses, other suspicious actions may be revealed requiring further examination of the legislation or regulations.<sup>20</sup> Investigators should be mindful of any updates to laws and, if in doubt, consult prosecutors for legal advice.

#### **3.8.1 National criminal law**

Because of the diversity of national legislation, the manipulation of sports competitions is not always considered to be a criminal offence.<sup>21</sup> Sometimes the legislation that exists is not fit for purpose in terms of pursuing a criminal prosecution.<sup>22</sup>

However, corruption offences in sport are being increasingly criminalized, standards of conduct of public officials and

<sup>19</sup> For example, *Mohamed Bin Hammam v. Fédération Internationale de Football Association (FIFA)*, Case No. CAS 2011/A/2625, Award, 19 July 2012, and *Daniel Köllerer v. Association of Tennis Professionals (ATP), Women's Tennis Association, International Tennis Federation (ITF) & Grand Slam Committee*, Case No. CAS 2011/A/2490, Award, 23 March 2012.

<sup>20</sup> For guidance, see UNODC and IOC, *Legal Approaches to Tackling the Manipulation of Sports Competitions* (Vienna, 2021).

<sup>21</sup> Ibid.

<sup>22</sup> UNODC, *Global Report on Corruption in Sport*.

participants in sport have been introduced, good governance has been promoted and specialized entities have been created to deal with various corruption prevention and detection issues.<sup>23</sup>

In jurisdictions that have no specific legal provisions relating to the manipulation of sports competitions, laws relating to the following areas have been used in cases relating to competition manipulation (sometimes various offences have been applied in the same case – see the case study below):<sup>24</sup>

- Bribery
- Fraud (including tax fraud)
- Public and private corruption
- Organized crime
- Illegal betting and betting fraud
- Transmission of wagering information
- Money-laundering
- Participation, attempt and conspiracy
- Abuse of authority
- Trading in influence
- Unexplained wealth and revenue

### CASE STUDY: ATTARD FOOTBALL CLUB

In 2021, the Malta Football Association imposed a nine-point penalty, a fine of 1,000 euros and a five-year suspension from international competition on Attard FC after the club was found guilty of breaching the regulations in relation to bribery and betting.

Rudgear Scerri, a former Attard FC committee member, was handed a suspended prison sentence and a 50,000 euro fine after admitting to match manipulation charges relating to Attard FC; namely an attempt to fix a match between Attard FC and Kalkara FC.

Prosecuting inspectors explained how the accused had been arrested following a tip off to the police, which then searched his home. An amount of money between 20,000 euros and 30,000 euros was confiscated in the search, along with electronic devices.

When sentencing, the court took note of the fact that these “were serious crimes undermining the competitive spirit in sport.”

Following the verdict, the Malta Football Association announced that its integrity department would be speaking to the police to consider any further disciplinary action that could be justified following further investigation. In addition, it suspended Scerri from all football activity with immediate effect.

*Source: Malta Football Association, “Attard FC handed 9-point penalty, €1,000 fine”, 31 May 2020.*

The effective use of legislation as a framework for competition manipulation investigations is essential. The UNODC and IOC publication entitled *Legal Approaches to the Tackling the Manipulation of Sports Competitions* provides insights and guidance into the use of legislation to tackle competition manipulation. In addition, it would be important to review the application of anti-corruption legislation in the domain of sport. In this regard, readers are also encouraged to consult section 2 of the UNODC *Global Report on Corruption in Sport* on applying the United Nations Convention against Corruption to sport.

### 3.8.2 Sport regulations

Any investigation conducted on behalf of a sports organization should be empowered by the regulations of the relevant sports federation or sports event. The IOC Code of Ethics applies to any wrongdoing committed during the period of the Olympic Games. Wrongdoing committed outside the period of the Olympic Games falls under the remit of the regulations of the relevant international sports federation, confederation, national federation, national Olympic committee or multi-sport event organizer. Some sports organizations stipulate in their regulations that they remain competent to sanction competition stakeholders who breached the regulations at the time they were officially affiliated with the sports organization, even if they have since transferred to another jurisdiction. In most international sport

<sup>23</sup> Ibid.

<sup>24</sup> Malta Football Association, “Attard FC handed 9-point penalty, €1,000 fine”, 31 May 2021.

federation rules, specific regulations outline the requirements of mutual recognition by national federations of sanctions imposed by the international federation.

In addition, the Olympic Movement Code on the Prevention of the Manipulation of Competitions is aimed at providing sports organizations around the world with harmonized regulations to protect all competitions from the risk of manipulation. Compliance with the Code is mandatory for the whole Olympic Movement during the Olympic Games. All international sports federations and national Olympic committees recognized by the Olympic Movement are required to adopt and implement the Code, as stipulated in Olympic Charter rules 25 and 43.<sup>25</sup> Furthermore, a combination of rules 25 and 29 of the Charter require national sports federations to have rules in place that are in line with the Code.

According to the Code, certain obligations are placed on sports organizations and their members to cooperate with any investigation conducted by a sports organization.

#### **ARTICLE 2.6 OF THE OLYMPIC MOVEMENT CODE ON THE PREVENTION OF THE MANIPULATION OF COMPETITIONS**

1. Failing to cooperate with any investigation carried out by the Sports Organisation in relation to a possible breach of this Code, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the competent Sports Organisation as part of such investigation.
1. Obstructing or delaying any investigation that may be carried out by the Sports Organisation in relation to a possible violation of this Code, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

Some sports regulations may confer specific powers on investigators to take certain actions (e.g. to demand access to a mobile device or financial records). Gaining access to information or devices by consent is always an option. However, it should also be noted that an investigator may not have the authority to demand information other than what is specified in the given regulations.

### **3.9 Media and communication**

Management of media and communications is a key investigative strategy. It is important to consider whether an investigation or investigative steps will attract media attention. If media attention is anticipated, it is useful to alert relevant communications departments to ensure that they have a prepared response, rather than be surprised by the situation. Communication is a vital part of any investigation because it facilitates the flow of information. Deciding if a communication strategy is required to manage perception and reputation is essential.

While the media can play a significant role in detecting and investigating competition manipulation, it is important to be aware that the media can also potentially have an adverse effect on an investigation, including by:

- Bringing incidents to public attention before partners or other competent authorities have been informed
- Alerting suspects to an investigation
- Causing evidence to be concealed or destroyed
- Causing evidence to be rendered inadmissible in court or proceedings
- Providing potential witnesses with information they might not otherwise know

<sup>25</sup> IOC, "Prevention of competition manipulation".

### CASE STUDY: THE INTEGRITY OF AN INVESTIGATION IS JEOPARDIZED BY A JOURNALIST

In the United Kingdom of Great Britain and Northern Ireland, following an undercover investigation by a national tabloid in 2013, the National Crime Agency was passed evidence of alleged spot-fixing by professional footballer Sam Sodje.<sup>a</sup> On the basis of recordings of a meeting with an undercover journalist (Mazher Mahmood – also known as the “fake sheikh”), it was alleged that Sodje deliberately received yellow cards (for the purpose of others’ placing bets) in exchange for which he was paid tens of thousands of pounds.<sup>b</sup> As the investigation developed, additional footballers were alleged to be involved and were subsequently arrested.<sup>c</sup>

In July 2014, an unrelated case into a television personality alleged to have supplied class A drugs collapsed when the judge assessed a key prosecution witness to have lied at a pre-trial hearing. The witness was Mazher Mahmood. The knock-on effect of the ruling was reflected in Lord Goldsmith’s comments on the subject when he stated later that year: “The fact that somebody who has been accused by a judge of apparently not telling the truth, who may have been instrumental in those convictions, would certainly be a reason to look at those convictions again and to examine them to see whether they are safe.”<sup>d</sup>

Mahmood had previously claimed during the Leveson Inquiry (into the practices and ethics of the British press) that his work had led to 261 successful criminal prosecutions.<sup>e</sup> Therefore, it was entirely possible that many of these cases could be open to review. Mahmood’s actions ultimately led the Crown Prosecution Service to close the ongoing National Crime Agency investigations<sup>f</sup> into Sodje and the other footballers citing the fact there was no longer enough evidence to “provide a realistic prospect of conviction”.<sup>g</sup> Some of the affected players, unsurprisingly perhaps, claimed to be victims of entrapment by Mahmood.<sup>h</sup>

- a. Mazher Mahmood, “Ex Prem stars in match fix probe”, The Sun, 8 December 2013.
- b. The Telegraph, “Sam Sodje at centre of new match-fixing allegation”, 8 December 2013.
- c. BBC News, “DJ Campbell held in football fixing probe”, 9 December 2013.
- d. BBC News, “Fake Sheikh entrapped victims, BBC investigation finds”, 12 November 2014; John Sweeney, “Call to probe ‘Fake Sheikh’ stories”, BBC News, 12 November 2014.
- e. Leveson Inquiry, Transcript of morning hearing of 12 December 2011, p. 3, lines 4-5.
- f. National Crime Agency, “NCA statement on match fixing investigation”, 14 January 2015.
- g. BBC News, “Football ‘spot-fixing’ case dropped”, 15 January 2015.
- h. Sky Sports, “Sam Sodje speaks about match-fixing allegations which were dropped”, 12 January 2015.

While it is not possible to control media reports, it is important to have a strategy in place to monitor and manage them. It is also important to assess the risk relating to investigative steps in terms of potential media attention, as emphasized in the following case study.

### CASE STUDY: IMPORTANCE OF THE PUBLIC PERCEPTION OF SPORT

In the *AEK Athens and SK Slavia Prague v. UEFA* case, the Court of Arbitration for Sport panel found the following:

“Integrity, in football, is crucially related to the *authenticity of results*, and has a critical core which is that, in *the public’s* perception, both single matches and entire championships must be a true test of the best possible athletic, technical, coaching and management skills of the opposing sides. Due to the high social significance of football in Europe, it is not enough that competing athletes, coaches or managers are in fact honest; the public must perceive that they try their best to win.”

Source: Court of Arbitration for Sport, *AEK Athens and SK Slavia Prague / Union of European Football Associations (UEFA)*, Case No. CAS 98/200, Award, 20 August 1999.

A close-up, artistic photograph of a person's face, focusing on the eye and ear. The lighting is warm and golden, creating a soft glow. A semi-transparent green rectangle is positioned over the center of the face, containing white text. The person's eye is looking slightly to the right, and their ear is visible on the left side of the frame. The background is blurred, showing hints of blue and white.

## 4. INVESTIGATION OF COMPETITION MANIPULATION

The primary focus of an investigation into competition manipulation is to determine if a law has been broken or if a breach of sports regulation has occurred and to gather evidence to substantiate the allegation. It should be borne in mind that the following steps do not have to be followed in a linear fashion, and should be constantly evaluated and re-evaluated over the course of the investigation. Furthermore, it is conceivable that steps 4 to 7 can operate in parallel as the investigation progresses.

STEPS TO CONDUCTING EFFECTIVE COMPETITION MANIPULATION INVESTIGATIONS	
Steps	Considerations
1. Initial assessment/seek further information	<ul style="list-style-type: none"> <li>Analyze information or material instigating the investigation (trigger information)</li> <li>Assess the credibility of the trigger information, urgency, risk</li> <li>Evaluate and corroborate source and contents</li> <li>Conduct open-source inquiries</li> </ul>
2. Legislation/regulations and powers	<ul style="list-style-type: none"> <li>Determine if there is a breach of applicable legislation or sports regulations (refer to the UNODC and IOC publication entitled <i>Legal Approaches to Tackling the Manipulation of Sports Competitions</i> and the Olympic Movement Code of the Prevention of the Manipulation of Competitions.</li> <li>Identify powers to investigate</li> </ul>
3. Risk management	<ul style="list-style-type: none"> <li>Identify risk associated with the allegation</li> <li>Identify risk to investigating/not investigating</li> <li>Access issues with respect to potential evidence</li> <li>Risk of evidence loss/destruction</li> <li>Risk of public disapproval and accusations of impropriety</li> </ul>
4. Working with partners/stakeholders	<ul style="list-style-type: none"> <li>Internal stakeholders</li> <li>External stakeholders</li> <li>Partners</li> <li>Experts/resources</li> </ul>
5. Gathering information/evidence	<ul style="list-style-type: none"> <li>Open-source information</li> <li>Closed-source intelligence</li> <li>Searches</li> <li>Expert reports</li> <li>Digital</li> </ul>
6. Interviews	<ul style="list-style-type: none"> <li>Reporting person(s)</li> <li>Whistleblower(s)</li> <li>Human-intelligence sources</li> <li>Confidential informant(s)</li> <li>Witnesses</li> <li>Subjects</li> </ul>
7. Investigative reports and follow-up	<ul style="list-style-type: none"> <li>Interim report</li> <li>Draft report</li> <li>Final report</li> <li>Debrief</li> </ul>

## 4.1 Decisions on instigating an investigation into competition manipulation

All investigative bodies need to prioritize the cases they choose to pursue. Such prioritization may take different forms depending on the organization and the context in which they operate. Different jurisdictions, investigative agencies and sports bodies will have different standards and priorities for initiating an investigation.

### 4.1.1 Instigating a criminal investigation

A criminal investigation is conducted within the framework of specific national legislation<sup>26</sup> that defines the infringement and the powers to deal with it.

The scope of a criminal investigation is determined by the criminal justice authority that is conducting the investigation. All criminal justice authorities need to prioritize the cases they choose to pursue. Such prioritization may take different forms depending on the given jurisdiction and will also be subject to relevant legislation and standard operating procedures. Another consideration is that in some jurisdictions instigating a criminal investigation requires the submission of a formal complaint or report to the police by the disadvantaged party, who may be reluctant to do so for a variety of reasons, such as fear of reputational damage and concerns about reprisals.

<sup>26</sup> For guidance on model criminal law provisions, see UNODC and IOC report entitled “Model Criminal Law Provisions for the Prosecution of Competition Manipulation” (Lausanne, 2016).



### 4.1.2 Instigating a sports investigation

When a sports body is embarking on an investigation into competition manipulation, it is important to establish the focus of the investigation and to set limitations. This can be achieved by clearly identifying the objectives of the investigation and by drawing up terms of reference.

Terms of reference for an effective investigation include:

- Setting objectives
- Determining limits and scope
- Identifying resource requirements
- Deciding methodology
- Setting evaluation questions
- Identifying and considering stakeholders

The terms of reference of a given investigation should be based on what will best explain the competition manipulation incident under investigation, the cause of the investigation and the process of the investigation. When setting the objectives of the investigation, consideration should be given to the desired outcome.

The terms of reference should also identify the resources and expertise required to conduct the investigation. Due diligence should be conducted when hiring such investigators, including inquiries regarding their level of expertise and independence. An approach to consider is to build in-house investigative capacity and the expertise to conduct the investigation, with these individuals supported by external specialists and/or processes (digital and forensic analysis, surveillance, trained interviewers, etc.).

The approach to the investigation should reflect the values and goals that the investigating organization wishes to uphold and achieve. Agreed terms of reference should define the following:

- Communication channels
- Key elements of the matter under investigation
- Investigation strategies and techniques
- The individuals involved and their roles
- Use of an external or internal investigator
- Range of consequences and/or penalties
- Stages of the process and benchmarks
- Protocols for interviewing witnesses and suspects
- Responsibility for producing final reports
- Approach to representation of legal professionals and representative bodies of affected athletes or players

FACTORS TO CONSIDER BEFORE COMMENCING A COMPETITION MANIPULATION INVESTIGATION	
Urgency	Instances of competition manipulation, especially when organized crime groups are involved, can lead to financial, reputational, social, economic and physical harm. An imminent act of competition manipulation may warrant a thorough investigation to prevent such harm.
Monetary value	Investigators may prioritize cases based on the monetary value involved and the illicit gains from the competition manipulation incident. It is important to consider not only the individual monetary value of each alleged offence but to consider whether there is a pattern of activity. Often individual pecuniary advantages may be small but may aggregate to a large monetary value over time. Investigating potential smaller offences increases the efficiency and effectiveness of the investigation and can spark institutional change to prevent further widespread minor violations.
Reputation harm	Deciding not to investigate an activity that impacts a high-profile event with a lot of public awareness could generate negative attention and reputational damage for the investigative agency. This in turn could have longer-term indirect social/economic impact by damaging the reputation of the relevant sport/jurisdiction. It may be viewed as a place that is unsafe (from a sporting integrity perspective) or suitable to host future major international events.
Recurrence	Patterns of corruption are likely to continue if not investigated, halted and prosecuted. The prioritization of the investigation of incidents that appear to be recurrent can be an efficient strategy to manage large numbers of reports. It can justify prosecution and/or sport disciplinary measures in cases where the actions themselves might otherwise seem comparatively small.

Prevalence	Investigators may choose to prioritize investigations into potential competition manipulation that are more common or prevalent in specific organizations or competitions. This can help address a pervasive problem and set an example showing that such actions will not be tolerated. These investigations instigate institutional changes (e.g. new ethical standards and improved awareness and training), which help reduce the likelihood of recurrence.
Viability and likelihood of success	When making decisions about how to deploy resources, it is important to consider investigations and investigative steps with the greatest likelihood of success. Considerations may include whether the suspect is being investigated or prosecuted by other agencies, whether the suspect is in a jurisdiction without an extradition process or where cooperation would be difficult and how easily evidence could be obtained. <sup>a</sup>
Availability of resources	If resources needed to complete an investigation far outweigh the severity of the suspected offence, the investigation may not be viable. <sup>b</sup>

a,b. Asia-Pacific Economic Cooperation, *Best Practices in Investigating and Prosecuting Corruption Using Financial Flow Tracking Techniques and Financial Intelligence* (2015).

Terms of reference may also include a process for expanding and re-examining the scope of the investigation should this prove necessary.

Usually, a competition manipulation investigation is focused on gathering information and evidence to help establish if there has been a breach of relevant legislation or a disciplinary code. However, if an investigation is also tasked with gathering information relating to specific events or suspects only, it should have a framework to avoid straying outside these boundaries. Many investigations suffer from “mission creep” – a phenomenon whereby new leads or information take the investigation into unplanned or irrelevant directions to the detriment of its original objectives. In the context of an investigation conducted by a sports body, the scope of the investigation might include consideration of whether a statutory reporting duty exists and has not been complied with.

## 4.2 Challenges related to conducting competition manipulation investigations

The following factors are worth including in an analysis about whether to begin an investigation. Challenges to an investigation into competition manipulation can include the following:



Competition manipulation investigations **may require a team of sophisticated investigators with experience in dealing with complex criminal schemes**. Often, investigators and these teams may require expertise in financial analysis, betting, match analysis, interviewing, digital analysis and other specialized fields, as well as specialized knowledge of the sport concerned.



Competition manipulation investigations **may require certain investigative techniques that require specific legal frameworks or are expensive**, such as electronic surveillance, wiretaps, reviewing financial records and forensic accounting.



Competition manipulation investigations **take time**. They can often last for months or years. Pressure to deliver a quick conclusion may result in failing to fully develop the necessary evidence to dismantle a criminal network or to hold all involved targets accountable.

## 4.3 Steps to conducting an effective investigation

While there is no one-size-fits-all approach to the investigation of competition manipulation, there are key steps common to all investigations that have proven to ensure a thorough investigative process and to reduce risk.

From the start of the investigation, investigators should think critically about the legal challenges they are likely to face. Knowing the vulnerabilities of a case from the beginning will help investigators to be strategic in how to prioritize evidence and resources.

There are unique factors to corruption investigations that law enforcement agencies and sports organizations should consider before initiating an investigation into competition manipulation. These factors, in the form of steps to conducting effective investigations, are outlined below.

### 4.3.1 Initial assessment/seek further information

The information that triggers any investigation often determines investigative actions. Therefore, steps should be taken to evaluate and corroborate the initial report as much as possible.

### 4.3.2 Legislation/regulations and powers

A key step in any investigation is to identify the legal framework authorizing and governing the investigation. Understanding what empowers the investigative steps and the key elements that need to be proven determines the type of information and evidence to be gathered and helps to ensure that the investigation remains within its scope.

### 4.3.3 Risk management

Risk management is essential to conducting an effective investigation. All the elements of an investigation of competition manipulation potentially involve risk. This risk needs to be identified, analysed and evaluated in terms of its likelihood and seriousness and how it should be managed. In the same way that an investigation is a dynamic and fluid process, risk management is a continuous and responsive process. The external and internal context of an incident under investigation and knowledge of it constantly changes.

Risk management considerations at the beginning of the investigation may include:

- Is any material relevant to the investigation subject to legal privilege rendering it exempt from inspection, production or the discovery process?
- If the investigation involves a well-known sports personality, sports organization or high-profile official, it needs to be decided what, if any, of the information is shared with the public. This decision needs to be considered as part of the media and communication strategy and balanced with the seriousness and urgency of the matter. However, as set out earlier in the guide, confidentiality of an investigation should be the default option unless circumstances dictate otherwise.
- Is there a risk that the reporting person's identity may be revealed beyond the control of the investigation?
- Is there any risk of public disapproval and accusations of impropriety?

Potential risk is not a reason to refrain from investigating. However, risks underscore the importance of ensuring that investigations are grounded in reasonable suspicions and that investigators take care to maintain confidentiality. These measures can reduce both improper targeting and unnecessary disruption of public trust.

Each step of an investigation requires determining how to avoid, transfer, mitigate or accept risk linked to the investigation. Employing risk strategies can help in this regard and include the following:

RISK MANAGEMENT STRATEGIES	
Strategy	What does the strategy involve?
Avoid	The best approach to risk is to avoid it or prevent it from happening.
Transfer	Risk transfer requires shifting all, or at least some, of the negative impact of a threat, along with ownership of the response, to a third party. Transferring risk simply gives the other party responsibility for its management; it does not eliminate the risk.
Mitigate	Risk mitigation involves taking early action to reduce the probability that a risk occurs and its impact if it should occur.
Accept	It is seldom possible to eliminate risk. Risk acceptance can be: <ul style="list-style-type: none"> <li>• Passive (no action other than to document the strategy)</li> <li>• Active (usually establishing a contingency plan to manage the risk)</li> </ul>

Risk management involves a constant process of monitoring, communicating and consulting with stakeholders to make informed decisions and to identify alternative actions.

Each area of risk should be examined and rated so that risk-control measures can be identified and put in place. It is important that the full range of relevant issues is examined to evaluate the likelihood of them occurring, the impact they will have if they do occur and the scale of this impact. All issues that are known or should have been known need to be highlighted.

Having a risk-rating system in place is useful for dynamic risk assessment. Law enforcement authorities that conduct investigations into competition manipulation will have internal risk-management strategies. The mnemonic MANU is recommended as a risk-rating system for sports bodies conducting investigations into competition manipulation:

MANU RISK-MANAGEMENT RATING SYSTEM	
<b>M</b>	Minor risk
<b>A</b>	Adequately controlled by existing measures
<b>N</b>	Not adequately controlled
<b>U</b>	Unknown risk

Having identified a risk or a potential risk and rated the level of this risk, there are several things to consider:

- What is already controlled?
- Can the risk be avoided?
- If not, what needs to be done to transfer, mitigate or accept the risk?

See annex I for examples of areas where investigations into competition manipulation may be exposed to risk and recommended control measures.

## 4.4 Selection of the investigation team and assigning roles

A competition manipulation investigation can often be accomplished with a single investigator or a small team. However, in a complex, multi-layered, cross-agency, multi-jurisdictional investigation, the makeup of the investigation team will have an impact on the effectiveness of the investigation and will aid in achieving its objectives. Each team member should bring a specific skill set to the investigation, including relevant technical expertise or operational experience, depending on the nature of the investigation.

### 4.4.1 Investigation manager

In complex, multi-agency investigations, it is important to have an investigation manager or team leader to coordinate and direct the investigation. The investigation manager's responsibilities include setting a schedule for the investigation and ensuring that it is adhered to, identifying resources, assigning investigative tasks and reviewing progress to ensure that nothing is missed. Responsibilities also include assigning duties to the team, supervising the reporting and briefing management on the progress and findings of the investigation.

It is important that investigation managers are trained and competent in investigative techniques and analysis tools. They should also be able to act as a liaison between the team and management.

### 4.4.2 Role of the prosecutor

Generally, the role of the prosecutor is to assess both the strengths and weaknesses of the case and make an informed decision about whether to bring charges regarding an offence. However, this role will depend on the jurisdiction concerned. In some jurisdictions, the prosecutor is primarily responsible for determining whether there is sufficient evidence to warrant prosecution. In other jurisdictions, a prosecutor is not assigned until an investigation is largely complete. In some countries, the law enforcement officer also acts as the prosecutor in the lower-level courts.

In many common law systems, prosecutors are often instrumental in the early stages of the investigation and are responsible for all interaction with the courts. This includes requesting court orders and judicial authorization for wiretaps and other covert tools used in an investigation. The prosecutor is ultimately responsible for presenting the case in a criminal trial against an individual accused of breaking the law. Thus, it is critical that the prosecutor is informed and involved throughout the development of the investigation. In civil law jurisdictions, the judiciary plays a greater role in the investigation itself. They generally have control of the entirety of the investigation.

Investigators should consider establishing contact with national prosecutors with expertise in competition manipulation prosecutions. This could aid both investigative and prosecutorial decisions at an early stage in any proceedings.

### CASE STUDY: BENEFITS OF EARLY DIALOGUE WITH PROSECUTORS

In June 2020, the Crown Prosecution Service of Wales announced that 11 people arrested in 2016 on suspicion of competition manipulation in a Welsh Premier League match would not face criminal charges.

Suspicious betting patterns on the game played on 9 April 2016 between Port Talbot Town and Rhyl led to a police investigation.

Police submitted a file to the Crown Prosecution Service to consider offences of conspiracy to defraud. The Crown Prosecution Service determined that “the legal test for a prosecution was not met.” South Wales Police said in a statement that “there was insufficient evidence to bring criminal charges in this case.”

Port Talbot Town Football Club welcomed the outcome of the investigation, stating: “The impact of the original allegations on the club has been significant and caused a great deal of hardship over the last five years as a result.”

Source: Carl Roberts, “Port Talbot: Crown Prosecution Service ends match-fixing investigation”, BBC Sport, 15 June 2020.

#### 4.4.3 Role of team members and specialized investigators

Depending on the nature of a criminal enterprise, an investigation may require an investigative team working to an agreed strategy under coordinated supervision and access to a legal team with experts in human rights laws, the laws of evidence and investigative powers and techniques. Team members may be assigned to targets or might be responsible for individual aspects of the case. Where possible, the same team should work on a case for its duration to minimize disruption and maximize collaboration and information-sharing within the team and to avoid duplication of efforts.

The investigative team may need to include members with a variety of specialized skills. Important specialties include:

- Financial investigation and asset recovery
- Forensic accounting, when necessary
- Knowledge of international conventions as well as their standards and cooperation mechanisms
- Analysis and interpreting of complex betting data (investigative teams may be able to avail themselves of experts within the national gambling regulator, which are often government agencies)
- Undercover operations
- Computer forensics
- Interviewing and witness preparation
- Electronic and physical surveillance
- Human-intelligence handling
- Open-source intelligence
- Report writing
- Intelligence analysis

Adequate training and resources are required, because even investigators with highly specialized skills may need to be versed in new developments in their fields and familiarized with the specific circumstances relevant to their investigations.

### 4.5 Case management of competition manipulation investigations

A case management system allows the team to effectively manage evidence and information, to track investigative steps and to carry out analyses. While larger organizations may have an electronic system for this purpose, smaller teams or individual investigators need a system for managing cases. Ideally, such systems should be standardized, with options to fully index steps, to provide a timeline of the investigative actions and tasks, and to make progress visible. The purpose of such an activity-based system is that it breaks down an investigation into small, manageable steps. Throughout an investigation, activities, decision-making and risk management will be logged and the results recorded. At the end, an investigation has a full index of investigative actions and a comprehensive timeline. This provides an accurate overview of a case, which allows for faster and more effective analysis.

This logging of an investigation facilitates effective supervision, teamwork and accountability. Anyone with access to the log can check it to see current progress, reasons for delays and potential risks. Any review process can make use of the log to evaluate proposed investigative strategies and timelines and to review the progress of an investigation and the decision-making relevant to it. The log can also aid in compiling the investigation report. In the absence of a centralized electronic case management system, the investigation log template included in annex III is recommended for competition manipulation investigators.

#### 4.5.1 Evidence

Evidence can take many forms and come from many sources. Each piece tends to prove a relevant fact, and it can be direct or circumstantial. An investigation should attempt to gather all available evidence and it should be relevant, reliable and have probative value (the extent to which the evidence could rationally affect the assessment of the probability of the existence of a fact at issue).

The material gathered during an investigation will include information, intelligence, evidence and exhibits. It is important to understand the distinction between them.

INFORMATION	INTELLIGENCE	EVIDENCE	EXHIBITS
Knowledge in raw form obtained by the investigation and which may be relevant to the investigation	Information with added value (it has been evaluated in terms of its content and its source, and has been processed)	Any material (object, substance, data or testimony) that tends to prove or disprove the allegation  Documentary evidence includes: <sup>a</sup> <ul style="list-style-type: none"> <li>• Paper documents</li> <li>• Any writing or communication</li> <li>• Pictures</li> <li>• Drawings</li> <li>• Bank accounts</li> <li>• Suspicious transaction reports</li> <li>• Telephone account</li> <li>• Programs or data of any kind, whether recorded or maintained on paper or by electronic, audio, visual or any other means</li> </ul>	Items to be submitted to the court as evidence that something did or did not happen

a. See also Giulio Palermo and Bryce Williams, "Match-fixing and the evolution of CAS Jurisprudence", *CAS Bulletin*, No. 2 (2018), pp. 8-25, where the observations of the CAS awards per specific type of evidence have been elaborated.

Evidentiary material gathered during an investigation can take many forms. The table below illustrates some categories of evidence that CAS has considered in determining cases of competition manipulation. However, national criminal laws may take a different approach and not all the categories of evidence described below will necessarily be admissible in criminal proceedings.

CATEGORIES OF EVIDENCE CONSIDERED BY THE COURT OF ARBITRATION FOR SPORT IN COMPETITION MANIPULATION CASES	
Information from traditional media and social media, including fan blogs	Panels have taken account of the public's perception of competitions. For example: "The Panel considers that integrity, in football, is crucially related to the authenticity of results, and has a critical core which is that, in the public's perception, both single matches and entire championships must be a true test of the best athletic, technical, coaching and management skills of the opposing sides." ( <i>AEK Athens and SK Slavia Prague v UEFA</i> , Case No. CAS 98/200, Award, 02 August 1999)
Wiretaps and intercepted and taped phone calls	The panel stated transcripts of phone taps were "particularly incriminating." ( <i>N. &amp; V. v. UEFA</i> , Case No. CAS 2010/A/2266, Award, 5 May 2011)
Information provided by betting entities and expert evidence analyzing betting patterns	Evidence of suspicious betting patterns and the conduct of betting operators (i.e. the removal from betting of matches involving a club, either generally or during a specific match) as circumstantial evidence of match-fixing. For example: The panel considered it "important that a prominent Asian bookmaker removed live markets before the end of the game." ( <i>Klubi Sportiv Skenderbeu v. UEFA</i> , Case No. CAS 2016/A/4650, Award, 21 November 2016; <i>Vsl Pakruojis FK et al. v. Lithuanian Football Federation</i> , Case No. CAS 2015/A/4351, Award, 13 July 2016; <i>Ion Viorel v. Romanian Football Federation</i> , Case No. CAS 2017/A/4947, Award, 6 October 2017 and <i>Joseph Odartei Lamptey v. FIFA</i> , Case No. CAS 2017/A/5173, Award, 4 December 2017)
Written evidence	Email exchanges and text messages (even when only an attempted manipulation) Judgements and decisions from parallel criminal proceedings



Witness statements	Formal written statements provided to the investigation or panel
Confessions	Formal written statements of involvement in the incident provided to the investigation or panel by the suspects
Expert evidence on competition analysis or on-field behaviour	Analysis of player/athlete performance by experts ( <i>Klubi Sportiv Skënderbeu v. UEFA</i> , Case No. CAS 2016/A/4650, Award, 21 November 2016 and <i>Vsl Pakruojo FK et al. v. Lithuanian Football Federation</i> Case No. CAS 2015/A/4351, Award, 13 July 2016)
Records of conversations on phones and online communication platforms (e.g. Skype), sometimes in coded language	Coded conversation, code words, signals used to disguise the true meaning of the communication. Signals are used to ensure that the required action in the competition is executed at the right time to achieve the intended manipulation. A signal is transmitted to the relevant players or officials on the field of play who can implement the action required for the manipulation. "People involved in match-fixing will avoid using direct words." ( <i>Besiktas Jimnastik Kulübü v. UEFA</i> , Case No. CAS 2013/A/3258, Arbitral Award, 23 January 2014) Panels have admitted and considered these records (to the extent the chain of custody of the relevant telephone or computer is intact) <sup>b</sup> ( <i>Guillermo Olosa de la Rica v. Tennis Integrity Unit</i> , Case No. CAS 2014/A/3467, Award, 30 September 2014).
Evidence of private and suspicious meetings	Surveillance images, closed-circuit television footage, witness accounts, receipts for venues, analysis of cell phone locations, etc. ( <i>Besiktas Jimnastik Kulübü v. UEFA</i> , Case No. CAS 2013/A/3258, Arbitral Award, 23 January 2014)
Evidence from parallel criminal investigations and connected decisions	Judgements and decisions from parallel criminal proceedings. For example: "While a criminal conviction on the higher standard is not automatically conclusive, it is very unlikely that proceedings before CAS, on the lower standard of comfortable satisfaction, will result in a contrary conclusion." <sup>a</sup>
Rumours and anonymous letters	Anonymous letters and rumours coming into possession of the investigation
Match reports	Reports of match officials who presided over the competition
Potential financial benefit evidence	"The Appellant had a great sporting, and financial, interest in winning the Cup Final. The Appellant could therefore certainly have had an interest in fixing the Cup Final." ( <i>Besiktas Jimnastik Kulübü v. UEFA</i> , Case No. CAS 2013/A/3258, Arbitral Award, 23 January 2014) "A relevant consideration in assessing whether match or matches have been fixed by the officials of a club, is the extent and nature of the benefit to the club of winning the particular match or matches." ( <i>Sivasspor Kulübü v. UEFA</i> , Case No. CAS 2014/A/3625, Award, 3 November 2014.)
Evidence of the financial condition of a sports organization	An organization's financial problems and internal accusations of match-fixing from individuals not involved in the fix considered by the panel ( <i>FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. UEFA</i> , Case No. CAS 2009/A/1920, Award, 15 April 2010).
Financial records	Bank statements, automated-teller-machine transactions, currency conversions, etc.
Medical reports	Reports from doctors, physiotherapists, etc.
Anonymous witness statements	Given the potential involvement of criminal organizations in match-fixing, informants may be unwilling to provide statements in support of the case, at least not where they are identified to the impugned party. The CAS panel in <i>FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. UEFA</i> considered the issues with witness statements given anonymously, finding that the statements were admissible but only subject to strict conditions.
Recognition and/or identification of individuals by voice	Panels have generally accepted the recognition and/or identification of individuals by voice in response to suggestions that impugned individuals were being impersonated ( <i>Daniel Köllerer v. Association of Tennis Professionals, Women's Tennis Association, International Tennis Federation and Grand Slam Committee</i> , Case No. CAS 2011/A/2490, Award, 23 March 2012 and <i>David Savić v. Professional Tennis Integrity Officers</i> , Case No. CAS 2011/A/2621, Award, 5 September 2012).
Other circumstantial evidence	History of the club/player/referee (i.e. the involvement in past suspicious matches is a probatory element to be taken into account) ( <i>Klubi Sportiv Skënderbeu v. UEFA</i> and <i>Igor Labuts v. Football Association of Ireland (FAI)</i> , Case No. CAS 2018/A/6075, Award, 17 July 2020). Analysis of sporting performance (i.e. the anomalous conduct of the sports actors) is the most typical circumstantial evidence. This serves as a link between what was agreed between the people involved in competition manipulation and what happened on the field.

Source: Madalina Diaconu, Surbhi Kuwelker and André Kuhn, "The court of arbitration for sport jurisprudence on match-fixing: a legal update", *The International Sports Law Journal*, vol. 21 (April 2021).

a,b. Surbhi Kuwelker, Madalina Diaconu and André Kuhn, "Competition manipulation in international sport federations' regulations: A legal synopsis", *The International Sports Law Journal*, vol. 22 (March 2022).

Gathering information that may be potential evidence involves effective techniques to ensure that the information is relevant and usable. Knowing the source and strength of information (and if it is, has or can be established as a fact) will inspire confidence to make assertions about it. It will also enable sound conclusions to be drawn.

Evidence can be categorized into four types: physical, documentary, electronic and testimony evidence.<sup>27</sup> While these are separate categories, they may be linked and there is often a relationship between them. For example, a witness may provide testimony about available documentary evidence and physical evidence. Closed-circuit television footage and the analysis of telephone messages may help to identify witnesses or co-conspirators and link them together at specific times in specific locations.

Depending on the nature of the allegation, the examination of routine systems and records of an organization (match footage, match reports, contracts, electronic devices, storage systems, email, voicemail records, expense records, personnel information, time records, Closed-circuit television footage, diaries and calendars) can be a good starting point to get a handle on context and sequence of events and routines. The planning process should consider issues such as access and permission to examine such records. Individuals may hold relevant information on personal devices (or may have shared it on social media or elsewhere on the Internet).

In a criminal investigation, because of the standard of proof, it is important to gather as much evidence as possible and the best evidence rule (original of a document is superior evidence) usually applies. However, in all investigative contexts, the temptation to cast the net wide or to engage in a “trawling expedition” should be avoided because of the risk of gathering irrelevant information or information that may be private, commercially sensitive or legally privileged. It is essential that an accurate record of all new information is maintained. Investigators should routinely review evidence as further information and evidence is discovered to evaluate its relevance and admissibility. The investigation should remain focused on the investigative objectives and be guided by the terms of reference.

While there is a less stringent standard of proof in sports disciplinary investigations, competition manipulation is a serious allegation with serious implications for individuals and organizations. Therefore, it is important that all available evidence is collected and managed in compliance with the procedural rules of the relevant sports federation.

### CASE STUDY: ILLEGALLY OBTAINED EVIDENCE AND THE COURT OF ARBITRATION FOR SPORT

According to the Court of Arbitration for Sport (CAS), illegally obtained evidence is not necessarily precluded from being admitted (*Amos Adamu v. FIFA*, Case No. CAS 2011/A/2426, Arbitral Award, 24 February 2012) and ultimately, the court has discretion to decide to admit evidence subject to the procedural rules of the relevant sports federation (*Ahongalu Fusimalohi v. FIFA*, Case No. CAS 2011/A/2425, Arbitral Award, 8 March 2012).

In the case of *Amos Adamu v. FIFA*, the CAS panel rejected the argument offered by Mr. Adamu that the evidence used in the hearing, specifically recordings obtained by FIFA from the British newspaper *The Sunday Times*, should be considered as illegal evidence, because the journalists would have violated the Swiss Criminal Code and the evidence would, therefore, have been obtained illegally. He had also claimed a violation of his personal rights and requested that the evidence be declared inadmissible.

The CAS panel noted that the mere circumstance that some evidence would have been illegally obtained does not necessarily preclude an international arbitral tribunal sitting in Switzerland to admit it into the proceedings and to take it into account for its award, because the arbitral tribunal is not bound to follow the procedural rules applicable before Swiss Courts. The panel concluded that evidence that is inadmissible in a criminal or civil court is not automatically excluded from the deliberations of a sports tribunal or arbitral body.

Sources: Court of Arbitration for Sport, *Amos Adamu v. Fédération Internationale de Football Association (FIFA)*, CAS 2011/A/2426, award of 24 February 2012, available [here](#).

Court of Arbitration for Sport, *Ahongalu Fusimalohi v. FIFA*, Case No. CAS 2011/A/2425, Arbitral Award, 8 March 2012, pp.33-49, available [here](#).

<sup>27</sup> Testimony evidence is also known as direct evidence in a court or a hearing. Interviews with witnesses and subjects provide information for an investigation that can be subsequently submitted as oral evidence to a court or a hearing.

### 4.5.2 Exhibits

There are clear procedures and rules of evidence for exhibit handling in the context of criminal investigations. In the context of sports investigations, CAS stipulates that submissions must be accompanied by all exhibits and specification of other evidence upon which the relevant party intends to rely.<sup>28</sup> The authenticity of exhibits must be established and any required translations should be completed. If the authenticity of an exhibit is contested, the panel may order the production of the original document or exhibit for inspection and/or require that an independent investigation be conducted of the exhibit.

In all investigative contexts, the “chain of custody” (also known as the “chain of evidence”) should be maintained and recorded. The chain of custody is the documentation or creation of an audit trail of the collection, movement, control, transfer and disposition of each item of evidence from the time it was obtained until it is presented to the court.

The record should clearly identify who obtained the evidence, where and when the evidence was obtained, who secured the evidence and who had control or possession of the evidence during the lifetime of the investigation.

#### SEQUENCE OF THE CHAIN OF CUSTODY

The sequence of the chain of custody includes details of collection, identification, analysis, storage, preservation and presentation in court. The following applies:

- The original documents should be scanned or photocopied, with the copies used as working copies by the investigation team and the originals stored securely, available for any subsequent proceedings. In cases of dispute arising in relation to the authenticity of a document, in the past, the Court of Arbitration for Sport (CAS) has ordered the production of the original document for inspection or required that an independent investigation be conducted (see *Al Qadsia v. FIFA and Kazma SC*, Case No. CAS 2020/A2196 and *Jovancic v. FIFA and Kazma SC*, Case No. CAS 2010/A/2205).
- Items coming into the possession of the investigation should be labelled and given a unique identifier. This identifier remains with the item until the conclusion of the case (CAS generally emphasizes that “all exhibits shall be clearly listed and numbered”).
- Documents should be put into a protective cover.
- Physical items (phones, electronic devices, competition footage, etc.) should be secured in suitable containers to preserve them in their original condition.
- If items or documents are seized during a search, a full list of the items and documents seized should be maintained and receipts provided to those from whom the documents were seized. If items are transferred from the custody of the investigation (e.g. for forensic analysis or expert examination), a record of this transfer and subsequent return should be detailed on the label, including the date, time and recipient.
- Best practice dictates that as few people as possible should handle items of evidence.

#### CASE STUDY: THE ROLE OF THE CHAIN OF CUSTODY IN A CASE OF COMPETITION MANIPULATION

In 2013, professional tennis player Guillermo Olos de la Rica was banned from Association of Tennis Professionals events for five years and given a fine of \$25,000 for a competition manipulation offence.

Mr. de la Rica appealed this sanction to the Court of Arbitration for Sport (CAS) on several grounds, including the admissibility as evidence of Skype messages, because the chain of custody of the equipment from which the transcripts of the messages were obtained was not established. It was argued that there was insufficient evidence regarding the origin of the Skype messages; therefore the messages should not be considered in these proceedings, because the chain of custody was not established.

The CAS panel found that the chain of custody of the device was intact and that the transcripts created from the examination of the devices were reliable evidence. This was proven by means of the signed witness statements and sworn testimony from investigators who collected the evidence and experts who examined the devices and downloaded the transcripts. In addition, the panel observed that at no time did Mr. de la Rica deny the accuracy of the Skype messages presented to him by the investigator during an interview and he acknowledged his Skype username as it appeared on the transcripts.

Source: Arbitration CAS 2014/A/3467 Guillermo Olos de la Rica v. Tennis Integrity Unit (TIU), award of 30 September 2014

#### 4.5.3. Information management, confidentiality, and sharing

It is imperative that the confidentiality of the investigation is preserved and that information, documents and other materials relating to an investigation remain confidential. The need for confidentiality begins at the moment the initial report is received. The fact that an investigation is under way means that its subject matter, the processes followed, the materials gathered and, especially, the results of the investigation must always be treated confidentially. This includes being careful about using the details of the investigation later if those details could identify a specific person or organization.

Details of the investigation should only be discussed with authorized persons or disclosed only when required. It is important to be alert about who knows about the investigation and about any tentative findings. Even well-intentioned people can compromise attempts to maintain confidentiality. There can be serious consequences for failing to ensure that confidentiality is maintained. These consequences include:

- Damage to reputations from unsubstantiated allegations
- The success and integrity of the investigation may be compromised if others know of the details of the investigation
- There may be an attempt to cover up any misconduct
- The organization may face liability or negative publicity
- The disclosure of the information could cause retaliatory action

Once the initial information on a competition manipulation incident received from a reporting person or another confidential source has been validated, a decision needs to be made about how to manage it during the investigation and how to use it in subsequent disciplinary or criminal proceedings.

Protecting the identity of a source will pose difficulties regarding information-sharing with internal and external stakeholders, and regarding presenting witness testimony to a sports disciplinary panel or a criminal court. Steps should be taken throughout the investigation to restrict access to sensitive information. This includes:

- Identifying and sharing information about a case only with those individuals who need to know
- Securing information that might reveal the identity of a source
- Removing details that may identify a confidential source when recording, storing or sharing information from that source (this might involve dividing the disclosed information across several documents and evaluating each piece separately)

The best way to keep information secure is to limit the number of people who have access to it and to have a good system for documenting and recording information. Such a system might be based on an electronic or hard-copy system, but it should record when information was accessed and by whom. Devices and documents containing confidential information should be password protected, as should any audio-recording devices which have been used during interviews or meetings.

Using information from a confidential source in criminal proceedings is problematic because of the requirements for procedural fairness. Criminal proceedings must protect the rights of an accused to a fair trial. Typically, depending on the jurisdiction, this includes the ability to question and cross-examine witnesses. Procedural safeguards could, in extreme circumstances, consist of the cross-examination of anonymous witnesses by telephone and an in-depth check of the identity of witnesses by the court. The European Court of Human Rights suggests that the use of anonymous witness statements may, in exceptional circumstances and under strict conditions, be admissible as evidence.<sup>29</sup>

#### CASE STUDY: USE OF INFORMATION FROM A CONFIDENTIAL SOURCE IN DISCIPLINARY PROCEEDINGS

In order to comply with the requirements of natural justice and procedural fairness while considering evidence from a confidential source, the Court of Arbitration for Sport panel in the case *FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v. UEFA*, Case No. CAS 2009/A/1920, Award, 15 April 2010, determined that it was legitimate and appropriate for a number of witnesses to provide their oral evidence on an anonymous basis.

In this case, the cross-examination of the anonymous witnesses was conducted by telephone rather than in person. However, a significant factor in the decision of the panel was that the witness had been exposed to threats, insults, pressure and intimidation.

<sup>29</sup> Court of Arbitration for Sport, *FK Pobeda, Aleksandar Zabrcanec and Nikolce Zdraveski v. UEFA*, Case No. CAS 2009/A/1920, Award, 15 April 2010.

The credibility of the initial report of competition manipulation and all subsequent information provided to investigators influences investigative decision-making and the outcome of investigations. Information is the cornerstone of any investigation. All information coming into possession of the investigation should be analysed for credibility and risk. The background of the person providing information should be examined to establish his or her credibility and motivation for doing so. In addition, the strength of the evidence provided will have an impact on subsequent proceedings, especially in the context of criminal prosecutions, where the standard of proof is high. Therefore, the content of the information also needs to be assessed and corroborated.

A high level of competence is required to evaluate and categorize the information gathered so that it adds value to the investigation. Knowing the source and strength of the information, and potentially establishing it as a fact, provides the confidence to make assertions about it. It will also enable sound conclusions to be drawn. If untested information is going to be relied on, this reliance should be reasonable under the circumstances.

Competition manipulation investigations are often highly sensitive in nature and must be treated in the strictest of confidence because of the many risks associated with such investigations. Risks include:

- Damage to the reputation of a specific competition
- Risk to the reputation and livelihood of individual athletes
- Risk to reporting persons and witnesses
- Risk to the integrity of the investigation if details are revealed inappropriately
- Risk of loss of potential evidence
- Risk to information-sharing agreements and trust between partners

The safety and security of individuals, the integrity of competitions and the integrity of criminal or disciplinary investigations depend on collecting and sharing information in a systematic and confidential manner.

Despite the large number of reported investigations into corruption in sport, including abuse in sport, a relatively small number cases of these investigations have led to a trial and have concluded in the securing of a criminal conviction. There are a variety of reasons for this, including:

- A historic absence of established mechanisms at the national level (such as specialized units, national platforms, task forces and working groups) to act as information-generating and exchange hubs and points of contact for international cooperation to support proactive and reactive detection and investigation
- A lack of awareness of how to apply national legislation to deal with competition manipulation, in addition to outdated legislation or legislation that is not fit for purpose
- Absence of or ineffective systems used to store and share relevant intelligence between key stakeholders (law enforcement agencies, criminal justice authorities, relevant ministries, betting regulators and sports organizations)
- Challenges relating to accessing multi-jurisdictional support and mutual legal assistance
- Different attitudes and approaches of law enforcement authorities
- Limited resources
- Competition manipulation can be considered a low priority area
- Inconsistent approaches to data protection issues in different jurisdictions or misunderstandings relating to data protection regulations
- A lack of specialist skills and knowledge required to develop intelligence in this context

Although sports organizations do not have the same coercive powers as law enforcement agencies, they have more opportunities to gather and share information for disciplinary investigations. Furthermore, they do not necessarily need to work under the umbrella of national and international governing bodies, and are in a position to identify, gather and share information relating to their relevant sport regardless of jurisdictional borders, albeit while respecting local data protection regulations.

### SPORT INFORMATION SHARING PLATFORM: INTEGRITY BETTING INTELLIGENCE SYSTEM

The IOC IBIS is a system for sharing information and intelligence in relation to potential competition manipulation or breaches of the Olympic Movement Code on the Prevention of the Manipulation of Competitions. It connects the sports betting industry with the sports organizations concerned, such as international federations and national Olympic committees, and distributes information between partners of the Olympic Movement and different sports betting entities. Agreements are in place with numerous betting regulators, associations of private sports betting entities and lottery associations. The system is aimed at helping international federations, national Olympic committees and their members (national federations) and multi-sport event organizers to fight competition manipulation by providing them with alerts and intelligence through a centralized mechanism for the exchange of information. It creates a cooperative framework based on transparency, confidentiality and trust among stakeholders.

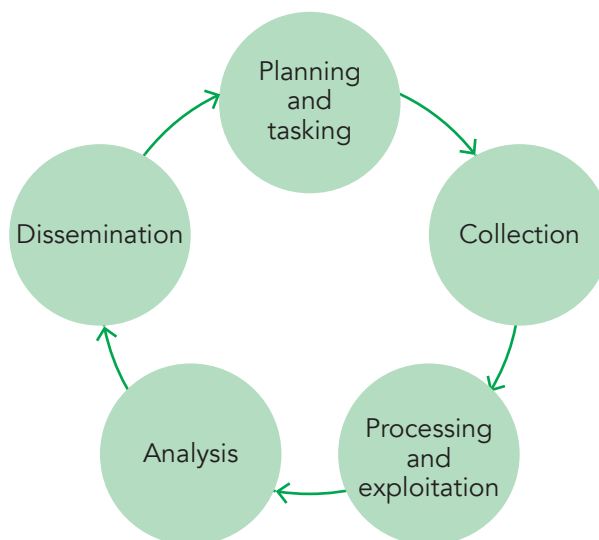
Sports investigators can access or submit information to IBIS through a single point of contact within the relevant international sports federation.

#### 4.5.4 Intelligence

When conducting investigations, sharing information and reporting findings, it is important to understand the distinction between information and intelligence and to realize what can be used as evidence.

The intelligence process involves a cycle of collection, processing, integration, evaluation, interpretation and analysis of available information. The output from the intelligence process are the insights and understanding that are developed into a product that can support decision-making at the strategic, operational or tactical levels. The key clients of the intelligence cycle are decision-makers – intelligence is used to help inform decision-making.

FIG. II THE INTELLIGENCE CYCLE



If information was provided to a sports organization for intelligence purposes only and accepted as such, it is unlikely that it can be entered as evidence in any subsequent proceeding. It is also important to understand the source of the information and/or intelligence, and how it was obtained and handled before it came into the possession of the investigation. While there are restrictions on using intelligence as evidence, it may generally be used in affidavits and applications for wiretaps and search warrants, depending on the applicable legal framework.

In a criminal investigation, national legislation dictates the way intelligence can be used for law enforcement purposes and determines if intelligence is protected from disclosure in criminal proceedings.

It is important that high ethical and handling standards apply to evidence collection. While illegally obtained evidence



is very likely to be excluded from criminal and civil courts, it is not automatically inadmissible in sports disciplinary hearings. Information or intelligence grading is an essential step in the intelligence process. In this process, when information is received, it goes through a grading process during which a handling code is assigned to the intelligence and the source of the intelligence. Grading allows for an easy numeric initial risk assessment. This also allows the intelligence receiver to have confidence in the information and to understand how it may be used and if any special consideration needs to be attached to the source.

There are several information grading systems. For example, information can be graded according to:

- Source evaluation – how reliable the source of the information or intelligence is (graded A, B or C)
- Information evaluation – how accurate the information is likely to be (graded 1, 2 or 3)
- Handling code – with whom the information can be shared (graded X, R or O)

INFORMATION GRADING USING THE 3 × 3 × 3 SYSTEM	
<b>Source evaluation</b>	
A	Reliable: there is no doubt of the authenticity, trustworthiness and competence of the source, or the information is supplied by a source that has been reliable in the past
B	Sometimes reliable: the information has been supplied by a source that has sometimes been reliable in the past
C	Untested source: the reliability of the source cannot be assessed or corroborated
<b>Information evaluation</b>	
1	Information whose accuracy is not in doubt to either the investigator or the source
2	Information not known personally to the investigator or source but corroborated by other information already received
3	The information may be false or malicious
<b>Handling code</b>	
X	Confidential: recording of information is required and should be shared with nominated individuals only
R	Restricted: should be shared with those within the relevant organization for investigation and security matters across all levels
O	Open: information can be shared and disseminated to any party in line with organizational procedures and media policy

Standardized intelligence grading allows for more efficient information-sharing between organizations, while ensuring that sources are protected and information is handled appropriately. This can increase trust between organizations. Grading also improves the standard of the information held by an organization and strengthens data and privacy policies.

#### AN EXAMPLE OF THE APPLICATION OF THE 3 × 3 × 3 SYSTEM

This hypothetical intelligence grading relates to information received by investigators from an identified athlete who alleged that a named athlete had requested his assistance to manipulate the outcome of a competition that was subsequently manipulated without his assistance.

Intelligence grading: C-2-X

C: source evaluation – untested

2: information evaluation – not known but corroborated by other information

X: handling code – confidential, shared with nominated individuals

## 4.6 Coordination of criminal and sports investigations

It is possible for a sports disciplinary investigation and a criminal investigation into an allegation of competition manipulation to be conducted in parallel. Early consultation and cooperation between the relevant sports organization and law enforcement authority is advisable to determine the best course of action in terms of which entity should conduct or lead the investigation and the coordination of concurrent investigations, if appropriate.

There is a perception that a sports investigation and associated proceedings should be paused until a criminal investigation into the same allegation is completed. However, there is no general rule that criminal proceedings must take precedence over disciplinary proceedings, or that sports disciplinary investigations or proceedings have to await the outcome of criminal investigations. In all but the most exceptional cases, nothing would legally obstruct a sports governing body from sanctioning participants for breaching regulations.<sup>30</sup>

The perception that law enforcement investigations take precedence over sports disciplinary proceedings is often influenced by the following:

- The concept of double jeopardy
- The existence of a statute of limitations in the criminal context
- The fear that the sports investigation may compromise the integrity of the criminal investigation
- The principal of *nemo tenetur se ipsum accusare* (i.e. the right against self-incrimination) is also sometimes referred to, although in the case of *Jérôme Valcke v. FIFA*, Case No. CAS 2017/A/S003, the Court for Arbitration for Sport dismissed this argument

The argument has been made that concurrent disciplinary and criminal proceedings and sanctions are unlikely to constitute the legal principle of double jeopardy because they serve different purposes. The charges brought under the respective procedures are significantly different, for the most part, because they will target different persons and require different evidence. The issue of double jeopardy would only arise if a case could be made that a sanction, albeit disciplinary in form, reveals a punitive intent and thus must be qualified as a criminal penalty. Even a lifetime ban, with severe consequences for the athlete concerned, would not render the sanction criminal.

A sports organization will often have examined the initial report and carried out inquiries before it would establish whether there may be a criminal element to the activities reported. Because of the higher standard of proof in criminal prosecutions and the requirements to preserve the chain of custody, as well as for procedural fairness, any inquiries conducted, or evidence gathered before there is an opportunity to consult with law enforcement authorities may compromise a subsequent criminal prosecution.

It is imperative that sports investigations document their investigative steps and the resulting information and evidence so that they can be shared and be, potentially, admissible in criminal proceedings and sports disciplinary proceedings.

Competition manipulation is not a specific criminal offence in many jurisdictions<sup>31</sup> and law enforcement authorities do not necessarily have access to expertise in, or insight into, sports competitions. Therefore, when sports organizations cooperate with law enforcement authorities, they will often prove invaluable in providing the law enforcement with background information regarding the alleged manipulation and offer potential evidential leads. Often, when a sports organization uncovers a case of manipulation, the organization will need to make a criminal complaint and provide enough evidence to initiate a criminal investigation.

A coordinated approach requires cooperation between sports organizations and law enforcement authorities, where these entities respect each other and contribute to achieving each other's objectives regarding allegations of competition manipulation. Such a coordinated approach is facilitated by platforms such as the IOC IBIS (sport) and the Enlarged Transnational Integrity Competition Analysis (ETICA) (law enforcement).

The UNODC *Global Report on Corruption in Sport* includes many examples of corruption in sport, including competition manipulation, that has involved the commission of a crime. In such circumstances, the responsibility to investigate lies with the relevant law enforcement or criminal justice authorities, including anti-corruption bodies. In the report, it is argued that, given the powers and resources available to these authorities, the effectiveness of an investigation that is conducted by law enforcement authorities is often beyond what can be achieved by a sports organization. However, the number of successful investigations into corruption in sport led by law enforcement is limited, with only few investigations going to trial and resulting in a conviction.

<sup>30</sup> Ben Van Rompuy, "Effective sanctioning of match-fixing: The need for a two-track approach", *International Centre for Sports Security Journal*, vol.1, No.3 (September 2013), pp.69-73.

<sup>31</sup> UNODC and IOC, *Legislative Approaches to Tackling the Manipulation of Sports Competitions*.

There are a variety of reasons for this, including:

- Law enforcement agencies refrain from investigating competition manipulation incidents because of a perception that they constitute primarily sporting issues and are not strictly related to the rule of law
- Weak investigation capacities
- Inefficient information-gathering systems and intelligence sharing
- A lack of capacity and/or resources to analyse and cross-reference existing and open-source data on corruption in sport
- Limited interest
- Flexible, creative and adaptable criminal networks involved in sport (in particular those concerned with competition manipulation) that go to great lengths to keep ahead of law enforcement to avoid detection and prosecution
- The multi-jurisdictional element of an investigation, which can add significant complications and act as a potential hurdle to the involvement of law enforcement
- Different approaches of the jurisdictions involved in investigating this type of crime

Recognizing the need to tackle corruption in sport, many major sports governing bodies have developed their own investigation capabilities, including the establishment of specialized units that often focus on competition manipulation. To support internal investigations, many sports organizations have put in place a comprehensive set of anti-corruption rules that, for example, restrict the involvement of participants in betting and prohibit any form of corrupt practice, such as bribery. They also have rules that allow investigators to access financial data, such as bank records and information held on the electronic devices of suspects.<sup>32</sup>

In the UNODC Global Report on Corruption in Sport, it is stated that sports organizations can strengthen the detection and reporting of corruption and other forms of wrongdoing in sport by “committing to the principle to report all suspected corruption in their sport to the appropriate authorities in the jurisdiction where the criminal acts are believed to have been committed, and to assist all law enforcement authorities in the investigation of such cases.”<sup>33</sup> In this context, a partnership approach between law enforcement authorities and sports organizations is essential to an effective outcome.

The benefits that a sports governing body can offer a criminal investigation include:

- Expertise in the rules and regulations of their sport
- Rules that allow investigators access to financial data, such as bank records and information held on the electronic devices of suspects
- Analysis of on-field actions
- Access to betting data (many sport organizations have contractual arrangements with licenced wagering service providers that offer markets on their sport)
- Information on the identity of athletes, officials, etc.
- Information on venues and competition schedules
- Information on relevant individuals or competitions
- Additional information/intelligence about relevant individuals or matches that may substantiate or refute any allegations
- Expert witnesses for court

Cooperation and coordination between agencies is an important factor, ensuring early intervention and action in competition manipulation cases. This provides a broader perspective of the issues and facilitates:

- Early risk management
- Improved information-sharing
- Coordinated decision-making
- Coordinated action to assess, manage and reduce risk

<sup>32</sup> Council of Europe, “Mapping of actors involved in fighting the manipulation of sports competitions” (2017).

<sup>33</sup> UNODC, Global Report on Corruption in Sport, chapter 4, p. 133.

Stakeholders relevant to competition manipulation investigations, including:

- **Public authorities:** ministries, institutions, agencies and betting regulatory authorities
- **The sports movement:** national Olympic committees, international federations, regional federations, national governing bodies, athletes, match officials (i.e. referees) and sports event organizers
- **Betting operators:** both public and private operators
- **Law enforcement authorities:** the police, investigators, prosecutors and judges

### CASE STUDY: COOPERATION INVOLVING SPORTS FEDERATIONS AND LAW ENFORCEMENT AUTHORITIES

#### Belgium

In Belgium, a major investigation called “Operation Clean Hands,” relating to membership of an organized crime group, money-laundering, forgery and private corruption, involved house searches in Belgium and other jurisdictions and resulted in the charging of 57 individuals (including two referees) with criminal offences.

The investigation has two main components:

- Financial fraud, forgery and money-laundering by players’ agents and club officials, who allegedly set up schemes to hide commissions from the Belgian tax authorities
- Competition manipulation, including the manipulation of two relegation matches in the 2017-2018 football season

The Federal Public Prosecutor’s Office in Belgium has shared a selection of relevant documents from the criminal investigation relating to the match-fixing part of the case with the Royal Belgian Football Federation. This allowed the Federation to open disciplinary proceedings relating to the alleged match-fixing. The disciplinary investigation and the subsequent hearings resulted first in the suspension of several parties involved, but later procedures by certain defendants before the Belgian Court of Arbitration and the Civil Court led to the nullification of those disciplinary sentences. The criminal investigation and prosecution on financial fraud, forgery and money laundering is still ongoing.

Source: Eurojust, *Eurojust supports dismantling of football money-laundering network*, 10 October 2023

It is recognized that the level of cooperation between the four groups varies significantly from jurisdiction to jurisdiction. In the Convention on the Manipulation of Sports Competitions, Member States are urged to take part in further cooperation and co-ordination through national platforms, in accordance with domestic law. Provided by article 13 of the Convention, these national platforms are a unique place for the exchange of information between the various actors in the fight against competition manipulation: public authorities, sports organizations, sports betting operators and law enforcement agencies.

Given the number of stakeholders involved, it is imperative that the stakeholders operate in a coordinated manner to ensure a comprehensive approach to receiving and sharing information. The success of an investigation depends on recognizing the relevant stakeholders and potential partners and having protocols in place to ensure the integrity of the investigation.

#### 4.6.1 Stakeholders and partners: sport

There are a number of stakeholders, both within sport and externally, that have an interest in and a responsibility when it comes to allegations of competition manipulation. There is significant merit in consulting with key stakeholders in the sport in question. They may have relevant support, information or expertise to offer to an investigation (with due consideration given to confidentiality issues and legal privilege).

Stakeholders and partners include:

- Regional, national and international law enforcement agencies
- Regional, national and international sports federations and associations
- Governmental sports bodies
- Gambling regulators

- Legal departments
- Federation presidents, secretaries general and human resources departments
- Team managers, chefs de mission and coaches
- Athletic associations and unions
- Athlete/team sponsors
- Disciplinary panels
- Referees and referees' associations
- Integrity officers
- Single points of contact on sport integrity issues within international sports federations
- Betting monitoring operations companies and sports integrity services
- Betting entities
- Banking and financial institutions
- Revenue services
- Broadcasting rights owners

#### SINGLE POINTS OF CONTACT

Single points of contact recognized by the Olympic Movement Unit on the Prevention of the Manipulation of Competitions are established within each partner that has signed an agreement with the International Olympic Committee.

The single point of contact in each partner oversees communication with the Olympic Movement Unit, including any follow-up on the evolution of alerts and information shared between the Unit and the partner.

A dedicated onboarding procedure is required for every point of contact to gain access to the Integrity Betting Intelligence System platform in a secure manner.

#### 4.6.2 Stakeholders and partners: law enforcement

Most allegations of competition manipulation involve a transnational dimension. The complexities of legal and cultural differences heighten the need to form partnerships, seek cooperation and share information with relevant national and international federations or other governing bodies that have a stake in the outcome of the investigation (and may be partners in it). In addition, investigative procedures and techniques that are appropriate locally may not be appropriate in other jurisdictions because of legal, jurisdictional and/or cultural differences. Investigations with transnational cases should seek local guidance to effectively manage these complexities.

Stakeholders and partners include:

- Other regional and international law enforcement agencies
- Regional, national and international sports federations and associations
- Banking and financial institutions
- Financial intelligence units
- International bodies dedicated to combating fraud, corruption and money-laundering, such as the Financial Action Task Force (FATF), the Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the Council of Europe Group of States against Corruption (GRECO) and the Egmont Group of Financial Intelligence Units
- Revenue, tax and customs authorities
- International bodies dedicated to combating fraud, corruption and money-laundering
- Third-party payment, money-exchange and cryptocurrency platforms

- Telecommunications and Internet-related companies, including:
  - » Internet service providers
  - » Fixed and mobile telecommunications providers
  - » Internet search engine companies
  - » Major websites (especially sports and betting)

#### 4.6.3 Gambling regulators

Most gambling regulators are public bodies under the control of their relevant government. Gambling regulators often have strategic objectives aligned to the prevention of competition manipulation and many have units dedicated to tackle such issues (e.g. the Sports Betting Intelligence Unit in the United Kingdom of Great Britain and Northern Ireland).

Gambling regulators can advise investigators on the type of information that is available from their licenced betting operators (often collected as part of regulatory requirements) and assist them in obtaining such information.

They also often hold significant regulatory powers that can compel betting operators to provide information to sports bodies and to report suspicious betting activity, which is important in the initial identification of both sports rules breaches and criminality.<sup>34</sup>

Gambling regulators are also likely to have established “betting integrity” contacts within numerous betting operators, which could save investigators a lot of time in targeting their enquiries to the correct departments and individuals within such organizations.

Some gambling regulators (for example, in France) have real-time oversight of all bets placed within their regulatory jurisdiction, which provides access to highly valuable datasets. It allows for both the technical surveillance of bets being placed as well as the capability of quickly identifying abnormalities in expected betting patterns.

#### CASE STUDIES: BETTING EXPERTS IN COMPETITION MANIPULATION CASE

*Court for the Arbitration of Sport, Joseph Odartey Lamptey v. FIFA, Case No. CAS 2017/A/5173, Award, 4 December 2017*

This case relates to the confirmation of a lifetime ban imposed by the FIFA Disciplinary Committee and the FIFA Appeal Committee on Ghanaian match official Joseph Odartey Lamptey.

Relying on this data, the Court of Arbitration for Sport (CAS) concluded that there was an obvious link between these intentionally wrong decisions and a deviation from an expected betting pattern: “In light of the foregoing, the Panel has reached a personal conviction, in accordance with Article 97(3) of the FDC, that a link exists between (i) the deviation in the betting patterns and (ii) the Field Decisions, as each of them, inexplicable if taken alone, appears to find an ‘explanation’ only in the other.”

Sequence of events:

- 12 November 2016: Soccer World Cup 2018 Qualification Match, South Africa v Senegal – Referee under investigation for allegedly manipulating match result
- 12 November 2016: The monitoring system ULIS sends an alert to the Fédération Internationale de Football Association (FIFA), followed by alerts from other monitoring systems over the next days
- The FIFA Disciplinary Committee and the FIFA Appeal Committee impose a lifetime ban on Ghanaian match official Joseph Odartey Lamptey for manipulating a sport competition
- CAS validates the decision
- January 2018: CAS publishes its decision. It makes clear that the detection of abnormalities by several betting stakeholders, from monitoring companies to associations, proved important as it was used as supporting evidence by CAS

<sup>34</sup> For example: Gambling Commission, “15.1.2 – Reporting suspicion of offences etc – betting licences”, available [here](#).



### Court for the Arbitration of Sport, *Klubi Sportiv Skënderbeu v. UEFA*, Case. No CAS 2016/A/4650, Arbitral Award, 21 November 2016

In this case, the CAS panel, referring to evidence from the Betting Fraud Detection System (BFDS), concluded that because “the statistical information cannot be explained by ‘normal’ circumstances does not necessarily entail that it must hence be concluded that the results are to be explained by competition manipulation. The reporting of an ‘escalated’ match deriving from the BFDS is by no means conclusive evidence that such match was indeed fixed but remains subject to review.”

The panel considered quantitative data sets from BFDS and ULIS to be “valuable evidence if corroborated by further evidence”. In this case, the panel considered match-analysis video evidence from a betting entity and evidence from betting experts and experts in the statistical and mathematical models.

#### Sequence of events:

- January 2015: the Royal Dutch Football Association received some alerts regarding a possible manipulated match by an Albanian club, KF Skënderbeu Korçë. This club played friendly matches against Dutch clubs during a winter break in Spain.
- The Royal Dutch Football Association approached ULIS through its member De Lotto (now Nederlandse Loterij), asking for insights into the betting patterns of the matches in question.
- A few hours later the Royal Dutch Football Association received reports from ULIS based on odds movements from the international, Asian and lottery markets and from ULIS members.
- July 2016: CAS dismissed an appeal from Skënderbeu against the decision of the Union of European Football Associations (UEFA) to ban the club from the UEFA Champions League for one season because of its involvement in fixed matches.

#### 4.6.4 Betting experts

When competition manipulation is reported or suspected, experts from betting entities can assess the betting market to determine if the report is associated with suspicious betting patterns relating to the specific competition or competitions (for examples of types of bets, see annex II). If betting expertise is sought within data companies, one should be mindful of the potential of conflicting interests. On the one hand, betting experts have a commercial interest in collecting, processing and selling sports data, mainly to gambling-related parties; on the other hand, this data can be used in integrity investigations. However, it may well be that in those investigations, commercial interests and integrity considerations do not align. Alternatively, a betting entity may have informed a sports federation about irregular betting<sup>35</sup> patterns on a specific sports competition. Betting experts can help determine if irregular patterns have a legitimate explanation or if they may indicate potential competition manipulation. The tactics or patterns employed in competition manipulation provide clues, to various degrees, which may enable an investigation to act and use in seeking specific evidence.

The use of experts from betting entities is common in court cases or hearings involving complex technical issues relating to competition manipulation. Party-appointed experts are not required to be independent and impartial. However, the more independent and impartial the expert is, the more intrinsic weight the expertise will be afforded. In particularly complex cases, the panel or court might also want to appoint an independent expert to assist the arbitrators in understanding the expertise brought forward by the parties.<sup>36</sup>

<sup>35</sup> Council of Europe, *Convention on the Manipulation of Sports Competitions* (2020) Art.3.5.b: “Irregular sports betting shall mean any sports betting activity inconsistent with usual or anticipated patterns of the market in question or related to betting on a sports competition whose course has unusual characteristics.”

<sup>36</sup> Antonio Rigozzi and Brianna Quinn, “Evidentiary issues before CAS”, in *International Sports Law and Jurisprudence of the CAS*, Michele Bernasconi, ed. (Bern, Editions Weblaw, 2014).

#### 4.6.5 Sport betting entities

While there are important privacy considerations, legitimate betting entities may, under certain conditions (warrants, court orders, subpoenas and the existence of memoranda of understanding), provide sports federations and law enforcement agencies with information relating to specific customers' identities and betting transactions when allegations of competition manipulation are being investigated. Many gaming regulatory authorities have a legal capacity to request and source betting data from licenced betting and can share that data for the purpose of investigating incidents related to the manipulation of sports competitions.

The IOC Integrity Betting Intelligence System (IBIS)<sup>37</sup> collates alerts and information on competition manipulation through betting on sport. Many betting entities and national regulators have already signed memoranda of understanding with the IOC. They are responsible for monitoring betting activity during IOC competitions and other major sports events and alerting the IOC system directly when suspicious activity is detected.

#### CASE STUDY: AN INTERNATIONAL OLYMPIC COMMITTEE INTEGRITY BETTING INTELLIGENCE SYSTEM ALERT

In 2016, the International Olympic Committee (IOC) Integrity Betting Intelligence System identified that Michael John Conlan, Steve Gerald Donnelly and Anthony Fowler, who had competed at the Summer Olympic Games in Rio de Janeiro as part of the Ireland boxing team, had bet on boxing competitions at the Games.

The bets placed were of a relatively low value (a maximum of £200), but they had created opportunities to make large amounts of money if they had been successful. All the bets were lost. The athletes' accounts were automatically suspended by the betting company following the alert.

As the likelihood of a breach, pursuant to article 6 of the Rules for the Application of the Olympic Movement Code on the Prevention of Manipulation of Competitions, was established, the IOC Chief Ethics and Compliance Officer informed the IOC President, and the matter was investigated.

The IOC Disciplinary Committee found that the three athletes had violated the Rules for the Application of the Olympic Movement Code on the Prevention of Manipulation of Competitions.

*Source: IOC, IOC sanctions three athletes for betting on Olympic competitions in Rio 2016, 28 September 2016*

#### 4.6.6 Competition analysis

Where competition manipulation is detected, this typically involves information from a reporting person or a report of suspicious betting activity from a betting monitoring company. Using performance analysis alongside such reports helps to develop deeper insights into what has happened in any given competition.<sup>38</sup>

Betting patterns relating to the competition can be considered alone or in conjunction with subjective sport-specific expert analysis of incidents on the field of play. The analysis of actions in a competition can also provide an indication of competition manipulation.

Betting monitoring reports may indicate irregular betting patterns but fall short of attributing suspicious actions to specific players during the match. Analysis of video footage can help to identify match activity that may indicate competition manipulation. On rare occasions, the analysis can constitute direct evidence that confirms that the manipulation occurred.

Match analysis helps to establish a recognizable standard of performance from individual players, which can be used to build performance-related evidence to refute potential suggestions that players are not capable of playing at a higher standard than exhibited. In team games, team formations and the individual roles of the players within these formations are analysed. Comparative analysis can occur whereby the actions of individual competitors can be compared, from game to game (or within a game), with certain criteria included to determine what is an acceptable level of effort, tactical awareness and performance. This can be applied to players of any standard, including players at the international level.

<sup>37</sup> IOC Integrity Betting Intelligence System (IBIS), available [here](#).

<sup>38</sup> Council of Europe, "Mapping of actors involved in fighting the manipulation of sports competitions".

### CASE STUDY: EXPERT EVIDENCE USED IN A DISCIPLINARY HEARING

*Court of Arbitration for Sport, Vsl Pakruojis FK et al. v. Lithuanian Football Federation, Case No. CAS 2015/A/4351, Award, 13 July 2016*

In this case, evidence submitted included betting reports of two matches that Vsl Pakruojis FK lost to FK Siauliai, analysis of the club's form, league position and turnover rate, analysis of player behaviour on and off the field and evidence of leading bookmakers' removing competitions from the market.

The Court of Arbitration for Sport panel relied on the betting reports and expert explanations that demonstrated betting abnormalities, as well as on expert analysis of on-field behaviour.

#### 4.6.7 External stakeholders and partners

Where an allegation can also involve activities that constitute a criminal offence in multiple jurisdictions, national and international law enforcement authorities can be considered by sports organizations as key partners and stakeholders.

Evidence secured under sports disciplinary powers can (subject to national restrictions) be passed on to law enforcement authorities. Because of legal restrictions, it is less likely that evidence secured by law enforcement authorities during a criminal investigation can be passed to sports federations for disciplinary proceedings, if this is legally possible. However, upon the conclusion of criminal proceedings, a lot of the information used in a trial becomes open-source information and may be used in disciplinary proceedings.

### CASE STUDY: INFORMATION-SHARING BETWEEN EXTERNAL PARTNERS AND STAKEHOLDERS

In 2016, a South African cricket player was suspended by Cricket South Africa (CSA) for 20 years for his part in contriving to manipulate matches in the 2015 edition of the RAM SLAM Challenge, South Africa's premier T20 competition.

Four other players were also banned by CSA for breaching the CSA anti-corruption code. They received suspensions ranging from seven to 12 years. The investigation revealed that the key figure involved in the manipulations was approached by a bookmaker based in India to identify and recruit players for competition manipulation purposes.

The case was also investigated under the Prevention and Combating of Corrupt Activities Act of South Africa, with information from the CSA disciplinary proceedings used in the criminal court proceedings. This information included interview transcripts (transcriptions of recorded interviews conducted in the disciplinary investigations were transcribed for use in the criminal trial), mobile phone mirror images and mobile phone hard drives.

The player pleaded guilty on eight counts of breaches of the corruption act and was sentenced to five years imprisonment.

*Source: InsideTheGames, Bodi sentenced to five years in prison after spot-fixing saga, 22 October 2019*

#### 4.6.8 INFORMATION-SHARING MECHANISMS RELEVANT TO CRIMINAL JUSTICE AUTHORITIES

Law enforcement authorities also have platforms and mechanisms for sharing information with each other under certain conditions. Where information has multi-jurisdictional relevance, it should be shared with the appropriate criminal justice authority in the relevant jurisdictions using legal methods, such as the INTERPOL National Central Bureau network, ETICA,<sup>39</sup> the Europol Secure Information and Exchange Network Application (SIENA),<sup>40</sup> the Council of Europe International Network of National Platforms<sup>41</sup> and the UNODC Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network).<sup>42</sup>

<sup>39</sup> INTERPOL National Central Bureau network, ETICA, available [here](#).

<sup>40</sup> Europol Secure Information and Exchange Network Application (SIENA), available [here](#).

<sup>41</sup> Council of Europe Network of National Platforms (Group of Copenhagen), available [here](#).

<sup>42</sup> UNODC GlobE Network, available [here](#).

#### 4.6.8.1 Council of Europe International Network of National Platforms

Article 13 of the Council of Europe Convention on the Manipulations of Sports Competitions provides for the international network of national platforms, established in Copenhagen in 2016.<sup>43</sup> This network includes over 30 countries that are signatories to the Convention, as well as several observer countries in Africa, Asia, Europe, North America and Oceania. It is a network intended for the collection and exchange of information at the international level, bringing together public authorities, sports organizations, sports betting operators and law enforcement agencies.

Sports investigators can access or submit information to IBIS through a single point of contact within the relevant international sports federation.

#### 4.6.8.2 Europol Secure Information and Exchange Network Application

The Secure Information and Exchange Network Application (SIENA)<sup>44</sup> of the European Union Agency for Law Enforcement Cooperation (Europol) connects law enforcement agencies of European Union member States and Europol operational partners. It provides a fast and secure official platform to exchange information and operational data on ongoing investigations related to serious international and organized crime, including on cases of corruption in sport.

The exchange of information through Europol also allows the subsequent operational analysis of the data exchanged through the Europol Analysis System and the identification of links to different countries' investigations and to other areas of organized crime. In particular, the Europol Corruption Analysis Project facilitates the exchange of criminally relevant information and the analysis of relevant cases of sports corruption and competition manipulation.

While law enforcement authorities may be legally restricted from providing evidence to sports federations, they may be willing to provide intelligence under certain conditions. They may do so, for example, if a memorandum of understanding (a formal agreement between two or more parties) exists.

In order to build trust in this regard, it is important that sports investigators develop an understanding of the nature of the information provided and the restrictions surrounding it. For example, if the information was provided as "intelligence only," it is unlikely that it can be used in sports disciplinary proceedings. If the information provided is "restricted access" or "confidential," it should be shared only with nominated individuals. The terms of the specific memorandum of understanding will outline the criteria for the sharing of the information.

#### 4.6.8.3 INTERPOL

##### National Central Bureau Network

National Central Bureaus are special offices within the police organizations of each member country of INTERPOL. National Central Bureaus can share police information through INTERPOL I-24/7, the secure global police communications system. This system links law enforcement agencies in the 196 INTERPOL member countries and enables authorized INTERPOL National Central Bureaus and border agencies to share sensitive and urgent police information with their counterparts around the globe and with the General Secretariat. Communication with the National Central Bureaus is carried out through the relevant police station in the region.

The INTERPOL databases contain information related to criminals and crimes and comprises millions of records with information on individuals (such as names and fingerprints), stolen property (such as passports and vehicles) and weapons and threats (such as firearms). Law enforcement agencies can search the databases and contribute to the databases on a voluntary basis through their National Central Bureau.

##### Enlarged Transnational Integrity Competition Analysis

Enlarged Transnational Integrity Competition Analysis (ETICA) is a specific police information tool managed by INTERPOL through which participating law enforcement agencies can share, store, access and cross-check police information specifically related to corruption in sport and illegal betting cases. It is a criminal information system project created with a view to promoting the sharing of information in this area. At present, all member jurisdictions of INTERPOL are using the system to share case data related to sport corruption cases.

<sup>43</sup> Council of Europe Network of National Platforms (Group of Copenhagen), available [here](#).

<sup>44</sup> Europol Secure Information and Exchange Network Application (SIENA), available [here](#).

The INTERPOL Match-Fixing Task Force forms the focus of the operational response of the International Criminal Police Organization (INTERPOL) in this area. It brings together law enforcement agencies around the world to tackle match-fixing and corruption in sport.

The Task Force has around 100 member units, with more than 150 national points of contact worldwide. It focuses on sharing experiences and best practices and acts as a platform for investigations and international case coordination. Specific INTERPOL tools are available to law enforcement worldwide, including Enlarged Transnational Integrity Competition Analysis (ETICA) and Financial Crime Analysis (FINCAF).

As a result of its global outreach, the Task Force is uniquely placed to connect criminal investigative units in all INTERPOL member countries, relevant integrity units from the main international sporting federations and dedicated monitoring services to unite efforts to counter any wrongdoing in sport. In recent years, cooperation frameworks have also been established to protect major sporting events from criminal exploitation.

*Source: INTERPOL Match-Fixing Task Force, available [here](#).*

#### INTERPOL Global Focal Point Network

The INTERPOL Global Focal Point Network on Anti-Corruption and Asset Recovery<sup>45</sup> provides a secure information exchange platform for the recovery of criminal assets. Authorized law enforcement officers from each member country are designated as focal points and can respond quickly when another country requires assistance. The aim of this initiative is to support asset freezing and the seizure, confiscation and recovery of stolen assets. It facilitates the secure exchange of sensitive information between the focal points from anti-corruption and asset recovery agencies. Through the network, focal point members have access to the network and other focal points, legislative and judicial frameworks from member countries and a 24-hour initial action checklist for an asset recovery investigation.

#### 4.6.8.4 UNODC GlobE Sport Network

UNODC is establishing and developing a unique global network of frontline anti-corruption law enforcement authorities and officials of sports governing bodies involved in fighting corruption threats to sport. Developed under the auspices of the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network),<sup>46</sup> the UNODC GlobE Sport Network will build on the foundations of the existing UNODC GlobE Network and will complement existing platforms for such cooperation. It will empower a wider range of countries and actively involve sports organizations at all levels to engage in informal international cooperation to disrupt, investigate and sanction those looking to exploit sport for illicit gain.

### 4.7 Data protection

Many jurisdictions around the world have restrictive data privacy laws that can have a significant impact on an investigation. Failing to understand and abide by local data protection laws can also significantly impede an investigation and can be costly to the investigation and the organization involved.

Since the introduction of the General Data Protection Regulation in the European Union,<sup>47</sup> many other jurisdictions around the world, including Japan, the Republic of Korea, Singapore and Türkiye, as well as some states in the United States of America, have introduced similar data protection regulations.

The General Data Protection Regulation requires that the personal data of any natural person must be handled in a lawful, fair and transparent manner and only processed for specific purposes laid down by law. Organizations subject to the General Data Protection Regulation or similar regulations must obtain consent for collecting and storing personal data. In addition, they must erase data if requested to do so. In this context, organizations that collect and store data on individuals must ensure that risk assessments are in place regarding data storage.

<sup>45</sup> INTERPOL Global Focal Point Network on Anti-Corruption and Asset Recovery, available [here](#).

<sup>46</sup> UNODC GlobE Network, available [here](#).

<sup>47</sup> The was adopted in 2016 and entered into application on 25 May 2018. More information is available [here](#).

Data privacy regulations do not always supersede the rights of an organization to collect and retain personal data. There may be legal or administrative grounds permitting data collection without the consent of the subject. For example, in workplace contexts, a legitimate interest can be a reasonable suspicion of misconduct based on specific facts.

Notwithstanding data protection regulations, sports federations have developed regulations that aid in gathering information during an investigation. These include cooperating and reporting obligations. Athletes subject to these obligations have a duty to provide personal information upon request of the investigating sports federation. Any failure to comply with such a demand may incur sanctions. These obligations entitle the integrity units of sports federations to request all information relating to an alleged offence, which may include telephone records, bank statements, text messages received and sent, Internet service records and records stored on computer hard drives and other devices. This is because participation in specific events organized by these sports bodies is predicated on a waiver of data protection rights. In other words, consent to access personal data is implied in these specific circumstances.

National data protection laws may be cited as a reason for not exchanging relevant information or intelligence in relation to competition manipulation, and they can determine the capacity to access key evidence such as telephone and betting records. However, as is stated in article 43 of the United Nations Convention against Corruption: “States Parties shall consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption.” In this regard, law enforcement agencies and public prosecutors are already collaborating with sporting bodies in some cases, and this cooperation is not affecting independent sporting sanction systems, including bans, relegations and penalties.<sup>48</sup>

Data protection laws are aimed at safeguarding the privacy of individuals. However, they are not designed to hinder the investigation of wrongdoing, including competition manipulation, and the exchange of information when it is in the public interest to do so. It is specifically outlined in the General Data Protection Regulation that law enforcement and national security agencies are not required to obtain consent from individuals to collect their data.

The European Commission stipulates that: “Any processing of personal data must be lawful, fair, and transparent in relation to the natural persons concerned, and only processed for specific purposes laid down by law. This does not in itself prevent the law-enforcement authorities from carrying out activities such as covert investigations or video surveillance. Such activities can be done for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.”<sup>49</sup>

Law enforcement authorities must create and maintain safeguards to protect the personal data they collect and retain.

<sup>48</sup> KEA European Affairs, *Match-fixing in sport: A mapping of criminal law provisions in EU 27 (2012) and UNODC and IOC, Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation* (Vienna, 2019).

<sup>49</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016, para.26.





## 5. INVESTIGATIVE TECHNIQUES AND APPROACHES TO CASES OF COMPETITION MANIPULATION



## 5.1 Identifying persons of interest

At the core of most competition manipulation cases are individuals and/or entities that stand to gain from the activity. The motive for competition manipulation can vary from financial gain to sporting advantage, depending on the circumstances. However, ancillary or related offences uncovered as part of the competition manipulation investigation (e.g. betting on one's sport, the sharing of inside information or non-reporting) may result from a lack of awareness of the sport's rules rather than an attempt to gain advantage.

When a case of competition manipulation is suspected or uncovered, it is important to identify every person or entity that is likely to profit or gain in some way from the act. These individuals are the targets of the investigation.

How persons of interest are identified will largely depend on how the investigation was instigated. Some investigations will begin because the actions of a specific person or group of people have been reported or have come to light in some other way (e.g. a direct claim or when suspicion of criminality or wrongdoing exists). Once there is sufficient corroboration of the allegations, an investigation will ensue.

IDENTIFYING PERSONS OF INTEREST	
Source	Indications
Trigger information	Names or indications of a specific person or persons
Intelligence from partner agencies	Names or indications of a specific person or persons
Sports betting entity	Provides information relating to betting accounts, bets placed, etc.
Interviews with witnesses	Provides information about a specific person or persons with motive or opportunity; provides information on who is or are vulnerable
Investigation team	Investigators should create a comprehensive profile of potential targets in order to learn as much as possible about their motivations, opportunities, involvement and avoidance strategies, as well as their connection to other members of the competition manipulation activity
Expert analysis of on-field action	Identifies performance irregularities of a specific person
Investigation team/ witness/ intelligence	Identifies a specific person or persons who demonstrate sudden or unexplainable acquisition of wealth

An understanding of the perspective and motivation of a potential offender and the methods used to engage in competition manipulation is important for effective evidence collection and interviewing of witnesses and suspects. This includes understanding which athletes, players, managers or officials might be vulnerable to approaches for the purpose of competition manipulation (at risk or susceptible to succumbing to approaches or temptation because of emotional, physical, economic, social or cultural factors) or who have the motivation and opportunity to engage in competition manipulation.

In the UNODC *Global Report on Corruption in Sport*, two general ways are identified in which organized crime groups exploit sport for illicit gain:

- By direct affiliation to or infiltration of sport, often through internal actors such as senior officials of sport organizations, coaches, referees, athletes and intermediaries
- By those with no direct affiliation to sport, such as external and established organized crime groups, including mafia-type organizations, that require the collaboration of internal actors inside sport to enact their illicit activities

In addition, a growing trend identified in the report is for people engaged in competition manipulation to increasingly target youth and women's competitions. Also highlighted is the fact that athletes, coaches, officials, players' agents and other actors are particularly vulnerable to approaches from individuals engaged in competition manipulation at sports venues and places of residence, such as hotels where they stay for the course of events or matches.

There are many reasons why athletes and officials within sport may be vulnerable to approaches and motivated to engage in competition manipulation.

VULNERABILITY	MOTIVATIONS
Easy to manipulate/ impressionable	Peer pressure, promise of success or reward, attracted to lifestyle, greed
Blackmail	Fear, exposure of some previous wrongdoing
Threats	Fear for self or others, career and reputation, loss of status
Duress	Offer is hard to resist, exposure of some previous wrongdoing, groomed with gifts, money or sexual favours
Gambling debts	Fear of exposure of gambling on own sport, an infringement of rules, lifestyle choices
Other debts, living beyond personal income	Financial
Poor financial circumstances	No contract, poorly or irregularly paid
Not paid well enough or viewed as unjust	Financial, revenge, feels justified
Criminal associates or links through community, lifestyle, etc.	Loyalty, coercion, peer pressure
Unfulfilled ambition	Desire for personal progression, grandiose self-perception, greed, naivety
Lack of knowledge/ information regarding rules, risks and consequences	Lack of awareness

TARGET PROFILE CONTENTS	
Category	Information
Personal	The target's name, place and date of birth and any aliases used, copies of genuine or fraudulent documents used and a recent photograph of the target
Family	Names and dates of birth of parents, spouse/partners (previous partners if divorced or separated), immediate relatives
Associates	Names, dates of birth and photographs of close friends, business associates and the target's fellow employees with whom they regularly work. If target is a sports person, details of current/previous coaches, managers, clubs, contracts and agents
Contact information	Home address, business addresses, telephone numbers (business, home, mobile) email addresses, social media profiles and other communication contact details, as well as details of vehicles and other modes of transport
Records search	Criminal records, business records, court records, details of border crossings and customs declarations, immigration records and results of public-source searches
Social media	Social media information can provide an insight into a target's social and personal life, linking the target and suspected accomplices
Financial records	Real estate records (loans, mortgages and appraisals), bank accounts, credit card records and financial statements, employment history, declared versus non-declared income/assets and gambling accounts

*Note: Subject to data protection and privacy law and considerations.*

The opportunities to gather information and to identify the sources of information will vary depending on whether it is a sports investigation or a criminal investigation. Complex competition manipulation schemes usually involve a conspiracy between those who have direct or indirect influence on the organization, execution and outcome of the sporting event or the environment surrounding it, and others who stand to gain from it. Investigators should strive to identify everyone involved in the conspiracy and create a profile for each person. In general, this should start upon learning of a potential violation. An initial list should be created of persons who would be expected to have firsthand knowledge of the events in question and potential sources of information (such as emails, text messages, etc.).

Investigations of corruption, including competition manipulation, often require the identification of individuals who can assist by providing information about the wrongdoing. These individuals include informants and witnesses.

These may be individuals within the conspiracy -- "insiders" -- who can provide information about others involved. When the main instigators or co-conspirators in the competition manipulation scheme are criminals, identifying them often requires cooperation from someone inside a criminal organization. Such cooperative individuals may become informants or cooperative witnesses. An informant may have an existing relationship with the target or may be encouraged to forge a relationship in order to facilitate the collection of information for the investigation.

It is generally more appropriate to initially recruit people at the lowest rungs of the competition manipulation scheme to provide information on the involvement of others. Care should be taken not to use people with more culpability to

gain information about those with less culpability. Such individuals often have an incentive to cooperate, with benefits ranging from a favourable sanctioning regime to full immunity from prosecution and sanction.

Working with informants and witnesses requires special skills, and it is crucial that law enforcement agencies and sport governing bodies have the adequate training infrastructure, systems and processes in place that allow them to protect the identity of the cooperating individuals, and that all activity undertaken conforms with data protection and retention legislation. Sport governing bodies can achieve this by following the relevant law enforcement guidelines. Witnesses and victims who give testimony concerning corruption offences related to organized crime (and, as appropriate, their relatives and other persons close to them) should be provided with effective protection from potential intimidation and retaliation in line with article 32 of the United Nations Convention against Corruption and national laws. When identifying potential targets in an investigation, strategic decisions need to be made about the possibility for gathering evidence needed for a successful prosecution or imposition of sanctions. There is a risk of reputational damage to the target and the investigation if investigations are pursued based on flimsy evidence.

Both risks and opportunities are involved in prioritizing various targets. For example, pursuing a powerful target will be complex and resource intensive. Within a competition manipulation scheme, there may be powerful individuals who shield themselves from exposure beneath layers of co-conspirators and accomplices. Such individuals can distance themselves from the actual execution of the wrongdoing. Their involvement is not immediately obvious and linking them to evidence may prove difficult. Targeting such individuals requires a strategic intelligence-led approach. In general, investigators should only approach such individuals after having gathered sufficient information and after first having successfully interviewed individuals on lower levels of the hierarchy. However, failure to pursue a high-level target leaves that target free to resume further competition manipulation schemes even when the targeted investigation is disrupted. It also creates a perception of leniency and raises the impression of corruption or improper influence in the investigation itself.

Less powerful individuals at the lower levels of the conspiracy will be easier to identify and will be essential to the evidence-gathering endeavours of the investigation. However, the kind of information they can provide about the involvement of others may be limited because of the methods which the more powerful actors have used to shield and distance themselves from the wrongdoing.

In addition, potential informants and witnesses may be more reluctant to cooperate with the investigation of powerful targets because of the risk of retaliation, exclusion or other consequences.

## 5.2 Choosing investigative methods

The investigative methods available to investigators of competition manipulation will differ depending on whether the investigating entity is a sports body or a law enforcement and criminal justice authority. For example, the latter will be able to consider more intrusive methods, empowered by national legislation, while sports organizations will use methods permitted by their regulatory framework.

Strategic choices about investigative techniques need to be made after having taken into account the objectives and scope of the investigation, the available resources, the impact on the privacy of individuals, the potential damage to the reputation of individuals and/or organizations, the likelihood of success in securing relevant evidence through use of the technique and the seriousness of the breach of rules and/or crime.

Investigative methods can be categorized as covert, advanced covert and overt. In general, covert investigations can include open-source and social media enquiries and the review of public sources. Advanced covert methods involve the use of surveillance, electronic surveillance and interception and undercover operations, recording, transmission and/or interception, non-consensual recording, transmission and/or interception. These methods are presented in details in the UNODC publication entitled *Investigation of Corruption Cases: A Basic Practical Guide*.

However, it is also useful to focus in on investigative methods that have a specific relevance to competition manipulation.

### 5.2.1 Rights of targets of investigations and culture of surveillance

In all jurisdictions and in all competition manipulation investigative contexts, investigators should be mindful to minimize unnecessary infringement of the private rights of targets to avoid propagating an overly broad culture of surveillance.

### CASE STUDY: WIRETAPS USED IN A COMPETITION MANIPULATION INVESTIGATION

#### Court of Arbitration for Sport, Besiktas Jimnastik Kulübü v. UEFA, Case No. CAS 2013/A/3258, Arbitral Award, 23 January 2014

In the week preceding the Turkish Cup final, in May 2011, police wiretaps established that discussions between officials of Besiktas football club and a criminal target intensified. Several telephone calls were made (and were wiretapped) by the targeted individuals and meetings were organized. The content of these discussions and meetings was used as evidence in the hearings related to this case.

On 2 July 2012, the Istanbul 16th High Criminal Court convicted Besiktas Football Club officials of competition manipulation activities in relation to the Turkish Cup Final played between Besiktas and Istanbul Basaksehir on 11 May 2011. The criminal investigation prompted the Turkish Football Federation to examine all football matches suspected of having been fixed, including the Turkish Cup final played between Besiktas and Istanbul Basaksehir.

The Turkish Football Federation Ethics Committee and the Turkish Football Federation Disciplinary Committee scrutinized the information. After investigations, the committees cleared both Besiktas Football Club and its officials of competition manipulation activities in connection with the match.

In another report from the Turkish Football Federation Ethics Committee issued on 15 August 2011, which was compiled after full access had been granted to all the evidence collected in the criminal investigation, the position of the Committee remained unchanged.

On 7 June 2013, the General Secretary of the Union of European Football Associations (UEFA) referred the case to the UEFA Control and Disciplinary Body. The UEFA Control and Disciplinary Body decided that it was comfortably satisfied that based on the evidence available Besiktas Football Club was not eligible to participate in the 2013/2014 UEFA Europa League competition. This decision was appealed to the Court of Arbitration for Sport, which upheld the UEFA decision.

### 5.2.2 Integrity Testing

Integrity testing is also a common method of sustained undercover activity which can be used as an investigation method of particular relevance to the investigation of competition manipulation. It is aimed at confirming suspicions that an individual is prone to corrupt action and can root out a pervasive culture of sports corruption. Integrity tests involve simulated corruption opportunities with the purpose of detecting corrupt behaviour and susceptibility to approaches. The integrity test is aimed at replicating the everyday challenges and pressures encountered by individuals vulnerable to approaches to become involved in wrongdoing. The target, who will not be aware that a test is being carried out, is placed in a monitored situation that offers an opportunity for unethical/unlawful behaviour. Integrity testing can be used to gather evidence against an official already under investigation for suspected misconduct and/or unethical behaviour.

However, the benefits and risks of such an operation should be considered as part of the overall investigative strategy and in line with the organization's code of ethics and ethical principles. It may compromise the outcome of the investigation or it may disproportionately intrude on the privacy of individuals.

In the context of criminal investigations, in some countries, the evidence obtained from integrity testing is not admissible in court because of concerns of "entrapment," where the target is induced into committing a crime that they would have otherwise been unlikely or unwilling to commit.<sup>50</sup>

Integrity testing takes two main forms: intelligence-led testing, which targets specific groups or individuals suspected of being involved in or planning wrongdoing, and random-virtue testing, where random individuals are tested regardless of whether they are subject to any allegations.

In the law enforcement context, certain jurisdictions do not permit integrity testing. Others allow it with adequate legal basis, proper authorization and careful design. Governing factors include:<sup>51</sup>

- The test is based on reliable information or intelligence
- The test seeks to replicate, as closely as possible, the nature of the intelligence

<sup>50</sup> See for example: [ENTRAPMENT DEFENSE | Office of Justice Programs \(ojp.gov\)](#)

<sup>51</sup> Council of Europe, Deployment of Special Investigative Means.

- The test is necessary to obtain the evidence needed; it is controlled and only runs as long as necessary
- Collateral risk and third-party intrusion are minimized
- The test is properly recorded and documented

### 5.2.3 Rights of suspects and managing reporting person

Individuals within or closely connected to a sports organization can provide valuable information relating to competition manipulation and may also be able to substantiate their information with documentary or material evidence. When an individual takes the vital step to report information about competition manipulation, it is important that it is investigated and acted upon by the relevant authorities. The initial information received from the reporting person should be analysed in the same manner as an anonymous or confidential report.

#### **CASE STUDY: RIGHTS OF SUSPECTS DURING AN INTERVIEW AND AWARENESS OF LANGUAGE BARRIERS**

*Court of Arbitration for Sport, Besiktas Jimnastik Kulübü v. UEFA, Case No. CAS 2013/A/3258, Arbitral Award, 23 January 2014*

In 2018, the Court of Arbitration for Sport dismissed an appeal by Zulfadli bin Zulkifli and Tan Chun Seang against the decision of the Ethics Hearing Panel of the Badminton World Federation (BWF), which found both athletes to have engaged in actual and attempted competition manipulation for the purpose of betting.

The grounds for the appeal included violation of natural justice and fair procedures – the failure of BWF to address the language barrier by conducting the interview in English, the failure of BWF to have an interpreter present at the interview and the failure of BWF to inform the accused of their right to legal representation during the interview.

The court noted that, in advance of the interviews, letters were sent to the Mr. bin Zulkifli and Mr. Seang setting out their rights in plain language: “Please be advised that under the Regulations, you have the right to have a legal representative present during the interview [Regulation 6.1.2]”; and “You also have the right to request an interpreter present during the interview, with the cost being borne by the BWF [Regulation 6.1.4]”. The receipt of the letter was acknowledged in writing by both men.

The court found that there was no violation of natural justice or due process. The first appellant did have an interpreter present, who translated questions and answers. The second appellant chose not to use an interpreter, even though he was given an opportunity to do so. The interview transcripts show that he was asked if he was OK to proceed without one and agreed that he was. He stated that his English was OK.

In relation to having a legal representative present during the interview, the court found that both men were given the opportunity to have a legal representative present but arrived at the interview without one. Furthermore, when asked by the interviewers if he was happy to proceed without one, one of the men said that he was.

#### **CASE STUDY: GOOD PRACTICE RELATING TO THE MANAGEMENT OF REPORTING PERSONS**

In 2015, the Czech Ice Hockey Federation partnered with the Czech chapter of Transparency International for its whistle-blowing services. Transparency International operates a dedicated Internet and telephone reporting mechanism for athletes, staff and officials who encounter corruption within the Czech Ice Hockey Federation.

Transparency International also acts as a mediator between the Federation and reporting persons, helps reporting persons to communicate with official institutions and works with the Federation to address problems in risk-related areas.

*Source: Transparency International, Best Practices for Whistleblowing in Sport (2018), pp. 9-10*



Reporting an alleged or actual act of competition manipulation is also a requirement of some sports organization. Article 2.5 of the Olympic Movement Code on the Prevention of Manipulation of Competitions defines “failing to report to the Sports Organisation concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity” as a violation of the Code.

Many sports federations also require adherence to a duty to report wrongdoing and provide sanctions for the failure to report, without proper justification, wrongdoing or suspected wrongdoing in their codes of conduct. Respecting the principles of ethical investigations and providing appropriate protection and safeguards to reporting persons are essential prerequisites for people to speak out and report.

#### 5.2.4 Betting-related sources

The identification and analysis of irregular or suspicious betting activity is a significant tool in helping to identify the manipulation of sports competitions. An insight into irregular or suspicious betting can help expose incidents in a match that may otherwise go unnoticed. Relationships between sports betting entities and sports organizations is an essential component of competition manipulation prevention and investigation.

Information shared by sports betting entities that can identify at-risk competitions may include details of irregular betting patterns, suspected customers’ betting accounts, betting history and analysis of betting patterns in any given competition. This type of information may be provided formally by the sports betting entity to the sports organization or the relevant law enforcement agency or informally by individuals working within a betting organization to trusted individuals within sports or law enforcement organizations.

Sports betting is monitored by various entities, including betting industry monitoring systems, such as the United Lotteries for Integrity in Sport<sup>52</sup> and the International Betting Integrity Association<sup>53</sup>, and betting fraud detection companies, such as the Sportradar Universal Fraud Detection System.<sup>54</sup> In addition, many sports organizations have entered into voluntary memoranda of understanding with betting entities or betting industry bodies and/or have commercial agreements with monitoring companies to keep themselves informed about irregular betting activities relating to their events. For example, IOC has many cooperation agreements with sports betting entities worldwide, all linked through the IBIS platform.

Real-time betting monitoring and analysis, in conjunction with other investigative strategies, can aid in identifying early intervention techniques and effective investigative decision-making. Betting-related sources, including commercial sports betting monitoring organizations, are often used by sports regulators to monitor betting markets. This betting monitoring tracks changes in betting odds and liquidity across a wide range of betting markets. This supports the detection of irregular betting patterns, which may indicate an attempt at competition manipulation, in real time, both pre-competition and during play. Betting behaviour can be detected before the sports competition takes place and trigger an alert.

All national federations of Olympic sports and some non-Olympic sports are affiliated, through their international federations, with the IOC IBIS. National federations may subsequently receive betting alerts from their international sports federation or national Olympic committee.

If the initial notification of competition manipulation activity was not triggered by a betting report, it is still possible to establish if there are indications of related activity in any betting markets globally. For sports investigations, this will be done by the single point of contact to IBIS. Criminal justice authorities should also consider accessing the INTERPOL Match-Fixing Task Force and the UNODC GLOBE Network for this purpose.

#### CASE STUDY: IDENTIFICATION OF SUSPICIOUS BETTING PATTERNS BY A BETTING OPERATOR

In the case of *Guillermo Olosa de la Rica v. Tennis Integrity Unit*, a betting operator observed suspicious betting patterns relating to three men’s tennis matches.

In each match, the lower ranked player had been bet on to win. A total of eight 200 euro bets had been placed in betting shops, which would have given a return of 65,000 euros. In addition, a bet of £500 was placed. A betting operator alerted the Tennis Integrity Unit to the suspicious betting.

The higher ranked player in one of those matches was Guillermo Olosa. He duly lost the suspicious match and was investigated by the Tennis Integrity Unit. The Unit subsequently 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.

*Source: Court of Arbitration, Guillermo Olosa de la Rica v. Tennis Integrity Unit (TIU), CAS 2014/A/3467, award of 30 September 2014, available [here](#).*

<sup>52</sup> United Lotteries for Integrity in Sport, available [here](#).

<sup>53</sup> International Betting Integrity Association, available [here](#).

<sup>54</sup> Sportradar Universal Fraud Detection System, available [here](#).

Transactions such as placing bets and collecting subsequent winnings will leave a trail of evidence (telephone calls, emails, financial transactions and betting account information). Those placing bets will use their real identity or those of surrogates recruited for that specific purpose. Bets placed online will be associated with an Internet protocol address. This can make it possible to track down computers or mobile devices that have been used as well as the geographical origin of the message. However, due consideration must also be made to the use of methods to mask the identity of a user, such as through the use of a Virtual Private Network (VPN).

Endeavouring to establish the identity of the person or persons who placed the bets and collected the winnings will require the cooperation of the betting entity. This cooperation includes sharing the account details, including the personal details (e.g. name, address, and date of birth), of the person or persons 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.

Some sports betting entities may be reluctant to provide customer details to sports bodies because of customer privacy or data protection considerations. However, there are centralized mechanisms of information collection and exchange, including national gambling regulators and IBIS.

If betting transactions are secured, the following should be considered:

- Time of creation of the betting account (it is possible to recall dormant accounts, here or in another part)
- Who placed the bets: a player, an official, a family member, or a friend?
- The amount placed and if the amount is economically viable for competition manipulation (i.e. was it enough to pay the player and for the fixers to make a profit? – it should be kept in mind that bets may have been spread or placed using several accounts and operators)
- The amount placed relative to the market and the staking history of the person placing the bet
- The market on which the bet was placed (choice of an obscure market may be cause for more suspicion about the bet)

ROLE OF BETTING ANALYSIS IN THE INVESTIGATION PROCESS	
Betting monitoring	<ul style="list-style-type: none"> <li>• Betting operators</li> <li>• Betting markets (transactional monitoring, account analysis and betting alerts)</li> <li>• Intelligence-led monitoring (all sources)</li> <li>• Reports from betting operators</li> <li>• Betting trend analysis (emerging and long term)</li> <li>• Post-match analysis</li> </ul>
Coordination of information	<ul style="list-style-type: none"> <li>• Analysis of information from all data sources (betting and intelligence)</li> </ul>
Investigate, disrupt or monitor	<ul style="list-style-type: none"> <li>• Scope and strategy</li> </ul>
Investigation	<ul style="list-style-type: none"> <li>• Gather evidence</li> </ul>
Additional analysis	<ul style="list-style-type: none"> <li>• Communication reports</li> <li>• Match reviews</li> <li>• Information surveillance strategy</li> </ul>
Investigation report	<ul style="list-style-type: none"> <li>• Betting expert report</li> </ul>
Charges and disciplinary hearing	<ul style="list-style-type: none"> <li>• Case management and prosecution</li> <li>• Evidence of witnesses, including betting and other experts</li> </ul>

### CASE STUDY: BETTING SOURCES USED IN DISCIPLINARY HEARINGS

In the case of Joseph Odartei Lamptey (a football referee), the Court of Arbitration for Sport panel reached a verdict of personal conviction, in accordance with article 97 (3) of the FIFA Disciplinary Code (that a link existed between the deviation in betting patterns and the field decisions, as each of them, inexplicable if taken alone, appeared to find an “explanation” only in the other).

The panel was persuaded by the weight of evidence of an “obvious link” between the referee’s decision-making during the competition and the activity on the betting market. The panel was convinced by the concurring opinions of a number of experts, including a refereeing expert and a betting expert.

*Source: Court of Arbitration, Joseph Odartei Lamptey v. Fédération Internationale de Football Association (FIFA), CAS 2017/A/S173, award of 4 December 2017 (operative part of 2 August 2017), available [here](#).*

In the context of investigations conducted by sports authorities, investigators are somewhat more restricted in gaining access to private financial transactions. However, some sports regulations confer specific powers on investigators to obtain or demand material including financial records. The Olympic Movement Code on the Prevention of the Manipulation of Competitions places certain obligations on sports organizations and their members to cooperate with any investigation carried out by a sports organization. This includes producing details of their bank accounts and explaining transactions where relevant.

Betting accounts generally have bank accounts linked to them and can be a starting point for tracing money flows.

It may be possible for some sports federations, depending on national law, to apply to the courts for an Anton Piller Order<sup>55</sup> to search a named premise and seize evidence without prior warning.

### ANTON PILLER ORDER

An Anton Piller Order, also known as a search order, is similar to a police search warrant but is granted in civil cases, in common law countries.

Anton Piller Orders are ex parte - only the applicant attends the court hearing. They may be granted as an extreme option (considering the balance between the risk to the applicant and the privacy of the subject) when there are concerns regarding the destruction or hiding of material relevant to the applicant's case. The order allows the applicant to enter a premises to search for and obtain relevant material.

A court will consider making the order after analysing the applicant's submissions under the following criteria:

- Is there a strong prima facie (upon initial assessment) case against the defendant?
- Will the applicant suffer damage, whether actual or potential?
- Is there strong evidence that the defendant possesses the relevant material or evidence?
- Is there proof that the defendant will destroy or attempt to conceal the relevant evidence?

### 5.2.5 Use of digital evidence

#### CASE STUDY: USE OF DIGITAL EVIDENCE IN A COMPETITION MANIPULATION CASE

In 2018, the Court of Arbitration for Sport dismissed an appeal by Zulfadli bin Zulkifli and Tan Chun Seang against the decision of the Ethics Hearing Panel of the Badminton World Federation (BWF), which had found both athletes to have been engaged in actual and attempted competition manipulation for the purpose of betting.

One of the grounds for the appeal centred on BWF access to and use of data from the appellants' mobile telephones. At the end of an interview conducted by the BWF Integrity Unit Manager and the BWF Investigator, the appellant was requested to provide his mobile phone for examination.

A company specializing in forensic extraction of data from mobile telephones extracted WhatsApp messages. The messages were largely in Malay. After identifying selected messages, BWF had a translation company translate the messages into English for the purposes of the investigation. The messages covered a 15-month period and identified incriminating WhatsApp messages between the first suspect and two other persons of interest.

55 *Anton Piller KG v Manufacturing Processes Ltd* [1976] 1 Ch 55.

A close-up photograph of several hands clasped together in a circle, suggesting a team huddle or a moment of collective agreement. The hands are of various skin tones, and the background is a soft, out-of-focus indoor setting. A semi-transparent green rectangular box is overlaid on the left side of the image, containing the section title in white text.

## 6. CONCLUSION OF THE INVESTIGATION

The conclusion of an investigation is just as critical as the investigation itself. The investigating team must finalize the investigation steps, review the implications of the investigation's findings and check that all records and documents are in order.

## 6.1 Factors to consider in concluding an investigation

It can be difficult for investigators to determine when they have gathered sufficient evidence to conclude an investigation and send the file forward to the relevant decision makers for consideration of formal criminal charges or potential disciplinary action. Investigators should liaise with the prosecutors and/or legal advisers at an early stage in the investigation and should continue to coordinate with prosecutors to ensure that all reasonable lines of enquiry have been pursued and all relevant evidence has been gathered.

Several factors should be considered when making the decision on whether or not a suspect should be charged, including:

- **Is there sufficient evidence to satisfy each legal element relevant to the charge?** Investigators should coordinate with prosecutors to make sure that they have gathered sufficient evidence to support each charge. They should also consider whether there is a realistic chance of getting stronger evidence in the short term.
- **Is there sufficient evidence against each suspect?** In cases involving multiple individuals, investigators should ensure that there is independent evidence establishing each individuals' guilt.
- **Are there concerns about the admissibility of any of the gathered evidence that could lead to its suppression?** If there is a chance that some evidence could be suppressed (it may be tainted or improperly obtained), investigators must ensure that the remaining evidence is sufficient to support the charges.
- **Are there risks to continuing the investigation?** Is there a risk that informants, confidential sources or undercover officers might be exposed? Is there a risk of flight for any of the individuals to be charged? Do any potential witnesses have health or safety concerns?
- **Are there statute of limitations concerns?** Statute of limitations may dictate.

### 6.1.1 Liaising with other stakeholders

Information sharing is critical in the fight against competition manipulation. Therefore, continuous liaising with partners and stakeholders is essential at all stages of the investigation. When an investigation is complete, it is important to follow up with partners and other stakeholders that may have a stake in the outcome or who may have provided support to the investigation. It is likely that there will be future investigations and it is important to maintain relationships.

#### 6.1.1.1 Criminal investigation debrief to relevant sports organizations

In the context of a criminal investigation being completed or closed, it is critical that the law enforcement agencies liaise with the relevant sports bodies to provide a full intelligence debrief. Effective debriefs can represent an excellent opportunity for further disruption of criminal activity. Debriefs can also have preventative value in reinforcing to sports participants that, while they are not subject to criminal prosecutions, there is still the risk that they could be subject to sports disciplinary procedures, as a result of effective law enforcement/sports collaboration.

When the criminal investigation is finalized, a process of transferring the evidence gathered as part of a criminal investigation to the relevant sports organization for its disciplinary proceeding can begin, subject to national law.

### 6.1.2 Investigation debriefs: law enforcement and sports bodies

Once a case has been concluded, it is important to conduct a thorough debrief. Some investigations reveal larger problems that should be addressed. Questions to be asked include:

- Did the investigation identify any weaknesses in policy?
- Do any regulations or procedures need to be reviewed or refined?
- Did the investigation uncover other wrongdoing outside the remit of the investigation that should be addressed or referred?
- Does the investigation team need further training, guidance or support?

The debrief is an opportunity to make changes to aspects of the process that presented problems. The investigation process and its success or otherwise is a good indication of the strength of an organization's powers, policies and



procedures in the fight against competition manipulation. The investigator or the investigation team will have had first-hand experience of any shortcomings and may have found solutions. This feedback is not about criticism or complaints, it is about benefiting from lessons learned. These lessons should be fed back into the system so that future investigations do not have to experience similar challenges.

In sports investigations, it is important to refer to the terms of reference and examine if the investigation process and its outcome were consistent with the terms set out at the beginning. If it was not, it is important to ask and answer why not.

### 6.1.3 Freezing, seizure and confiscation

The United Nations Convention on Transnational Organized Crime and the United Nations Convention against Corruption contain provisions requiring their States parties to (i) enable the tracing, freezing and confiscation of illicit assets in their territories, and (ii) exchange information and cooperate in the asset recovery process. These conventions have been ratified by more than 185 countries and have universal application.

Investigators should give careful consideration to how restraining mechanisms, such as freezing or seizure orders, can be used to protect assets from competition manipulation schemes that may be subject to a confiscation judgment.

Reports and information produced by Europol,<sup>56</sup> INTERPOL<sup>57</sup> and UNODC indicate that organized crime groups operating at transnational level can make substantial criminal profits from competition manipulation activities and the laundering of such profits.<sup>58</sup> This may be detected during financial investigations and also through analysis of the money transactions of members of organized crime groups (e.g. banking transactions and money exchanged through electronic money business/transfer services and cryptocurrencies). Freezing and confiscating assets allows law enforcement authorities to prevent criminals from profiting from their crimes and the proceeds of criminal activity from being laundered. It also sends the message that “crime does not pay”. This is equally true for the proceeds of crimes related to competition manipulation.<sup>59</sup>

The International Criminal Police Organization coordinated Operation SOGA (short for soccer gambling) I–VII between 2007 and 2018. In addition, SOGA VIII was carried out in 2021. These operations resulted in thousands of arrests and the seizure of tens of millions of dollars.

Operation	Arrests	Seized (\$mil)	Gambled (est. \$mil)
<b>SOGA (2007)</b>	400	0.7	680
<b>SOGA II (2008)</b>	1,300	16.0	1,500
<b>SOGA III (2010)</b>	5,000	10.0	155
<b>SOGA IV (2012)</b>	300	1.0	85
<b>SOGA V (2014)</b>	1,400	12.0	2,200
<b>SOGA VI (2016)</b>	4,100	13.6	649
<b>SOGA VII (2018)</b>	268	1.7	1,600
<b>SOGA VIII (2021)</b>	1,400	7.9	465
<b>Total</b>	<b>14,168</b>	<b>62.9</b>	<b>7,334</b>

Source: INTERPOL's Operation SOGAVIII.

**Freezing assets** is a temporary measure to prevent them from being disposed of before a final judgement in a case. Freezing assets generally requires judicial authorization.

**Confiscation** is a final measure in which criminal proceeds (including money or property) are permanently seized by the authorities. The investigative process to identify financial transactions leading to tracing assets generated by criminal activity is complex.

<sup>56</sup> [https://www.europol.europa.eu/cms/sites/default/files/documents/the\\_involvement\\_of\\_organised\\_crime\\_groups\\_in\\_sports\\_corruption.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/the_involvement_of_organised_crime_groups_in_sports_corruption.pdf)

<sup>57</sup> <https://www.interpol.int/en/Crimes/Corruption/Corruption-in-sport>

<sup>58</sup> UNODC, Global Report on Corruption in Sport (2021), chapter 6.

<sup>59</sup> See also the UNODC paper entitled “Confiscated asset returns and the United Nations Convention against Corruption: A Net for All Fish” (Vienna, 2023) relating to asset return obligations.



A golden trophy is being held up by two hands, with several other hands reaching up in the background. The scene is set against a bright, warm background with a sunburst effect emanating from behind the trophy. The trophy is ornate with two handles and a fluted body. The hands are silhouetted against the bright light, creating a dramatic effect.

## 7. ANNEXES

## Annex I – Risk involved in competition manipulation investigations

RISK	CONTROL MEASURES
Inadvertently disclosing confidential information	<ul style="list-style-type: none"> <li>• Have an agreed policy on the number of people within the organization who need to know this type of information and limit disclosure to these individuals only</li> <li>• Hand deliver sensitive documents to individuals who need to know about the information</li> <li>• Ensure the security of files and emails</li> <li>• Put in place an identification code for sensitive documents</li> </ul>
Disclosing the identity of the source of a confidential report	<ul style="list-style-type: none"> <li>• Have an agreed policy on the number of people within the organization who need to know this type of information and limit disclosure to these individuals only</li> <li>• Hand deliver sensitive documents to individuals who need to know about the information</li> <li>• Ensure the security of files and emails</li> <li>• Put in place an identification code for sensitive documents</li> <li>• Contact sources using a secure telephone line</li> <li>• Choose a neutral and private location if meeting sources in person</li> </ul>
Failing to act	<ul style="list-style-type: none"> <li>• Always perform the first steps of an inquiry following the receipt of an initial report and maintain the investigation log</li> </ul>
Failing to supply internal notifications in a timely manner	<ul style="list-style-type: none"> <li>• Establish a realistic timeline in agreeing signposts for reporting</li> <li>• Complete the investigation log in a systematic way</li> </ul>
Failing to make external notifications in a timely manner	<ul style="list-style-type: none"> <li>• Compile a list of external stakeholders that may be affected by an inquiry</li> <li>• Establish a realistic timeline in agreeing on benchmarks for reporting</li> <li>• Complete the relevant section of the investigation log in a systematic way</li> </ul>
Engaging in inquiries that prematurely alert third parties to the fact that an investigation is under way	<ul style="list-style-type: none"> <li>• Follow the steps of the inquiry</li> <li>• Do not take investigative steps without conducting a risk assessment</li> </ul>
Jeopardizing a parallel criminal investigation	<ul style="list-style-type: none"> <li>• Establish a network within law enforcement and have single points of contact</li> <li>• Liaise with the single points of contact from an early stage and regularly throughout the inquiry</li> <li>• Use best practice processes when collecting and managing evidence</li> </ul>
Acting on information that has not been evaluated for reliability in terms of source or content	<ul style="list-style-type: none"> <li>• Always use the information evaluation model to evaluate information and its source</li> <li>• Use a number of ways of corroborating information before taking action</li> <li>• Consider other possible explanations for information</li> </ul>
Misplacing supporting documents or evidence	<ul style="list-style-type: none"> <li>• Create a dossier for each inquiry and/or suspect</li> <li>• Store all documents relating to the inquiry in a dossier</li> <li>• Always make a copy or scan of original documents and keep them in a separate, secure location</li> <li>• Catalogue and file original documents</li> <li>• Always retain original documents and attach or forward copies as necessary</li> <li>• Keep the dossier in safe storage when not active</li> <li>• Keep objects in safe storage, sealed and labelled for identification purposes</li> <li>• Keep a log of to whom confidential documents and objects were passed</li> <li>• If documents and evidence are lost or damaged, include details of this in the report and explain the circumstances</li> </ul>
Failing to complete the investigation and to submit the report in a timely manner	<ul style="list-style-type: none"> <li>• Always follow the key steps to conducting effective investigations</li> <li>• Create a realistic time frame for submission</li> <li>• Maintain the investigation log so that legitimate delays can be explained and rationalized</li> <li>• Re-evaluate the time frame as an inquiry progresses</li> <li>• Use the inquiry plan to log action and attempts</li> <li>• If completion or submission is delayed because of difficulties in acquiring specific documents or talking to specific individuals, submit an interim report outlining information to date and details of what is being awaited</li> </ul>
Failing to recognize additional violations of criminal law or sports regulations may have taken place (e.g. betting on one's sport)	<ul style="list-style-type: none"> <li>• Continuously review the legal/regulation framework and new information and evidence that is gathered</li> <li>• Review the investigation file when compiling the investigation report</li> </ul>
Threat to the integrity of upcoming games and competitions	<ul style="list-style-type: none"> <li>• Report suspicion to the specific point of contact in the relevant sports organization</li> <li>• Report any new information to the specific point of contact</li> <li>• Seek information to corroborate suspicions</li> <li>• Conduct inquiry efficiently</li> <li>• Do not disclose information to individuals other than those who need to know it</li> </ul>

## Annex II – Examples of types of sports bets

**Fixed-odds betting:** The bettors know in advance how much they can win if their bet is correct. Fixed odds betting is calculated as follows: winning = stake × odds.

**Parimutuel betting:** The stakes are distributed equally among the winners.

**Betting exchanges:** Two people bet against each other on the Internet with one playing the role of bookmaker and proposing a bet with fixed odds, and the other player playing the role of bettor and placing a bet. The online betting operator that facilitates the exchange is paid according to the winner's earnings.

**Asian handicap:**<sup>60</sup> This gives one of the teams (by default the underdog) a virtual head start in terms of the number of goals in order to make the contest theoretically equal. The bet is settled by adding the handicap to the outcome of the match. This type of betting removes the option of a draw.

**Live betting:** This provides the possibility of betting in real time during the course of a competition (also known as in-play betting or in-the-run betting).

**Spot or side betting:** This involves betting on a specific aspect of a game, unrelated to the final result (which player will score first, how many yellow cards a team will receive, etc.).

**Spread betting:** The bet is placed on whether the outcome will be above or below the spread (e.g. the number of goals in a competition) with the payout based on the accuracy of the bet rather than a simple win or lose outcome. As the competition progresses and the goals increase, the prices change.

<sup>60</sup> See Asser Institute, Centre for European and International Law, January 2015, The Odds Of Match Fixing: Facts & Figures On The Integrity Risk Of Certain Sports Bets, p. 30, available [here](#).

## Annex III – Investigation log and tips for completing the investigation log

INVESTIGATION LOG			
<b>Context</b>			
Investigator/s			
Commencement date:	Expected completion date:	Media strategy: Yes/no	
Date allegation received:	Risk analysis: Yes/no		
TOR: yes/no	Status: Finished ( ) Ongoing ( )		
Trigger Information/ source of allegation:	How trigger information was received: Online form ( ) In person ( ) Telephone ( ) Email ( )		
Summary of allegation/information:			
Legal/disciplinary breaches:			
Parties involved:			
<b>Internal notifications (including updates)</b>			
Person/role:	Date/time:	Summary:	
<b>External notifications (include updates)</b>			
Person/role:	Date/time:	Summary:	
<b>Risk management</b>			
Date/time:	Threat <sup>61</sup>	Rating MANU <sup>62</sup>	Existing measures to control risk
Action required to control risk:	By whom:	When:	Done:
<b>Sources of information/evidence</b>			
Date:	Source:	Summary:	Evaluation:
<b>Investigation steps</b>			
Date:	Who is responsible:	Summary of outcome:	Risk of step MANU:
<b>Interview schedule</b>			
Date	Interviewee:	Summary of outcome:	

<sup>61</sup> Risk to competitions, individuals, delay, loss of documents, destruction of evidence, lack of cooperation, coaching of witnesses, collusion between witnesses, threat to witnesses, reprisal, inadequate resources.

<sup>62</sup> Rating: M = minor; A = adequately controlled by existing measures; N = not adequately controlled – action required; U = unknown risk.

## Tips for completing the investigation log

**Legal instruments and breaches:** The first step in any investigation is to identify the legal framework authorizing and surrounding the investigation. It is useful to enter the legislation relevant to the investigation, including the key elements that need to be proven (the elements around which information and evidence needs to be gathered). This helps to ensure that the investigation remains within its scope.

**Parties involved:** This refers to potential suspects, subjects or persons of interest.

**Sources:** These are sources of evidence or information. The evaluation column in the investigation log refers to the information evaluation matrix presented below:

INFORMATION GRADED USING THE 3 × 3 × 3 SYSTEM	
Source evaluation	
Grade	Description
A	Reliable: no doubt exists of the authenticity, trustworthiness and competence of the source, or if the information is supplied by a source that has been reliable in the past
B	Sometimes reliable: the information has been supplied by a source who has sometimes been reliable in the past
C	Untested source: the reliability of the source cannot be assessed
Information evaluation	
1	Information the accuracy of which is not in doubt to either the investigator or the source
2	Information not known personally to the investigator or the source but corroborated by other information already received
3	The information may be false or malicious
Handling code	
X	Confidential: recording of information is required and should be shared with nominated individuals only
R	Restricted: should be shared with those within the relevant organization for investigation and security matters across all levels
O	Open: information can be shared and disseminated to any party in line with organizational procedures and media policy

**MANU mnemonic:** This refers to risk analysis associated with the information and/or the source of the information. As the investigative steps are actioned, consideration needs to be given to the risk management section.

**Investigative steps:** The next steps required to develop the investigation and secure information and evidence. The evaluation and MANU columns of the investigation log have the same function as in previous sections. They require the investigator to consider the risks of any actions and to evaluate any information that comes into their possession as a result of these steps. As the investigation progresses, continued consideration will need to be given to the risk column and the risk analysis section.

**Interview schedule:** The function of this section is to plan and schedule interviews with named witnesses, or suspects. This planning will include consideration of any risks associated with contacting the witness or suspect to schedule the interview. The summary column refers to a summary of the information gleaned from the interview. The evaluation facilitates evaluation of information gleaned from an interview, particularly if it does not result in a signed statement.

**Inquiries:** This refers to inquiries to be carried out with other agencies or other departments within the agency carrying out the investigation.

**Internal notifications (including updates):** This refers to notifying and updating any internal stakeholders.

**External notifications:** This refers to partners or agencies outside of the investigation agency that may need to be informed about the investigation or about specific details of the investigation.

**Risk management:** This section relates to risks identified in the MANU column. These include risks relating to evidence, witnesses, coaching of witnesses, collusion between witnesses, threat to witnesses, inadequate resources, delays, loss of documents, destruction of evidence and lack of cooperation. It requires the investigator to detail the risks identified and describe the measures planned or employed to eliminate, reduce or transfer the risk.

**Risks to the investigation:** Considering the potential risks to the investigation before any steps are taken will help to minimize them and mitigate or manage acceptable risks. Risks may include delays, publicity, loss or destruction of evidence, lack of cooperation, fear of retaliation, intimidation of witnesses and collusion between witnesses.

When anticipating the factors that may contribute to risk during an investigation the following questions should be considered:

- What are you trying to establish?
- Who do you inform and when?
- Are there any risks in informing certain individuals at this time?
- What is the strategy to manage, minimize or mitigate risk?
- Resources
- Confidentiality issues
- Indicative timeline

Given the range of potential avenues an investigation can take and the sensitivity of many investigations, an element of risk will inevitably exist. This should not mean that the avenues should not be explored or sensitivities should be avoided. What is important is to have a robust risk management process.

Maintaining the investigation plan will aid in the risk management process. Having a risk-rating system in place is useful for dynamic risk assessment. The mnemonic MANU may be helpful in this regard.



The reader may also wish to be made aware that examples of mapping of financial transactions and indicative contents of a court order can be found in the UNODC Practical Guide for the Investigation of Corruption

## Annex VII – Preliminary investigation report template

### What are the main objectives of a final report?

- To inform the relevant body within your organization about the results of the preliminary investigation
- To provide an accurate summary of the facts and the available means of evidence
- To keep a written record of the findings of the preliminary investigation

### How to draft a final report

- Establish a clear timeline of events: if several matches or incidents are concerned, analyse each competition or event separately (generally proceed in chronological order)
- If deemed appropriate for the case in question, it is preferable to have a separate report for each individual potentially involved in competition manipulation
- Each point or argument made should be appropriately referenced to the source where the information was found: use a reference for each statement or fact you seek to establish
- At the stage of the preliminary investigation, all statements or findings are still allegations and all individuals mentioned are to be presumed as innocent. To be cautious and avoid making potentially false claims, use adverbs like “allegedly” or “reportedly”
- Draft the report in a concise, factual and executive manner
- Classify the document in accordance with the confidentiality rules of your association

### What is the content of a final report?

- Clear identification of the individuals or entities targeted by the investigation (full names, dates of birth, licence registrations, contact details, etc.)
- Detailed records of all actions undertaken during the preliminary investigation phase (interviews, official correspondence exchanged, etc.)
- The documented presentation of the facts
- An analysis of the elements of proof available or collected during the investigation
- A preliminary assessment of all possible applicable provisions potentially violated
- Final recommendations on further actions to be carried out based on the findings of the preliminary investigation (e.g. opening of formal proceedings, provisional archiving of the case or a recommendation to investigate further)

## Annex VIII – Investigation report template

<p><b>I. Background and summary</b></p> <p>This may include:</p> <p>The person that was under investigation as well as his position in _____. Summarize why the person is under investigation as well as his alleged conduct and any other indicator that led to the opening of a preliminary investigation (approx. 1 page).</p>
<p><b>II. Status and sport activity</b></p> <p>This may include:</p> <p>Outline the previous and current positions within _____ (specify the sport, for example: football) in a chronological manner.</p>
<p><b>III. Facts of the investigation</b></p> <p>This may include:</p> <ol style="list-style-type: none"> <li>1. What specific allegations/concerns were investigated</li> <li>2. An introductory text describing the direct and indirect evidence discovered during the preliminary investigation (method used to gather information), including documentary evidence and witness statements</li> </ol> <p>Following an example of key elements:</p> <ol style="list-style-type: none"> <li>a. Overview of all the suspicious match action detected during the match, including actions of the person under investigation as well as other individuals (complete overview)</li> <li>b. Correlation between the suspicious match action and the reports of companies specialised on integrity services and sports betting monitoring</li> <li>c. If the alleged manipulation is supposedly connected to suspicious betting movements, it is important to show that there is somehow a correlation between the betting and the on-field actions. For this purpose, it is important to benefit from: <ul style="list-style-type: none"> <li><b>Betting reports</b> (if applicable and available, summarize the findings of the betting reports in this section)</li> <li><b>Expert opinions</b> (If applicable and available, outline any expert opinion on suspicious match action in this section (referee assessors, refereeing department, former players, coaches, performance department, etc.))</li> <li><b>Match action analysis</b> by companies specialized in sports integrity (if applicable and available, indicate in this section any findings of such companies)</li> </ul> </li> <li>d. Intelligence information: in this section, any additional intelligence information can be outlined (social media connections, information from whistle-blowers, audio files, pictures, videos, emails, etc.)</li> <li>e. Statements from witnesses: any relevant statements from an interview with the person under investigation could be added</li> <li>f. Other witness statements: other relevant statements of witnesses that were interviewed can be added in this section.</li> <li>g. Open-source information: if applicable and available, add any information that is publicly available and corroborates the findings in the preliminary investigation report (e.g. match manipulation rumours in media)</li> </ol>
<p><b>IV. Conclusion</b></p> <p>This may include:</p> <p>Comprehensive summary of all the findings of the preliminary investigation, including observations for each specific allegation issue of concern investigated, cross-referencing any documentation where needed.</p>
<p><b>V. Recommendation</b></p> <p>When allegations are substantiated by evidence, a prima facie case can be established.</p> <p>In this section reference to the relevant applicable article of the regulation should be clearly identified.</p>
<p><b>VI. Exhibits</b></p> <p>This may include the list of all exhibits that were quoted during the complete report.</p>





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