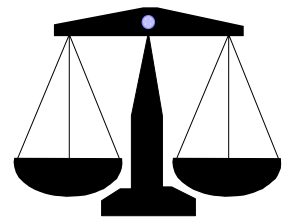


**Commission of Inquiry  
into Cricket Match Fixing  
and Related Matters**



Est. May 2000

# **FINAL REPORT**

1. Further to the First and Second Interim Reports this is the Final report of the Commission of Inquiry appointed by the President on 5 May 2000 into Cricket Match Fixing and Related matters.
2. The Terms of Reference pursuant whereto the Commission has functioned were originally contained in President's Minute No 190 of 5 May 2000 and extended by President's Minute No 406 of 3 October 2000.
3. The First Interim Report, dated 11 August 2000, dealt with the evidence which had been presented to the Commission and the second Interim Report dated 8 October 2000, contained suggestions and recommendations for the better governance of the game, with particular reference to measures aimed at the prevention of match fixing and related matters.
4. The evidence placed before the Commission related in the main to certain matters (set out in Paragraphs A1, A2 and A3 of the terms of reference), which the Commission was required to investigate immediately and in respect whereof the Commission was obliged to furnish an interim report.
5. Certain of the matters set out in Paragraph 4.1 (the remaining paragraph) were covered by the evidence presented; others were not and it was the intention of the Commission to reconvene for the purpose of dealing with the outstanding matters, insofar as may have been necessary.
6. For various reasons the anticipated resumed hearing did not eventuate; the resumption date had finally been fixed at 19 February 2001.

7. It however became necessary again to postpone the hearing. The reason for this is contained in a media release issued under the hand of the acting secretary of the Commission and reading as follows:

## **MEDIA RELEASE**

### **MEDIA STATEMENT ISSUED BY MARINA VALENTINE RELATING TO THE COMMISSION OF INQUIRY INTO CRICKET MATCH FIXING AND RELATED MATTERS**

The view of Mr. Hansie Cronjé's attorney, Mr. Sackstein, that it could be unconstitutional for Judge King to continue to preside over the Commission of Inquiry into Cricket Match Fixing and Related Matters, and that Cronjé's legal team "do not want to be part of something unconstitutional" has been publicly stated. Regardless of whether there is any merit in this view, the perception will have been created in the public mind that the proceedings of the Commission under the Chairmanship of Judge King may be unlawful.

This is an intolerable situation and it would be inappropriate for Judge King to continue the Commission until clarity has been obtained.

The sitting scheduled for 19 February 2001 will accordingly not take place. The public will be kept informed of further developments.

Any inconvenience caused is regretted.

**ISSUED BY:  
MARINA VALENTINE  
Cell: 072 171 7020  
05 February 2001**

8. This is self explanatory. It will be appreciated that a period of some 7 (seven) months had elapsed since the termination of the previous sitting.
9. On 22 February 2001 a further media release was issued, at a Media Conference on that date. The release, which again is self explanatory, reads as follows:

## **MEDIA RELEASE**

### **MEDIA RELEASE ISSUED BY JUDGE EDWIN KING, COMMISSIONER OF THE COMMISSION OF INQUIRY INTO CRICKET MATCH FIXING AND RELATED MATTERS**

After evaluating and assessing the proceedings of the Commission of Inquiry into Cricket Match Fixing and Related Matters as well as submitting two interim reports to the President, I have now formally approached the President to close the Commission at my request, subject to the compilation of my final report.

This step that I have taken has been precipitated by the threat of Mr Hansie Cronje's attorney to challenge the constitutional validity of my appointment.

My request to the President has been motivated by, inter alia, the following factors:

1. the threatened court proceedings would of necessity have occasioned a further delay in the work of the Commission

2. further litigation, would, whatever the result, have placed an additional financial burden on the taxpayer, to a greater or lesser extent
3. that the Commission has achieved its objective of investigating and reporting on cricket match fixing and related matters
4. as a result of the Commission's finding, as detailed in my (first) interim report, a cricket-world-wide investigation is being conducted on behalf of the International Cricket Council by a unit headed by Sir Paul Condon, whom I have met with and with whose investigators, members of the Commission staff have been in regular contact.
5. I have been informed by adv. Shamila Batohi who has led the evidence at the Commission that there is no evidence implicating any other member of the team, former member of the team, administrator or official. These persons must be regarded as having been cleared
6. there is evidence available in the form of an uncompleted forensic report by a private firm of auditors; the disclosures therein could be taken up by an appropriate agency
7. the other matter left open for possible further evidence is that concerning the governance of cricket. That is being looked into by an ad hoc committee of the United Cricket Board and a further sitting of the Commission solely for that purpose is, I believe, neither necessary nor justifiable.

In all these circumstances, I have suggested to the President that the necessary steps should be taken to withdraw the mandate of the Commission, subject to the presentation of the final report of the Commission.

**Issued by:**

**JUDGE EDWIN L KING**

**Commissioner**

**22 February 2001**

10. The President acceded to this suggestion.
  
11. This had been preceded by the release of a media statement by the Office of the Ministry of Sport and Recreation, dated 19 February 2001 clarifying the position of the Minister, the Hon. Ngconde Balfour vis-a-vis the Commission in the face of inaccurate reports in a London newspaper. It reads:

## **MEDIA RELEASE**

### **MEDIA STATEMENT ISSUED BY THE OFFICE OF THE MINISTRY OF SPORT AND RECREATION RELATING TO MEDIA REPORTS ON THE COMMISSION OF INQUIRY INTO CRICKET MATCH FIXING AND RELATED MATTERS**

Media reports appearing in local newspapers relating to the Commission of Inquiry into Cricket Match Fixing and Related Matters, have suggested that the Minister of Sport and Recreation, Ngconde Balfour, wants the Commission closed down.

The reports, sourced from a London newspaper, insinuate that the Minister is bringing pressure to bear on the Commission.

There is absolutely no basis for such speculative claims.

It is the prerogative of the Commissioner, Judge King, to determine the course that the Commission will take. In any case, the Commissioner is legally obliged to deliver a final report to the President, to whom he (the Commissioner) is accountable.

Throughout the work of the Commission, Judge King has asserted his independence.

“I am not aware of any pressure from any quarter on me to close down the Commission,” Judge King said.

“On the contrary, it rests with me to decide on the future of the proceedings of the Commission. I am considering various options open to me. I have never at any time stated or implied that my hand is being forced with regard to the proceedings of the Commission”, Judge King added.

The position of Minister Balfour has always been very clear on the matter. It is the Minister’s contention that the Commission is guided by its terms of reference and that its work will be completed once a final report has been handed to the President. At various times, the Minister has had discussions with the Judge and he has indicated to the Judge that he will be guided by his recommendations.

**ISSUED BY:****Graham Abrahams****082 453 2244**

12. Although the reasons given for the request made to the President require no adumbration, it should be emphasised that the activities of the Commission had alerted the cricketing authorities internationally (the International Cricket Council) and nationally (the governing bodies of the cricket playing nations) to what had been taking place in the cricket world, a fact of which had previously either not been known or not been taken with sufficient seriousness. In this way the Commission had achieved its primary objective of uncovering the wrongful conduct of certain individuals, thereby alerting and activating the governors of the game, which has resulted in steps being taken and measures being adopted (or to be introduced), which will hopefully eradicate dishonesty such as has been evidenced by what has been ascertained at the Commission.
13. One such step was the disciplinary proceedings taken by the United Cricket Board against Cronjé which resulted in his being banned for life “from membership or participation in the UCB, its structures or activities.”
14. This decision is the subject of pending court proceedings in which Cronjé seeks to set the decision aside.
15. Two other players, Herschelle Gibbs and Henry Williams were punished for their involvement, dealt with in the First Interim Report, with a fine and a suspension for a fixed period which has by now expired.



16. It will be remembered that what gave rise to the need for an enquiry into match fixing and related matters was the release by the Indian police of extracts from taped recordings of certain telephone conversations.
17. The United Cricket Board of South Africa and the South African Government, through the appropriate Ministries, responded swiftly and approached the President of the RSA with a request for a Commission of Inquiry to be set up in terms of relevant legislation. To this request the President acceded and it is to the credit of those concerned that the decision was taken to “go public” whatever the consequences in the search for the truth. The benefit to cricket has been immeasurable.
18. Unfortunately the work of the Commission and the ambit of its enquiry were restricted by the failure of the Commission to acquire the full context of the “Indian tapes”. This is despite requests made, at the highest level, of the Indian authorities. A visit to India by Adv. Batohi and Capt. Edwards of the South African Police Services was also largely unproductive. This is recorded as a matter of fact and not said in criticism of the Indian authorities who may well have had good reason to keep the tapes under wraps. It did however impede the Commission.
19. The Second Interim Report was intended more specifically for the United Cricket Board to whom an explanatory memorandum was also sent. The explanatory memorandum reads:-

## MEMORANDUM

“Aspects of the Second Interim Report have been misconstrued by the Media (i.e. Certain representatives thereof).

This may be due to sensationalism; it may also be due to bona fide misunderstanding of what was intended for which I could be partly responsible (the report was compiled in some haste; it is dated 18 October 2000, some two months before its release).

Adverse comment is restricted to certain suggestions made in the “control and supervision” section of the report.

In paragraphs 7, 8, 9 and particularly 10 of the report, dealing with education and training, reference is made to the need to protect young players who have reached the highest i.e. international level of cricket.

Paragraph 10 stresses that players need to understand the necessity for “protective and preventative measures” to be taken with the “full co-operation of players and officials” who should participate in the discussion “before decisions affecting them are taken.”

Sight should not be lost of the fact that the report is written against the backdrop of the evidence given before the Commission; of this no more need be said. See also Paragraph 13.

Dealing more specifically with “control and supervision” reference may be made in the first instance to Paragraph 14 – where mention is made of the need to handle the issue of supervision and control (which, as has been previously said, is to be decided on with the co-operation of the players) with “circumspection and delicacy”.

More specifically, there has been criticism of certain suggestions:

Phone monitoring: At no stage is phone tapping either suggested or contemplated; what is referred to, and what the intention is, is what is described as “itemised billing” of calls; in other words “details of calls made and received” and not details of the contents of calls. This suggestion is made in the context of evidence that as many as  $\pm 30$  calls a day were made between an illegal bookmaker, directly or through his agent, and the former SA captain. This form of monitoring is, nevertheless, described in the report (paragraph 19e) as “unfortunately necessary”; it is suggested in this paragraph that this be entrusted to one official, who would obviously be an honourable and discreet person.

Undercover Agents: What is intended is the creation of a deterrent; this is precisely why the suggestion is made that the players be forewarned of the possibility; it is not envisaged that this would be resorted to unless there existed in a particular case strong grounds for suspicion.

Polygraph Tests: This is described in the report as a “somewhat drastic proposal” (paragraph 30); it is intended as a deterrent. The comparison with drug tests is, I believe, valid. Interestingly in this context when Bojé was asked at the hearing whether he would be prepared to take such a test, he replied unhesitatingly in the affirmative.

These and other measures are intended as safeguards (paragraph 68). It is recognised that certain of the suggestions are radical and, to some extent an overreaction (paragraph 15). The object of the exercise is stated in Paragraph 4.

What has happened in cricket is cataclysmic; it must be stamped out for all time. The report does not purport to “lay down the law”; it offers some guidance to the UCB and incorporates what a representative number of cricket supporters feel is necessary in order to restore the honour and dignity of the game.

It will be appreciated that it is in the nature of the misconduct which it is sought to eliminate, that it is carried on under cover and in secret. It will be remembered that activities of the former captain, which gave rise to the Commission, were only discovered fortuitously in the first instance.

It is hoped that with the passage of time – and if some of the other suggestions in the report are given effect to – that the need for extraordinary measures will fall away. Perhaps that day has already dawned! However a cautionary note needs to be struck – vast sums of money have changed hands in the course of betting on cricket matches; the industry is said to be controlled by a sort of mafia. One cannot readily assume that this will all disappear overnight.

There is too much at stake and there are too many unscrupulous people involved.

My concern has been to protect the players and in this way protect the game. My great concern for the protection and security of the young men who give so many so much pleasure through the exercise of their skills is evident from the report, which I trust will be accepted in this spirit.”

20. The recently released report of the Anti-Corruption Unit of the International Cricket Council, presented by Sir Paul Condon

Q.P.M., director of the Unit is comprehensive and thought provoking.

21. It traces the growth of corruption in international cricket through the illegal betting industry, particularly over the last 20 or so years.
22. What is the most disturbing is that Sir Paul is of the view that, despite public awareness and disciplinary measures taken by certain National Boards, including of course the United Cricket Board of South Africa, corrupt practices are continuing.
23. The hope is expressed that with the introduction of various recommended measures, corruption in cricket will be eradicated. This will be no easy task. Reference is made in the report to “a climate of silence, apathy, ignorance and fear” which seriously hampered the investigation.
24. A number of recommendations are made; they cover “education and awareness”, “security and control”, “player conditions”, “involvement and obligations” and the creation of a permanent unit to carry on with the introduction of security measures.
25. Unsurprisingly, many of the recommendations are similar to those made in the Second Interim report of the King Commission, dated 18 October 2000, a copy of which was made available to Sir Paul.
26. Many of the recommendations have already been, or will be put in place by the United Cricket Board of South Africa. The Review Panel of the Code of Conduct Commission of the International Cricket Council has recommended that all recommendations in

Sir Paul's report should be adopted, it being recognised that some may be easier to implement than others.

27. Among the recommendations are:

a. Education and Awareness:

The development and implementation of a comprehensive program designed to alert players and others to the risks of corruption and the methods used thereanent.

The encouragement of the reporting of improper approaches.

b. Security and Control:

Control and regulation of access to players by way of an accreditation system to prevent access of potential corruptors in person or by telephone.

Management and restriction of the use of mobile telephones by players and others with insider information.

With regard to mobile phones the following is said by the Review Panel:

“Draconian measures such as totally banning mobile phones may be difficult to enforce. However, there should be written into the players' contracts in every country, that players will be prepared to make available to the ICC's Security Unit, printouts of any mobile phones of which they have use.”

c. Player conditions, involvement and obligations:

Consideration to be given to enhancing the role of players and their representative bodies in the administration of the game.

d. Prevention and investigation of corruption:

The Anti-Corruption Unit to continue in operation with the accent on security.

28. Paragraph 25 of the Condon report records the following:

“As the King Commission draws to a close we remain in contact to ensure that any residual matters are taken forward by the Anti-Corruption Unit and the United Cricket Board of South Africa.

29. The UCB has responded to the Second Interim Report. Pursuant thereto, the UCB established an ad hoc committee, which on 25 May 2001 produced a report on “Governance within South African Cricket and on measures taken to prevent corruption in cricket”. It has been approved and adopted by the UCB.

30. It will be seen from the report that certain remedial measures are already in place and others are under consideration. The report is reproduced in full.

25 May 2001

**“REPORT ON GOVERNANCE WITHIN SOUTH AFRICAN CRICKET  
AND ON MEASURES TAKEN OR PROPOSED TO PREVENT  
CORRUPTION IN CRICKET**

**1. Administration**

The United Cricket Board of South Africa is a voluntary association bound by its Constitution, of which the Commission has a copy. Officials are elected at the Annual General Meeting each year. The General Council is the highest decision making body and is constitutionally obliged to meet at least three times per year. An Executive Committee meets monthly to administer all aspects of cricket, receiving reports from the convenors of all sub-committees as well as from the Chief Executive Officer, who is responsible for the day-to-day running of cricket affairs. All AGMs, General Council meetings and Executive Committee meetings are chaired by the President.

While there are no plans at this stage to alter the status of the UCBSA to a Section 21 Company, the Executive Committee has agreed to apply for ISO 9001 Accreditation. This worldwide accreditation is highly regarded in commerce and industry as a documented management system covering procedures, policies and protocols in an organization. Should ISO 9001 accreditation be granted with SABS approval, all policies and procedures are audited according to a database and should they not come up to standard the accreditation may be withdrawn.

**2. Players' Affairs**

1. A Players' Affairs Committee comprising the Chief Executive Officer, a Board member, the Communications Manager,



Coach, Captain, Vice-Captain, another senior player and the team's Commercial Manager meets monthly when the team is not away on tour. All issues regarding the team – including ethics and corruption – are discussed at these meetings. Having noted the recommendation contained in the Commission's Second Interim Report that there should be closer communication between the Board and the players, it has been decided that a Board member, in addition to the Vice-President and Treasurer, should attend all these meetings.

2. All contracted players have signed a declaration regarding Prevention of Corruption in Cricket as well as the ICC Declaration in regard to Corruption which is now a supplement to player contracts. Contracts also now deal in detail with the issue of corruption and bind players to disclose any approaches they receive or are aware of.
  
3. Certain "Interim measures" were approved for the tour to the West Indies. They included the following:
  - a. The Management Committee (MC) on tour consists of the Manager, Coach, Assistant Coach, Captain and Vice-Captain.
  - b. At every meeting of the Management Committee the subject of "ethics" is a formal agenda item.
  - c. The MC will deal with all tour disciplinary matters. However, any matter brought to their attention which they consider to be a breach of the Rules and Code of Conduct, must be referred to the UCBSA in the first instance.

- d. All gifts received by team members must be declared to the MC. No gifts of cell phones should be accepted and any such offer must be reported to the MC.
  - e. All incoming calls to be screened by the hotel and any “dubious” calls to be referred to the Team Manager in the first instance.
  - f. Players shall inform a member of the MC of any room guest they have.
  - g. All team members must be reminded that they are responsible at all times for their own behaviour.
4. The Chief Executive Officer will meet with all players who are contracted in 2001 and will draw their attention to clauses in their contracts regarding corruption.

**Bronwyn Wilkinson**

**25 May 2001**

**Approved by the UCBSA Executive Committee on May 18, 2001.**

## UCB – Form of Declaration

This form applies to every international player, to whom the ICC Code of Conduct applies, involved in the playing of the game of cricket and is to be treated as a supplement to any contract with your Board.

This form requires you to declare in the interest of protecting the good name of cricket, whether you have been approached to be involved in cricket corruption in any form.

1. Have you taken part in, or been approached to take part in, any arrangements with any other person involved in the playing or administration of the game of cricket which might involve corruption in any form? YES/NO
  
2. Have you for personal reward or for some other person's benefit agreed, or been approached, in advance of or during a match to act in deliberate breach of the Laws of Cricket, the ICC Standard Playing Conditions, the ICC Code of Conduct or contrary to the spirit of the game of cricket? YES/NO
  
3. Have you for personal reward or for some other person's benefit agreed, or been approached, to give information concerning the weather, the ground, Team selection, the toss or the outcome of any match or any event in the course of a match other than to a newspaper or broadcaster and disclosed in advance to your Board? YES/NO

4. Have you ever for personal reward or for some other person's benefit, deliberately played, or agreed to play or been approached to play, below your normal standard, or encouraged any other person to play below his normal standard, in order to contrive an event during the course of a match? YES/NO
5. Have you for personal reward or for some other person's benefit been involved, or approached, in any attempt to pervert the normal outcome of a match? YES/NO

Where an answer of yes is given full details should be provided to the Head of the Anti-Corruption Unit of the ICC.

I hereby declare that I will not be involved in the future in any of the conduct described above and I will immediately inform the Chief Executive of my Board either directly or through the Team Manager and/or the Head of the anti-Corruption Unit of the ICC if I receive any approach to be involved in any such conduct.

NOTE - IF YOU KNOWINGLY ANSWER ANY OF THESE QUESTIONS INCORRECTLY OR IF YOU FAIL TO TELL THE HEAD OF THE ANTI-CORRUPTION UNIT OF ANY CHANGE TO YOUR ANSWERS, YOU WILL BE LIABLE TO BE DISCIPLINED BY YOUR BOARD AND HEAVY PENALTIES MAY APPLY.

I HEREBY DECLARE THAT THE ANSWERS I HAVE GIVEN TO THE ABOVE QUESTIONS ARE TRUE AND NOT MISLEADING.

Dated \_\_\_\_\_, 2000

\_\_\_\_\_  
Name of player (in CAPITALS)

\_\_\_\_\_  
Signed

31. Prior to the commencement of the Commission's hearings an agreement was reached whereby the National Director of Public Prosecutions conditionally indemnified Cronjé from criminal prosecution.
32. The Commission was required to express to the National Director an opinion as to Cronjé's credibility.
33. Due to subsequent developments the Commissioner is not in a position to express such opinion and has advised the National Director accordingly; the National Director is in agreement with the Commissioner's decision.
34. The Commission has throughout been extremely well served by its officials. Adv. Shamila Batohi, the Leader of the Evidence and her colleague Adv. Vincent Botto, worked tirelessly in the preparation and presentation of the evidence placed before the Commission.
35. The investigators, Geoff Edwards and Graham Dawes, highly experienced and competent Police Officers seconded to the Commission, were a tower of strength and dedication and the commission secretaries, John Bacon and latterly Marina Valentine did all that was asked of them with enthusiasm and dedication.
36. The Commission was housed in the offices of the Ministry of Sport and Recreation and is indebted to the Minister, Mr Ngconde Balfour for his support and encouragement. He maintained a keen interest in the work of the Commission without in any way seeking to influence its decisions. The Ministry staff were also most helpful

and co-operative, particularly Graham Abrahams the Ministry PRO (Media Officer) and spokesperson.

37. The Commission is particularly grateful to Bronwyn Wilkinson, Communications Manager of the United Cricket Board of South Africa for her assistance and co-operation.
38. It has been anything but an easy task but without the co-operation received at all levels the job would have been even more difficult and decidedly less congenial.