



JUDICIARY OF
ENGLAND AND WALES

**R v Mazhar MAJEED, Salman BUTT, Mohammad ASIF and Mohammad
AMIR**

Southwark Crown Court

Sentencing remarks of Mr Justice Cooke

3 November 2011

1. The gravamen of the offences committed by all four of you is the corruption in which you engaged in a pastime, the very name of which used to be associated with fair dealing on the sporting field. *It's not cricket* was an adage. It is the insidious effect of your actions on professional cricket and the followers of it which make the offences so serious. The image and integrity of what was once a game, but is now a business is damaged in the eyes of all, including the many youngsters who regarded three of you as heroes and would have given their eye teeth to play at the levels and with the skill that you had. You procured the bowling of 3 no balls for money, to the detriment of your national cricket team, with the object of enabling others to cheat at gambling. Now, whenever people look back on a surprising event in a game or a surprising result or whenever in the future there are surprising events or results, followers of the game who have paid good money to watch it live or to watch it on TV, in the shape of licence money or TV subscriptions, will be led to wonder whether there has been a fix and whether what they have been watching is a genuine contest between bat and ball. What ought to be honest sporting competition may not be such at all.
2. In Pakistan, where cricket is the national sport, the ordinary follower of the national team feels betrayed by your activities, as do your fellow countrymen in this country. You Butt, Asif and Amir have let down all your supporters and all followers of the game, whether suborned by you, Majeed, or more than willing co-conspirators. Whilst those involved in unlawful betting in this country where the market is regulated, may not deserve much sympathy, and the evidence was that betting on no balls only occurred in unlawful markets, mostly abroad, where betting on cricket may not be allowed at all, the effect of what you were seeking to do was to defraud bookmakers, whether licensed or unlicensed and whether carrying out lawful or unlawful bookmaking in the country in question, where public policy may differ from this country. If other fixes were to be done on less esoteric events than no balls, such as brackets, then it is certain that they would

affect lawful betting. Your motive was greed, despite the high legitimate rewards available in earnings and prize money.

3. I bear in mind that this was a sting by the NOTW, but that does not render your culpability any the less, once it is recognised that you were involved in discussing such activities outside the scope of the sting, as it is clear that you Majeed, Butt and Amir were. Though no cheating bets were placed by reason of the information given to the journalist, the intention was that they should be and if information was supplied to others, as it was, that could only have been for one purpose.
4. These offences, regardless of pleas, are so serious that only a sentence of imprisonment will suffice to mark the nature of the crimes and to deter any other cricketer, agent or anyone else who considers corrupt activity of this kind, with its hugely detrimental impact on the lives of many who look to find good honest entertainment and good-hearted enjoyment from following an honest, albeit professional sport.

Mazhar Majeed

5. You have pleaded guilty to two counts of conspiracy:
 - 5.1. first – conspiracy corruptly to give Salman Butt, Mohammad Asif and Mohammed Amir money as an inducement to identify in advance occasions during the Test Match series between Pakistan and England when they would play in a specified manner.
 - 5.2. Secondly – conspiracy to do acts to enable others to cheat at gambling by identifying those occasions to others including the NOTW journalist so that those individuals you thought were part of his betting syndicate could win money by betting on the occurrence of those events.
6. In your basis of plea, you asserted that your actions related solely to the arrangement of the bowling of no balls and that some of what you said to the journalist with regard to previous spot or match fixing was untrue and merely designed to impress him and attract his confidence. I refused to accept that basis of plea.
7. In consequence I gave you the opportunity to give evidence in a Newton hearing on these issues, but you have since accepted that your part in the conspiracy covered not just the no balls actually bowled at Lords but wider events at Lords and the Oval.
8. Whilst others have described you as a blagger and your own counsel now says, along with other defendants, that much of what you said to the Journalist is not to be believed, the fact remains that, in your meetings with him, you spoke of your involvement in spot fixing and match fixing and of the players you managed in the Pakistan team and your ability to use the three players before me in such activities, naming others also who are not before the court. You said it had been going on for years. The fact that of the £150,000 that you actually received, only

£2500 in marked notes was found in Butt's possession and £1500 in Amir's possession, together with the evidence of payment of £13,000 into Butt's bank account and some £23,000 into your company's accounts, suggests that you took the lion's share of the cash paid by the journalist, notwithstanding what, through your counsel, you have now said about its distribution. Moreover, what the court has mostly been concerned with here- the arrangement of three no balls- is only part of the corrupt activities in which you have been involved.

9. On the evidence, you were not only responsible for arranging with Salman Butt, and directly or indirectly with Amir and Asif, for the 3 specified no balls in the Lord's test which were actually bowled, (2 on the 26th and one on the 27th August 2010, but you also arranged with Salman Butt:
 - 9.1. for Salman Butt to bat out a maiden over at the Oval test match on 21 August on the first full over that he faced that day
 - 9.2. for a second no ball to be bowled by Amir on 26th August, when he was first to bowl round the wicket, which did not occur that day, and was then replaced by agreement that evening by the no ball actually bowled by him on the third ball of the third full over that he bowled on 27 August . You agreed this with Salman Butt and either directly or indirectly with Amir.
10. You told the journalist that you had been fixing things with the Pakistani team for about two and a half years, though your counsel now says that the suggestion of spot fixing first came up in June 2009. I can give little credence to anything said by your counsel on your instructions to this court and approach what you said to the Journalist with more than a pinch of salt, as it was sales talk to gain his confidence to part with money, of which you were short at the time.
11. What is clear however is that you were involved in fixing not only with the journalist but with others during the period covered by the Indictment. Whether or not what this court has had to consider is just the tip of an iceberg, is not for me to say and lies beyond the scope of the evidence I have heard, but, even allowing for your "sales talk" to the journalist, I am sure that there was an element of truth in what you said about past fixing.
 - 11.1. You were paid £150,000 for information given and to be given in the future.
 - 11.2. It was agreed that the journalist would pay you £10,000 for each no ball identified to him in advance – or at least £20,000 for 3 no balls, of which he paid £10,000. Bets could be placed on these no balls in unlawful markets, mostly abroad, based on inside advance knowledge of what was going to happen.
 - 11.3. It was agreed that he would pay £150,000 as a deposit (of which he paid £140,000) from which you would draw down for information to be given to him in respect of brackets – the number of runs to be scored or wickets taken (or rather runs or wickets given away) in a specified number of overs and information about the scoring rate involved, on which bets could be placed, in both lawful and unlawful markets.
 - 11.4. It is clear from the telephone schedules that you were in touch with contacts in India and Dubai and were passing on information relating to the Oval and Lord's test matches in relation to gambling activity there. I find that

this was all part of your corrupt activity because you were intent on passing the same information about fixed events to different people so they could place bets based on it in different markets- Dubai, India, and as you thought, the Far East where the journalist said his punters were involved. There is evidence of a telephone call, conducted in the presence of the journalist where there was discussion of \$1m changing hands. You told the journalist that it would cost £50-80,000 to fix a bracket, £400,000 to fix a 20/20 match result, anything between £300,000-£450,000 to fix a one day international and £1m to fix a test match. The fact that you could talk in these terms to someone who was, as you thought, prepared to put up that sort of money, lends credence to your knowledge or involvement in matters of that kind and your confidence in your ability to do so for him. You were not seeking simply to con him out of money but to start a long term corrupt relationship with future exchanges of money for information given, in the same way as you must have made arrangements with your Dubai and Indian contacts. On your say-so, individuals in India were making £40,000-£50,000 on each identified no ball. On three no balls therefore the bookmakers stood to lose £150,000 on each bet by a cheating punter.

12. Your position as manager to half a dozen members of the Pakistan team and your close friendship with Salman Butt, who became the captain on July 16th 2010, meant that you and he together were in a position to influence other players in the team as you did. Whereas the defendant players present have already been the subject of an ICC arbitration and have suffered bans which significantly affect their cricket playing careers and their future earnings, which I will bear in mind when I come to sentence them, you stand alone as a non player, who decided, according to an email exchange with your brother in February 2010, to make as much money as you could from the game of cricket- by corrupting those involved.
13. I take into account everything said on your behalf and the character references produced which speak well of you as a good family man and a man who has made significant contributions to your local community.
14. You were agent of the players and to that extent were trusted by them, and obtained for them legitimate contracts of sponsorship as well as being the source of illegitimate earnings for them. It was through Salman Butt that your influence over them was largely gained and you and he were the architects of the fixing of which the court has heard, procuring the other two defendants to do what they did.
15. I give you full credit for your plea, which the Prosecution accepts was entered at the first effective opportunity.
16. I have considered the guidelines for any analogous offences such as fraud on insurers and the sums of money involved here. You, of the four defendants, gained the most from these offences-it would appear, well over £100,000, quite apart from the \$1m referred to in the phone call, which may or may not ever have materialised. Notional punters stood to gain sums in excess of £150,000 from cheating when gambling on 3 no balls and more in respect of a maiden over. It is hard to assess the amounts of money of which persons might have been but were

not defrauded in the gambling industry, by virtue of information given to the journalist and to say whether or not any money was made as a result of the information given to the Indian and Dubai contacts, of which there is no evidence. The extent of your gain remains unclear.

17. There is no distinction to be made in respect of the two charges you face and the sentences I impose will be concurrent sentences in respect of each, limited to the period of the indictment, but bearing in mind the fact that the journalist' sting was not an isolated event.
18. If you had not pleaded guilty the sentence would have been 4 years on the first count of conspiracy and the maximum of 2 years on the gambling count, to run concurrently. In the light of your pleas, the sentence on the conspiracy to make corrupt payments is 2 years and 8 months and on the gambling count 16 months, to run concurrently.

Salman Butt

19. You have been convicted by the jury on two counts:
 - 19.1. First- conspiracy to accept corrupt payments for identifying in advance occasions when 3 no balls would be bowled in the Test match at Lords on 26 and 27 August last year and procuring the bowling of those no balls by your two fast bowlers, Amir and Asif
 - 19.2. Secondly – conspiracy to do the same acts in order to enable others to cheat at gambling.
 - 19.3. I sentence you for matters covered by the narrowed indictment alone, relating to the no balls in the Lord's test match, but I cannot ignore the fact that these were not isolated incidents.
20. It is clear to me that you were the orchestrator of this activity, as you had to be, as Captain, in arranging for these bowlers to be bowling the overs which were identified in advance to Majeed and which he identified to the NOTW journalist. You were a natural captain, picked out as such from the age of 17 for national teams, and had the advantage of a good education. You were a man of status. As I have already said, you bear the major responsibility for the corrupt activities, along with Majeed. The evidence of the text exchange between you and Majeed in the West Indies in May 2010 shows your involvement in such activities outside the scope of the period covered by the indictment.
21. I sentence you in respect of the no balls bowled at Lords alone but bear in mind your prior agreement in respect of the maiden over at the Oval, of which telephone evidence was heard, as well as the West Indies exchanges.

22. Because of your leadership status, your direct involvement with Majeed and your key role in directing the corrupt activities, you are more culpable than either of your two bowlers.
23. I consider that you were responsible for involving Amir in the corruption – an 18 year old from a poverty stricken village background, very different to your own privileged one, who, whilst a very talented bowler, would be inclined to do what his senior players and particularly his captain told him, especially when told there was money in it for him and this was part of the common culture. For an impressionable youngster, not long in the team to stand out against the blandishments of his captain would have been hard. It appears that the corruption may have been more widespread than the defendants here before me, and may have permeated the team in earlier days, though I have seen no direct evidence of that. If that is the case, you, as Captain, perpetuated such an atmosphere of corruption and would be responsible for it and for the desire to use Majeed and his contacts to make money for yourself and others in the team.
24. In the words you used to the jury- what you did was *a terrible thing- it is bad for the game of cricket, bad for the country and shows the character of the man involved*. Not only were you involved but you involved others and abused your position as captain and leader in doing so, bringing to bear your considerable influence on Amir at the very least.
25. I have taken account of all the matters I referred to when sentencing Majeed and the difficulties in assessing the amounts of money of which persons might have been defrauded, as well as the gain to you from what you did, which remains unclear.
26. You do not have the advantage of a plea. You have been subjected to a ban on playing cricket for 10 years, of which 5 are suspended. You will be 31 or so, when the active part of that ban comes to an end and you will have lost some of the best years of a batsman's life as well as the years of captaincy. Your playing career may well be at an end for all practical purposes.
27. I bear in mind all that has been said on your behalf and the domestic circumstances outlined to me. You have been very good to your family and you have now a second child, born the day before yesterday to your wife in Pakistan. I have well in mind the financial support you have given to your family and all the other matters raised in the letters produced to the court.
28. I take fully into account the ICC ban and the effect it has on you, which in itself is a considerable punishment for a man in your position. This enables me to take a more lenient course, than I otherwise might. But for that ban, the sentence would have been of the same order as that which I would have imposed on Majeed if he had not pleaded guilty. You do not have the benefit of a plea but the effect of the

ban on you is such that I can reduce the sentence I would otherwise have imposed to 30 months imprisonment on the conspiracy corruptly to accept money and 2 years on the gambling conspiracy, both to run concurrently. .

Mohammed Asif.

29. You have been convicted of the same 2 offences as your captain Salman Butt. You do not have the benefit of a plea but your culpability is less than his, both because of his key role as captain and orchestrator along with Majeed and because your participation in this conspiracy was limited to the bowling of one no ball.
30. Whilst no marked NOTW money was found in your possession, the jury have found that you conspired to accept money in the same way as your captain. You bowled a no ball in order to obtain payment and in order to assist others to cheat at gambling. If it was £10,000 for a no ball, you would have got a share of that sum, allowing for a cut for Salman Butt and Majeed. The sums of money of which others could have been defrauded, for the reasons I have already given cannot be accurately calculated.
31. There is no evidence of any prior involvement on your part in such activities but it is clear that Majeed had every confidence in you playing your part when identifying the no ball that you would bowl on the 26th August. It is hard to see how this could be an isolated occurrence for you either.
32. I sentence you in respect of your agreement to bowl that no ball, again bearing in mind all the factors I have mentioned before in sentencing today.
33. I take account of all that is said on your behalf and in particular I bear in mind the 7 year ICC ban imposed last year, of which 2 years are suspended, and its effect on your career as a fast bowler now aged 28, which means that your cricketing career is effectively over. This in itself is a considerable punishment for a man in your position. This enables me to take a more lenient course, than I otherwise might. That is the punishment imposed by the cricket authorities but these crimes of which you have been convicted require that a sentence be imposed which marks them for what they are and acts as a deterrent for any future cricketers who may be tempted.
34. In your case there will be concurrent sentences of 1 year's imprisonment on each count.

Mohammed Amir;

35. You have pleaded guilty to the same two offences as those of which Asif has been convicted. I give you full credit for that plea, which the Prosecution accepts was entered at the first real opportunity. Following the ICC arbitration in Doha, where you contested the allegations, you made it clear to the cricket authorities that you accepted your responsibility for what you had done, despite the situation in which you found yourself where, it seems, activity such as this was widespread. It took courage to do so, as appears from the information I have been given about pressures you faced.
36. You pleaded on a basis which I refused to accept- namely that your only involvement in spot fixing was at Lords on 26th and 27th August and that you only became involved as a result of pressure (not amounting to physical threats) and influence to the effect that if you did not become involved, it would have serious professional implications for your future career.
37. I therefore gave you the opportunity of a Newton hearing but you decided not to give evidence of the pressure to which your basis of plea referred. You have referred, in material presented to the court, to threats to yourself and your family, saying that there are significant limits to what you can say in public. The reality of those threats and the strength of the underworld influences who control unlawful betting abroad is shown by the supporting evidence in the bundle of documents, including materials from the Anti Corruption and Security Unit of the ICC.
38. You agreed to bowl 2 no balls on the 26th August, of which you bowled one, before the rain set in and then agreed that evening to bowl another on 27th, which you duly did. They were the largest infringements of the front foot rule seen by experienced test cricket observers. The Umpire could not have missed them.
39. I take into account all the factors I have already mentioned when sentencing Asif and all that has been said on your behalf
40. You come from a village background where life has been hard and you struggled with serious back problems to reach the peak you did when bowling for Pakistan. Compared with others, you were unsophisticated, uneducated and impressionable. You were only 18 at the time and readily leant on by others. I am clear that you bear less responsibility than your captain who influenced you in the manner to which I have earlier referred.
41. But you agreed to do this for money and £1500 of NOTW marked money was found in your possession.
42. Moreover the fact remains, that there is evidence, in the shape of texts and telephone calls with a Pakistani number of your involvement in discussions about

fixing brackets at the Oval during the period of the indictment, though there is no evidence that such fixing actually occurred. That discussion did not relate to Majeed. The 2 no balls you actually bowled cannot be seen in isolation from this prior discussion.

43. I take account also of the 5 year ICC ban imposed last year, and its effect on your career as a fast bowler now aged 19, which will create problems for you in returning to play when the ban expires. That is the punishment imposed by the cricket authorities but these crimes of which you have been convicted require that a sentence be imposed which marks them for what they are and acts as a deterrent for any future cricketers who may be tempted, notwithstanding the mitigation which I have heard.
44. If you had not pleaded guilty you would have received concurrent sentences of 9 months' detention in a Young Offenders' Institution on each offence. As you did plead the sentence will be 6 months in each case, to run concurrently.
45. Each of you will serve half the time imposed in custody and then you will be released on licence. If you breach your licence or commit any other offence, you may be brought back to serve the remainder of your sentence. Your counsel will explain the effect of this to you, if you do not understand.
46. I make no orders for compensation as I consider that the NOTW got what it bargained for when paying the £150,000 in question.
47. I order each of the defendants to make the following contributions towards the costs of the Prosecution:
 - 47.1. Amir £9,389 - payable forthwith as it is in the possession of the police
 - 47.2. Asif £8,120 - ditto
 - 47.3. Butt £30,937 - ditto
 - 47.4. Majeed £56,554 - payable within 6 months of today's date.