

Department of Criminology and Police Science

MASTER KRIMINOLOGIE UND POLIZEIWISSENSCHAFT

MASTER CRIMINAL JUSTICE GOVERNANCE POLICE SCIENCE

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Match Fixing in Football: The German Example.

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Why should we protect gamblers? There are good reasons!

- *“There will definitely be **more rigged matches in future** if the world of sport closes its eyes to them, ... **Eventually the credibility of results will be called into question.** Sport is based on a hierarchy that derives its social and moral values from the concept of merit. ... If in future the concept of a champion as a model of excellence becomes tarnished by the manipulation of matches or the corruption of players, then **the entire credibility of sport will vanish.**” Jacques Rogge (IOC), 2011 <http://www.sportaccord.com/multimedia/docs/2012/02/2012 - IRIS - Etude Paris sportifs et corruption - ENG.pdf>*
- *“Doping, corruption and the manipulation of sport results **jeopardize the ethical value and structures of sport.**” (Position paper of the Federal Ministry of the Interior in Germany for the 2013 World Sport Ministers Conference in Berlin)*
- **The sources of finance will collapse when sport becomes ethically devaluated and trust is lost.**
- **It should be in the primary interest of clubs, organisations and associations to fight match-fixing through all possible means.**

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Legal Problems of Match Fixing

- What is the object of „legal protection“ (Rechtsgut)?
- Who is the „aggrieved party“?
- What is the **loss/damage/harm** and how should it **be** calculated?

The KEA-Study

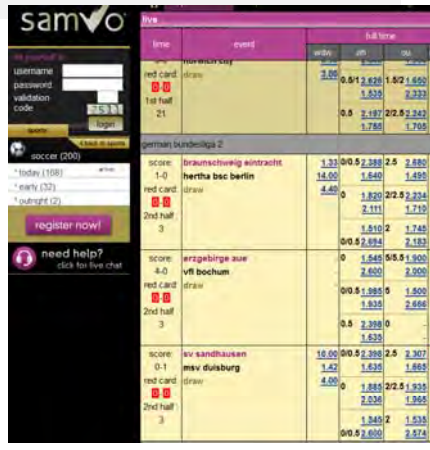
- ... illustrates how corruption and **match-fixing is covered in national criminal law in Europe**. A survey with national ministries in the 27 Member States, sporting organizations and betting operators was **conducted**. **The European legal landscape is not uniform**: whilst some countries focus on general offences of corruption or fraud, others have implemented **specific sport offences** to cope with match-fixing - contained either in their criminal codes (Bulgaria, Spain), sports laws (Cyprus, Poland, Greece) or special criminal laws (Italy, Malta, Portugal). In the UK, betting related **to** match-fixing episodes are punished under the offence of cheating at gambling.
- **These provisions differ greatly in regards to the act to be criminalized as well as the scope, objective and subjective elements of the offences or the relevant sanctions.**
- “Match-fixing in sport. A mapping of criminal law provisions in EU 27”. KEA March 2012.
http://ec.europa.eu/sport/news/documents/study-sports-fraud-final-version_en.pdf (Aug. 23, 2012)

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Who is the crook? Or: The „frauded fraudster“

- One may doubt, whether in the Sapina-case the bookie „SAMVO“, (where Sapina placed his bets) was really defrauded by him, **because SAMVO asked Sapina to bet on manipulated matches.**
- **SAMVO joined these bets** at the bookies SBO and IBC, **who were also informed about the manipulation.**
- **Eric Ho and Frank Chang met Ante Sapina in 2008 and agreed on this system – which was used previously in other cases with other betters.**



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Special Laws against bribery, match-fixing, fraud in sport betting, rigging bets, corruption?

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- In the near future, the Bavarian Ministry of Justice will come up with a **new regulation for Bribery and Corruption in Sport**.
- The new § 302a German Penal Code shall read as follows:
 - Bestechlichkeit und Bestechung im Sport
 - (1) Wer einen Vorteil für sich oder einen Dritten als Gegenleistung dafür fordert, sich versprechen lässt oder annimmt, dass er als Sportler, Trainer eines Sportlers oder Schiedsrichter in einem sportlichen Wettkampf dessen Ergebnis oder Verlauf in unlauterer Weise beeinflusse, wird mit Freiheitsstrafe bis zu fünf Jahren oder mit Geldstrafe bestraft.
 - (2) Ebenso wird bestraft, wer einem anderen einen Vorteil für diesen oder einen Dritten als Gegenleistung dafür anbietet, verspricht oder gewährt, dass er als Sportler, Trainer eines Sportlers oder Schiedsrichter in einem sportlichen Wettkampf dessen Ergebnis oder Verlauf in unlauterer Weise beeinflusse.
 - (3) Die Absätze 1 und 2 gelten auch für Handlungen in einem ausländischen sportlichen Wettkampf.

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Safe Haven Germany?

Germany is not on the map in the brochure of INTERPOL on "INTEGRITY IN SPORT - IMPROVING AWARENESS AND UNDERSTANDING OF CORRUPTION IN FOOTBALL".



INTEGRITY IN SPORT

IMPROVING AWARENESS AND UNDERSTANDING OF CORRUPTION IN FOOTBALL



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<http://www.interpol.int/Crime-areas/Corruption/Integrity-in-Sport>

CHINA
A Chinese court sentences four soccer referees, including a former World Cup match official, to jail in February 2012 for their involvement in match-fixing and gambling. Around 60 local players, referees, coaches and officials were put on trial the previous December following a two-year investigation into match-fixing.

UNITED STATES
In December 2011, FIFA confirms it is investigating allegations of corruption in the 2010 CONCACAF Gold Cup, citing irregular betting patterns during the tournament – particularly those matches involving Grenada, El Salvador and Cuba.

ITALY
Atalanta player Andrea Masiello is arrested in April 2012 after reportedly admitting to receiving EUR 50,000 (USD 65,700) in illegal payments. The defender, who was playing for Bari at the time, now faces a prison sentence. Eight of his former team-mates are also under investigation. Italy made around 46 match-fixing related arrests in 2011.

SOUTH KOREA
A former coach and two former players are found dead – the most recent in April 2012 – in suspected suicides following a July 2011 clampdown on corruption. Forty-six players and 11 others were indicted on charges of match-fixing in the professional K-League.

ZIMBABWE
Around 100 players are suspended as of 2012 for alleged involvement in Asian betting syndicates linked to match-fixing. The scandal dubbed as 'Asigara' involved players allegedly taking bribes to throw friendly matches between 2007 and 2009 in Malaysia, Vietnam and Thailand.

TURKEY
Some of the top names in Turkish football face juries in February 2012 as 93 people go on trial for match-fixing allegations, including the jailed president of the country's top soccer team Fenerbahçe. The champion team of the Turkish league was banned from the UEFA Champions League in 2011 in relation to allegations of corruption.

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German Cases

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- 1) The Bundesliga-Scandal (1971)
- 2) Hoyzer (2005)
- 3) Lim (2009)
- 4) René Schnitzler (2011)
- 5) Ante Sapina et al. (2011-2012)

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Case No. 1: "Bundesliga-Scandal" (1971)

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- **First major case in Germany** where the offence of fraud was considered in relation to the manipulation of sport results
- A series of matches **were fixed to avoid relegation**
- The German Football Association (DFB) **sanctioned 52 players, two coaches, six managers and two clubs.**
- The case went to the Federal Court. **All the accused were acquitted** because it was considered that there was **no financial loss** to the detriment of the federation and financial loss was a necessary element for implementing charges of fraud.

R. Rauball, Bundesliga-Skandal. Berlin, New York 1971



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Case No. 2: "Hoyzer" (2005-2006)



- In January 2005, the German Football Association (DFB) and German prosecutors launched separate probes into charges that referee **Robert Hoyzer bet on and fixed several matches that he worked**, including a German Cup tie.
- German national-league referee, and **Ante Sapina** were involved in the fraud.
- **Hoyzer bet on matches with Asian bookmakers and Turkish bookmakers**.
- The accusation was that he was involved in the fraud.
- **Sapina was convicted** of match-fixing and sentenced to 18 months in prison for fixing or attempting to fix 23 games.
- **Hoyzer was convicted of fraud and sentenced to 29 months in prison**.
- **Their main argument was based on the lack of a legal infrastructure for prosecuting match-fixing.** The Federal Supreme Court ruled (Dec. 2006) that fraud had taken place and refused to reduce the penalties fixed.

DEPA BGH 5 StR 181/06 - Urteil vom 15. Dezember 2006

„It was an ongoing process that I wasn't aware of any more in the end. It affected me in a way that I stopped noticing things going on around me. I only hung out at this cafe, at some point it was like my second living room. I was around all the time. I was there eight days out of the week and was treated by them like a very special person.“ (Robert Hoyzer)

Case No. 3: Lim Bee Wah (2006-2008)



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- **William Lim Bee Wah** was put on trial in Frankfurt.
- Investigations began after a tip-off from a second division African player who said he had been approached to throw games.
- Lim was under surveillance for only two weeks, but during that time he attempted to fix 10 games.
- Lim is said to have **won more than 2.3 million Euros in one match**.
- **German released him in the middle of the trial** on 30,000 Euros bail.
- As part of the deal, they gave him back casino chips worth 150,000 euros. He went to the casino, cashed in the chips, paid his lawyer and has not been seen since.
- **He was sentenced in absentia to two years and five months in jail.**

<http://www.telegraph.co.uk/sport/football/competitions/premier-league/3224065/Match-fixing-Premier-League-footballs-dark-and-dangerous-side-Football.html>
D. Hill, p. 186

Case No. 4: Rene Schnitzler (2011)

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- A former striker at FC St. Pauli of Hamburg had received more than €100,000 from gamblers.
- **Schnitzler had suffered from “private, particularly financial, problems.”**
- Schnitzler described himself as **a betting addict.**
- The club said it had not come across any signs of match-fixing, but said it was cooperating with the investigators.
- <http://www.stern.de/sport/fussball/fussball-wettskandal-rene-schnitzler-ein-spieler-packt-aus-1639675.html>
- <http://torfabrik.de/querpass/aktuelles/datum/2011/08/22/rene-schnitzler-zockerliga-ein-fussballprofi-packt-aus-interview.html>



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Gütersloh 2011

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Case No. 5: Sapina / „Don Ante“ (2011/12)

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- Case involved at least **32 matches in Germany and 200 in the continent, including three matches of the Champions League.** (see next slide)
- Three people were sentenced in April 2011 by the Bochum District Court for up to **3 years and 11 months in prison for trying to fix matches and bribe players.**
- **Inquiry began - by accident - end of 2008.**
- Police were **investigating a prostitution and narcotics ring run by a transnational criminal organization based in Bochum**
- On 19 November 2009 a series of **raids were conducted in the UK, Germany, Switzerland and Austria** in relation to the betting investigation.
- The investigators discovered that the criminals were also running a vast network instigating corruption in sport and rigging bets **to launder** the fruits of their activities.
- On 19 November 2009, after a year of telephone tapping, **50 people were arrested and charged with corrupting over 320 football matches in 10 European countries.**

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Trial, April 7, 2011 (from the minutes): The „Five Star “ System

“The SAMVO delegation has suggested to me a so-called star system. This meant that the degree of manipulation should be labeled with one to five stars.

1 should it be the weakest manipulation and 5 a strong influence [...]

The SAMVO people have then explained that I could bet at a 5 star game very much, because then they would be able to bet for themselves. For me this was a new situation.

[...] In the future, we implemented it. I shared with SAMVO when I had a good game and at the beginning I also forgave star numbers. The interaction with the bookmakers worked well (...).”



This was denied by SAMVO.

See also <http://www.spiegel.de/sport/fussball/fussball-manipulationsprozess-weltspieler-auf-dem-wettmarkt-a-755656.html> the article had to be modified after interventions by SAMVO lawyers.

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Matches

“The biggest match-fixing scandal ever to hit Europe”.
Peter Limacher, a spokesman of UEFA

Suspected Cases

Turkey	76
Germany	69
Switzerland	40
International	24
Belgium	19
Croatia	18
Austria	16
Hungary	17
Bosnia	7
Slovenia	7
other European countries	11
Canada	1
other sports	3
other criminal acts	16
total	323



UEFA Euro League	1
UEFA EL Qualification	14
UEFA Champions League	2
UEFA CL Qualification	2
World Championship Quali	2
European Championship Quali	1
EC U21 Qualification	2

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„Tip of the Iceberg“

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200 + games

50 raids

Euro 1 Mio. seized

200 people

32 players

Europe hit by 'biggest-ever' match-fixing scandal

- Champions League fixtures among games under scrutiny
- Arrests made by police in Germany and Switzerland

Owen Gibson
guardian.co.uk, Friday 20 November 2009 19:18 GMT



Polizeipräsidium Bochum

Head investigators Friedhelm Althans (L) and Andreas Bachmann (R) with Peter Limacher of Uefa at a press conference in Bochum.
Photograph: Vladimir Rys/Bongarts/Getty Images

Around 200 games across nine countries have been implicated in the biggest match-fixing scandal to hit European football, with German police yesterday warning the cases they had so far uncovered were "only the tip of the iceberg".

Fifteen people were arrested in Germany and two in Switzerland following more than 50 raids across those two countries, Austria and Britain during which cash and property worth more than €1m (£900,000) was seized. At least 200 people, including 32 players, are suspected of being involved.

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Source: <http://www.guardian.co.uk/sport/2009/nov/20/uefa-match-fixing-germany>

Cooperation with law enforcement agencies

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Police headquarters
Bochum / Germany
Organised Crime

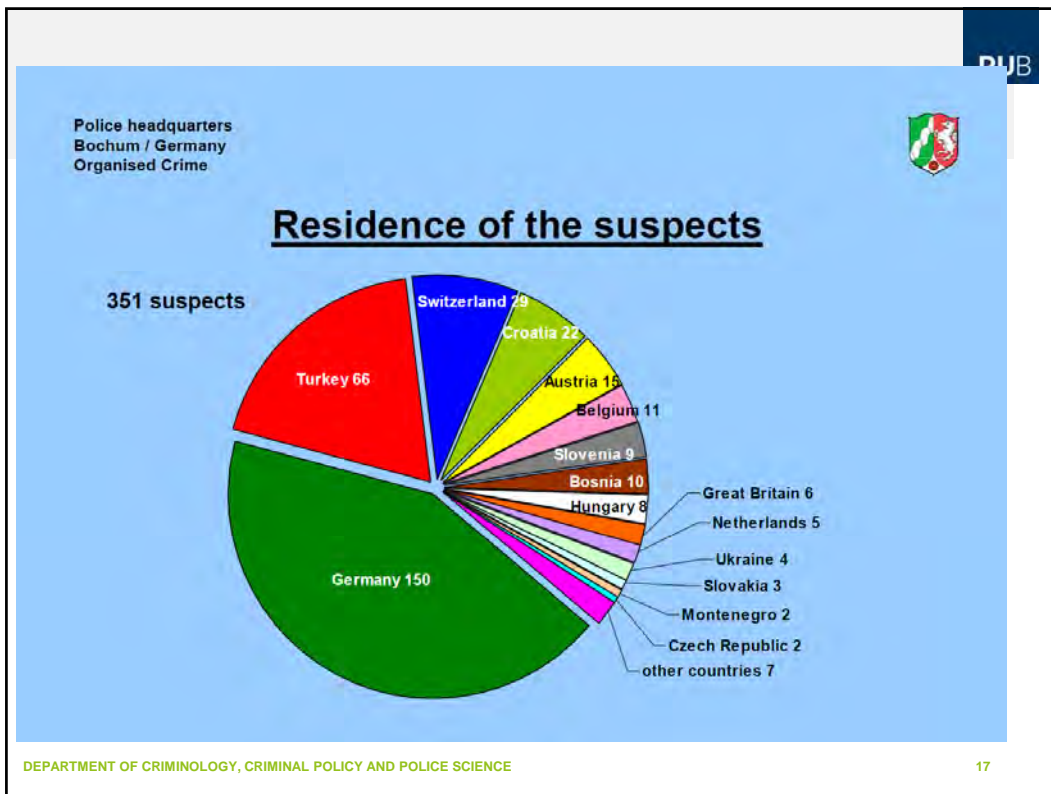


Germany Bochum

Presentation Belgrade, 15 March 2012

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Police headquarters
Bochum / Germany
Organised Crime

Betting input and betting outcome

sums of bets	investigation / wiretapping	with evidence
effort	13.853.694,58 €	10.028.118,40 €
net profit	8.115.346,84 €	5.075.814,81 €
payout	15.448.756,68 €	12.285.699,13 €

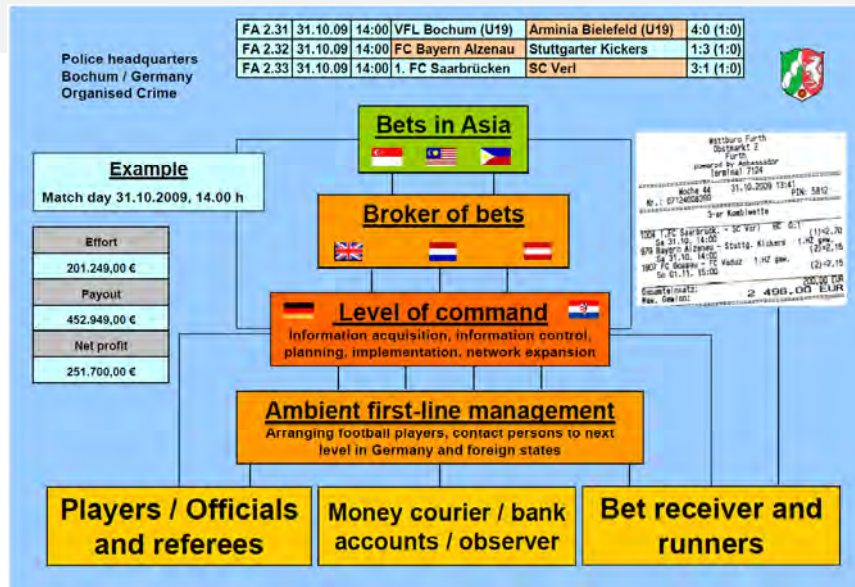
payout corruption players / referees etc.
1.756.400,00 €

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Task Force „Flankengott“

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The following slides are taken from a presentation of the head of proceedings of Taskforce „Flankengott“ regarding commercial gang fraud related to the manipulation of national and international football games in Belgrade, March 2012 (courtesy of F. Althans and police HQ Bochum)
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Ante S.: Leader of the gang – or flotsam?

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- *Sapina* and the others were merely the “**jetsam and the flotsam of a huge tide in global gambling.**” (D. Hill)
- **Globalization of the gambling business**
- *Sapina* had placed most of his bets in Asian gambling markets because legitimate bookmakers in Europe generally have restrictions on the size of wagers they will accept.
- “***In the normal markets it is just not possible to make the kind of money you can win in Asia.***”


<http://www.nytimes.com/2011/01/07/sports/soccer/07iht-match07.html?pagewanted=2&src=tpw>
Declan Hill, The Fix. Soccer and Organized Crime. Plattsburg, 2008/2010

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Criminological Background and Forensic Evidence



JÜRGEN ROTH
**MAFIALAND
DEUTSCHLAND**

- Investigation **very difficult and time consuming** due to
 - **clandestine structures**,
 - very well (illegally and **legally**) connected actors,
 - different **legal structures**,
 - different **law enforcement cultures**,
 - **language problems** (e.g. in the Lim-Bee-Wah-case, the investigators did not know what language Lim spoke (it was Kookien or Hakka))
- Germany a “**safe haven**” for internationally organized, but locally networked groups?
- The **Italian Mafia is expanding its influence on the economy and politics in Germany**, as the BKA in a recent report has shown.

<http://www.juergen-roth.com/mafialand.html>
http://www.bka.de/nn_193314/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/OrganisierteKriminalitaet/organisierteKriminalitaetBundeslagebild2011,templateId=raw,property=publicationFile.pdf/organisierteKriminalitaetBundeslagebild2011.pdf

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Social Background?

- **Class discrepancies and poverty are increasing in Europe**
- Thatcherism: “*Morality is personal*”, “*poverty is not material but behavioural*”
- In Britain in 2010, the richest 1,000 got 30 per cent richer in just one year, in Germany 10% of the population own 2/3 of the capital.
- “Under Labour the number of sports and social clubs fell by 55 per cent, post offices by 39 per cent, swimming pools by 21 per cent and libraries by 7 per cent; **the number of betting shops rose by 39 per cent and casinos by 27 per cent**”.
- **Social costs of gambling in Germany: 60 Billion Dollars per year**

- Owen Jones, Chavs. The Demonization of the Working Class. London 2012 (2nd ed.)
- Ingo Fiedler http://www.wiso.uni-hamburg.de/fileadmin/bwl/rechtderwirtschaft/Institut/Sonstiges/Die_sozialen_Kosten_von_Gluecks-spielen_-_Hamburg_faqs_11.08.01.pdf

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Ante Sapina, personal profile

- **16.02.1976** born in Raško Polje (Croatia)
- raised in Duisburg, Germany,
- youngest of three sons, immigrants from Croatia
- Father died 1988, family moved to Berlin
- **Ante excelled in mathematics in school**
- **Over the course of?** 14 years he sent money to Ireland for sports betting (30.- German Marks each envelope)
- **In 1999 he won 76.000.- Euro at a betting machine in Berlin, of which he invested 50.000 Euro** in the German Bundesliga Champion 2000 – and won 100.000.-.
- Later he called this **his „breakthrough“**.
- **Studied business economics** at a university, but found „his profession“ in bets
- Got in trouble with private bookies – **he is too good for them**. He is put on betting limits, certain sports are blocked for him, **went to the state-run Oddset, with the „worst odds in Europe“ (Sapina)**.
- **As a consequence, he moves to the Asian market with better options**

Spielerinformationen		
Geburtstag	16. Februar 1976	
Geburtsort	Raško Polje, Tomislavgrad, SFR Jugoslawien	
Position	Mittelfeldspieler	
Vereine in der Jugend		
	SD Croatia Berlin	
Vereine als Aktiver		
Jahre	Verein	Spiele (Tore) ¹
1996–1998	SD Croatia Berlin	28 (0)
1998–2000	Berliner AK 07	13 (2)
2000–2003	SD Croatia Berlin	27 (4) ^[1]

¹ Angegeben sind nur Liga-Spiele.

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The Story of Sapina

- 2004 he **met** the referee Hoyzer at Cafe King, owned by his brother Milan
- he **met** Messi during **the** 2006 championship
- **„He loves football“**
- Sapina and Hoyzer **become friends** and agree on match fixing
- August 2004; **Sapina won 751.365.- Euro** (SC Paderborn vs. Hamburger SV, fixed by Hoyzer)
- Hoyzer and Sapina were sentenced, **Sapina 2 y 11m prison, released on probation after serving half the time**
- Sapina **stays in the milieu, bets again, fixes matches**
- **diagnosed as pathological gambler**
- **His** Porsche had the license plate „B-OG“ for „Bog“, the **Croatian** word for god. **Sapina is a Catholic, went to church whenever possible...**



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Ante Sapina: Why?

- **Bright boy, excelled in mathematics**
- gambling, small bets, **looking for challenges as a boy**
- Bigger bets, **(financial) success**
- **Addiction** (pathological gambling)
- **Cultural and business environment** (Cafe King)
- **Private, personal success and appreciation**
- Looking for higher aims: Asian betting market
- **Contact with and appreciation by Organised Crime representatives**
- **Caught by coincidence**: phone tapping of another person

= **Sapina is NOT a typical member of organized crime structures**
Is this the reason, why he got caught and sentenced?

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Reasons for success?

- Smart, polite, **trustworthy**
- **Able to „read“ other people, to find their very personal chinks?? or weak points**
- Knows how to deal with characters like Hoyzer on the one side and organised crime activists on the other side
- Was released after half sentence - very unusual in Germany. Why?
- **Was released from pre-trial custody in 2011 because he was „cooperative“; case is still ongoing.**

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Consequences and the Way Forward

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- Match Fixing causes **high financial losses** (associations, players and bet providers, each individual player)
- **Clubs** may end up with high debts after relegation or elimination of international competitions
- Result: **Job cuts** on sides of professional players and coach; club insolvent
- Citizens **lost trust in sports**, but also athletes and functionaries
- Consequence: **The “money” draws back from Sports??**

Monitoring systems

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- ... are (at least at the moment) **not effective** because
- no facts or data, which can be used in investigations and trials, **no evidentiary value**,
 - **monitored by criminal networks**,
 - **even tactically used by such networks** (or by the organization itself) for own bets („Nachwetten“).
 - (*“a net with very large mesh”*), because Asian fixers do not bet with Betfair or English betting companies

D. Hill, p. 176)

Recommendations for Training

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Target groups for education:

- law enforcement officers, athletes, club representatives, managers, referees
- Programmes specially tailored, incl. risk of gambling addiction
- „tell the referees and players about the change in their status – from coveted friend to slave – when the match-fixers start „calling the fix“; example: U.S. National Collegiate Athletic Association have a former Mafia capo lecture their players about how the mob really works.
- No single European soccer association has any education or training for players on how to avoid criminals or the dangers of dealing with them.
- They get educated how to deal with the media – but not with the Mafia.

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E-learning?

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Good idea, but who will watch this?

E-Learning need a personal infrastructure and „teaching islands“.

http://www.interpol.int/ipsgapp/integrityinsport/elearning/module01/welcome_to_the_global_programme_to_stop_matchfixing_in_sport_how_to_prevent_it_from_destroying_your_career_what_it_will_cover.html



Cliff Mardulier's Story

INTERPOL
PROTECT US TOGETHER

In 2004, Cliff Mardulier (right) was playing for a team in the Belgian Premier League and sometimes for the under-23 Belgian National Team. One day, the new owner of his team, a Chinese gambler, ordered the team to fix matches. When the schema was discovered, the Chinese owner ran away.

Although Mardulier claims he never actually took part in the fixes, he was arrested and fired from the team. Still an excellent goalkeeper, he has never played for the National Team again and had difficulty finding another team.

In the following video, Mardulier speaks of the risks that athletes/referees run by being near corruption. He talks about the guns and the frightening people who were around his club. He speaks of his career on the National Team and many other clubs being jeopardized.

By participating in this programme, Cliff Mardulier hopes he can help other players from facing similar problems.

Facebook, Twitter, YouTube icons

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Overall Recommendations (1) RUB

1. Better **cooperation** between all stakeholders (law enforcement, sports federations, bookmakers/bookies, etc.)
2. **Exchange of Information** between law enforcement agencies in different countries, both on the **formal and informal** level
3. Better **knowledge about worldwide acting betting cartels and organised crime networks** and structures
4. **Monitoring systems** must be re-structured and an independent body must overview and evaluate their work; early detection is **crucial**; uniform procedure for handling suspicious cases
5. **Investigations** by using all tools incl. under cover agents on all levels and on all potential actors
6. **Ombudsmen** or independent commissions, where people can anonymously report suspicious activities or observations

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Overall Recommendations (2) RUB

7. **Unification** (in Europe and worldwide) of laws, law enforcement activities, court decisions, data bases
8. **Standards** for legal and administrative cooperation
9. **Cooperation** with sports federations (UEFA, national organisations, not only football); they should inform police about suspicious matches;
10. **Licensing** of bookmakers should be combined with an agreement to provide information about suspicious matches, persons, clubs.
11. Regulatory authorities should agree on (European?) **standards to supervise and control the betting market** and bookmakers. Problem in Germany: No nation-wide agency possible like in France, Italy or GB due to the federal system (e.g. urban, communal regulatory agencies in cities)
12. **Integrity delegates** in sports federations and betting providers / bookmakers for cooperation with law enforcement agencies

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The Way Forward (1)

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- **Betting fraud = organized crime**
- **Fight against trivialization** and lack of awareness
- **Really professional management of football associations** (independent people from “outside”)
- **Public awareness and acceptability of investigations** increased,
- **misleading information** by media and associations contradicted
- **Legislation** concerning fraud in the sport and betting business should be **equalized** between countries
- Establishing of **national regulatory authorities**
- Simplification of **legal and administrative cooperation**
- **Closer supranational cooperation** between betting-companies, regulatory authorities, sport associations and law enforcement agencies

The Way Forward (2)

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- Establishing of data-bases
- **Specified Unit within soccer associations** like UEFA, DFL, DFB, security departments **to protect and police the game!**
- **re-structuring of investigation bodies**



Aushängeschilde: Silvana Steinhilber ist derzeit die bekannteste Schiedsrichterin der Region. Imago/Ansa



**Perhaps an unexpected solution:
More women as referees*, more women officials...**

„... there is... a culture of supplying women to referees before the matches...“
(Hill p. 188)