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](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.
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.
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.
- Sapina claimed to did this together with SAMVO and that SAMVO joined these bets.
- *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.
Nov. 2012: Match Fixing acquittals in Switzerland: No victim of bets placed

LAUSANNE, Switzerland (AP) -- The acquittal of three football players in Switzerland in a match-fixing case was an "own goal by Swiss justice," FIFA President Sepp Blatter said Wednesday.

Switzerland's Football Association backed Blatter's criticism, saying the country "desperately needs" to update its criminal code after the players were cleared by a federal court Tuesday.

The Swiss League players were prosecuted for swindling linked to betting on second-tier matches played in 2009 following an international investigation led from Dobrun, Germany.

Goalkeeper Darko Damjanovic, who allegedly recruited players for a Croatian crime syndicate, was suspended indefinitely by the Swiss FA in 2010.

However, a judge acquitted Damjanovic and two others Tuesday, saying there was no obvious victim of bets placed online.

"Own goal by Swiss justice: irritating verdicts of not guilty in context of betting manipulation," Blatter wrote on his Twitter account.

Swiss football officials called for a national law against sporting fraud to be passed.

"The Swiss law needs desperately the so-called "criminal fraud" (offense) unless we want to go with decisions like the one from yesterday," SFA spokesman Marco von Ah said in an email to The Associated Press.
Special Laws against bribery, match-fixing, fraud in sport betting, rigging bets, corruption?

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:

Taking and giving bribes in sports

(1) Whosoever as an athlete, trainer of an athlete or referee demands, allows himself to be promised or accepts a benefit for himself or another in a tournament as consideration for influencing the outcome or the course of a tournament in an unfair way shall be liable to imprisonment not exceeding five years or a fine.

(2) Whosoever offers, promises or grants an athlete, trainer of an athlete or referee a benefit for himself or for a third person in a tournament as consideration for influencing the outcome or the course of a tournament in an unfair way shall incur the same penalty.

(3) Subsections (1) and (2) above shall also apply to acts in tournaments abroad.
Germany is not on the map in the brochure of INTERPOL on “INTEGRITY IN SPORT - IMPROVING AWARENESS AND UNDERSTANDING OF CORRUPTION IN FOOTBALL”.

http://www.interpol.int/Crime-areas/Corruption/Integrity-in-Sport
German Cases

1) The Bundesliga-Scandal (1971)
2) Hoyzer (2005)
3) Lim (2009)
4) René Schnitzler (2011)
5) Ante Sapina et al. (2011-2012)
Case No. 1: “Bundesliga-Scandal” (1971)

• **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.

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.

Robert Hoyzer, a German national-league referee, and Ante Sapina were involved in the fraud. They reportedly placed enormous bets with Asian bookmakers and Turkish international players were said to be involved in the fraud.

The accused were primarily Kosovans. Sapina was convicted of fraud in 2005 and sentenced to 35 months in prison for fixing or attempting to fix 23 games by betting on matches he was supposed to officiate.

Hoyzer was convicted of fraud and sentenced to 29 months in prison. At a later date, the Federal Appeals Court rejected the prosecution's request to overturn Hoyzer's convictions.

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.

BGH 5 StR 181/06 - Urteil vom 15. Dezember 2006
Case No. 3: Lim Bee Wah (2006-2008)

- **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.**


D. Hill, p. 186
Case No. 4: Rene Schnitzler (2011)

- 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.

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

- 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 where sentenced in April 2011 by the Bochum District Court for to up to **3 years and 11 months in prison** for trying to fix matches and bribe players.
- 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, **20 people were arrested and charged with corrupting over 320 football matches in 10 European countries**. Afterwards some 100 more were arrested.
“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-... the article had to be modified after interventions by SAMVO lawyers.
**Matches**

“The biggest match-fixing scandal ever to hit Europe”.

Peter Limacher, a spokesman of UEFA

### Suspected Cases

<table>
<thead>
<tr>
<th>Country</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turkey</td>
<td>76</td>
</tr>
<tr>
<td>Germany</td>
<td>69</td>
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<tr>
<td>Switzerland</td>
<td>40</td>
</tr>
<tr>
<td>International</td>
<td>24</td>
</tr>
<tr>
<td>Belgium</td>
<td>19</td>
</tr>
<tr>
<td>Croatia</td>
<td>18</td>
</tr>
<tr>
<td>Austria</td>
<td>16</td>
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<tr>
<td>Hungary</td>
<td>17</td>
</tr>
<tr>
<td>Bosnia</td>
<td>7</td>
</tr>
<tr>
<td>Slovenia</td>
<td>7</td>
</tr>
<tr>
<td>other European</td>
<td>11</td>
</tr>
<tr>
<td>Canada</td>
<td>1</td>
</tr>
<tr>
<td>other sports</td>
<td>3</td>
</tr>
<tr>
<td>other criminal acts</td>
<td>16</td>
</tr>
<tr>
<td><strong>total</strong></td>
<td><strong>323</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>League</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>UEFA Euro League</td>
<td>1</td>
</tr>
<tr>
<td>UEFA EL Qualification</td>
<td>14</td>
</tr>
<tr>
<td>UEFA Champions League</td>
<td>2</td>
</tr>
<tr>
<td>UEFA CL Qualification</td>
<td>2</td>
</tr>
<tr>
<td>World Championship</td>
<td>2</td>
</tr>
<tr>
<td>Qualification</td>
<td></td>
</tr>
<tr>
<td>European Championship Qualification</td>
<td>1</td>
</tr>
<tr>
<td>EC U21 Qualification</td>
<td>2</td>
</tr>
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</table>

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)
„Tip of the Iceberg“

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

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

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.

Source: http://www.guardian.co.uk/sport/2009/nov/20/uefa-match-fixing-germany
Cooperation with law enforcement agencies

Presentation Belgrade, 15 March 2012
Residence of the suspects

351 suspects

- Turkey 66
- Germany 150
- Switzerland 29
- Croatia 22
- Austria 19
- Belgium 11
- Slovenia 9
- Bosnia 10
- Hungary 8
- Great Britain 6
- Netherlands 5
- Ukraine 4
- Slovakia 3
- Montenegro 2
- Czech Republic 2
- Other countries 7
### Betting input and betting outcome

<table>
<thead>
<tr>
<th>sums of bets</th>
<th>investigation / wiretapping</th>
<th>with evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>effort</td>
<td>13.853.694,58 €</td>
<td>10.028.118,40 €</td>
</tr>
<tr>
<td>net profit</td>
<td>8.115.346,84 €</td>
<td>5.075.814,81 €</td>
</tr>
<tr>
<td>payout</td>
<td>15.448.756,68 €</td>
<td>12.285.699,13 €</td>
</tr>
</tbody>
</table>

**payout corruption players / referees etc.**

1.756.400,00 €
Task Force „Flankengott“

Police headquarters
Bochum / Germany
Organised Crime

Example
Match day 31.10.2009, 14.00 h

- Effort: 201,249,00 €
- Payout: 452,949,00 €
- Net profit: 251,700,00 €

Bets in Asia

Broker of bets

Level of command
Information acquisition, information control, planning, implementation, network expansion

Ambient first-line management
Arranging football players, contact persons to next level in Germany and foreign states

Players / Officials and referees
Money courier / bank accounts / observer
Bet receiver and runners
Ante S.: Leader of the gang – or flotsam?

- 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".

Criminological Background and Forensic Evidence

- 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
Social Background?

• Class discrepancies and poverty are increasing in Europe
• Thatcherism: “Morality is personal“, "poverty is not material but behavioral"
• 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_Gluecksspielen_-_Hamburg_fags_11.08.01.pdf
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 was excellent in mathematics in school**
- When he was 14 years of age, 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**
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...**
Ante Sapina: Why?

- Bright boy, excellent 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?
Reasons for success?

- Smart, polite, trustworthy
- Able to „read“ other people, to find their very personal chink or weak points
- Knows how to deal with characters like Hoyzer on the one side and organized 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.
Consequences and the Way Forward

- 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

... 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
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.
E-learning?

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
Overall Recommendations (1)

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
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
The Way Forward (1)

- 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)

- 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
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)