

# Match Fixing in Western Europe

Thomas Feltes

**Abstract** Not only in Asia but also in Germany Match Fixing has become a real problem that causes high financial losses for associations, players, bet providers and individual players.

The following chapter points out to the most interesting cases of Match Fixing in Germany and develops solution statements to cope with Match Fixing in the future.

## Football at Risk?

Is football at risk through match fixing? And if so, why should we protect those gamblers and wagerer? These two questions shall guide us through the following article, showing that we do in fact have a problem with match fixing, and not only in Asia, and that the integrity of football is at risk, as the FIFA Director of Security, Ralf Mutschke (2012), pointed out: “The values of fair play, respect, discipline and honesty are under threat. ... If we look at those perpetrating it, we’re definitely talking about criminals – you might even say organized criminality”. Match fixing is indeed a serious problem in Europe: It is, in the words of Emine Bozkur (2012), Member of European Parliament, “a form of crime with high revenues and excessively low sentences and detection rates, and thus used as a tool by criminal organizations to make and launder money from criminal activities such as human and drug trafficking”. And finally, to quote Ronald K. Noble (2012), INTERPOL Secretary General, who reported about the four SOGA operations during the meeting in Singapore: “As a result of transnational organized crime’s global reach, of the huge profits associated with illegal gambling, of the vulnerability of players and of the

---

T. Feltes (✉)  
Criminal Policy and Police Science, Ruhr-University Bochum,  
Universitätsstraße 150 GC 5/144, 44801 Bochum, Germany  
e-mail: Thomas.Feltes@rub.de

internet, which has made gambling on matches anywhere in the world extremely easy and accessible, we are seeing more and more cases of match fixing and suspicious results". The background of Noble's statement is the fact, that nearly 300 people have been arrested in police operations ahead of and throughout the EURO 2012 championships, targeting illegal soccer gambling networks across Asia. Law enforcement officers carried out more than 200 raids on illegal gambling dens, estimated to have handled around USD 85 million worth of bets. Operation SOGA IV – short for soccer gambling – was the fourth action of its and the operation has "underlined the results which can be achieved through national and international police cooperation in breaking up illegal gambling dens and the criminal networks behind them" (Yau 2012). In total, the combined four SOGA operations have resulted in more than 7,000 arrests, the closure of illegal gambling dens which handled more than USD 2 billion worth of bets and the seizure of nearly USD 27 million in cash. Illegal betting which drives match-fixing encompasses a market that is said to be in the range of hundreds of billions of Euros per year – the revenue of a company like Coca-Cola. And to quote Mr. Noble (2013) a last time: "Criminal organizations benefit from match-fixing both in the profits it promises and in its ability to launder their ill-gotten gains from other criminal activities. Match-fixing is clearly a many-headed dragon that we must slay with a coordinated national and international effort".

Corruption and the manipulation of sport results jeopardize not only the ethical value and structures of sport; once the sport is ethically devaluated and the trust into sports is lost, the sources of finance will collapse. And there will be more rigged matches in future if we close our eyes. Eventually the credibility of results will be called into question and finally the entire credibility of sport will vanish. It should be in the very own interest of the clubs, originations and associations to fight match fixing by all possible means.

Another aspect should not be forgotten: Many of those, who bet, are pathological or problem gamblers. The number of "problem gamblers" or "addicted gamblers"<sup>1</sup> in Germany is estimated at about 300,000, and the social costs of gambling in Germany are calculated at about USD 60 billion per year – to be paid by tax payers. On the other side, organized crime is using gambling and betting to earn money, which is not traceable and can be used in the world-wide market of illegal (and semi-legal) drugs, weapons, and smuggling of human beings.

This chapter analyses the history of match fixing cases in Germany between 1970 and 2011, showing different backgrounds, reasons and consequences. Special focus is given to the case of Ante Sapina ("*Don Ante*"), in which in November 2009, after a year of telephone tapping, 50 people were arrested and charged with corrupting over 320 football matches in 10 European countries. The leader of the gang was

---

<sup>1</sup>Pathological gambling is associated with both social and family costs. For the new DSM 5.0, pathological gambling is being considered as an Addictive Disorder. This reflects the increasing and consistent evidence that some behaviors, such as gambling, activate the brain reward system with effects similar to those of drugs of abuse and that gambling disorder symptoms resemble substance use disorders to a certain extent, see <http://www.psychiatry.org/practice/dsm/dsm5>.

sentenced in 2011. He placed bets of about €1 million per month on 30 matches, and sought to corrupt on average one match per week. Co-offenders were also on trial, and the case is still going on, due to appeals. It is argued, that we do have to think about match fixing in Germany, although the “point of origin” or the “sales point” of these activities are located not in Europe, but mainly in Asia. Although most Germans would argue, that there might be corruption in Germany<sup>2</sup> – but not in the German soccer leagues – no matter whether they are ordinary citizens, police officers or lawyers, as often, reality is different. The article refers to a most recent study by KEA (2012), which illustrates how match-fixing is covered in national criminal law in Europe. Finally, criminological and forensic evidence is presented, showing that investigating such activities is very difficult and time consuming due to clandestine structures, very well (illegally and legally) connected actors. Germany might be seen as a “safe haven” for internationally organized, but locally networked groups. Consequences for law enforcement on national, trans- and international level are discussed and recommendations given for the training of law enforcement officers, club representatives and referees, and for the re-structuring of investigation bodies.

## Germany: Safe Haven?

Germany, famed for the quality of its products rather than the largesse of its bribes, has been rocked by corruption scandals some years ago: Siemens was embroiled in the largest bribery case in the history of Germany but other well-known German companies were accused although: Volkswagen, DaimlerChrysler, Deutsche Bank, Infineon, Deutsche Bahn, GM/Opel, and Ratiopharm. However, nearly all these scandals had their point of origin in foreign countries, not in Germany, and – even more important – they had to do with legal enterprises. So why worry about corruption and match fixing in German Football? Germany was listed on rank 10 of “*the ten most corrupt football leagues ever*”. Spurling (2013), the author of the article about “*bent leagues in the world and the hookers, murderers and extortionists who populate them*”, ranks Germany just behind Italy (No. 8) and Columbia (No. 9). But the example used by the authors is an outdated one from the late 1970ies in the (former) GDR.<sup>3</sup>

So why worry? There are good reasons: First, illegal betting on football is everywhere in the world, no country is immune to it, because it is about money – to earn money and to launder money. Second, there is a huge demand for betting in Europe, and not only in Asia, where betting and gambling is deeply ingrained in the culture

---

<sup>2</sup>German is listed on rank 14 in the Corruption Perceptions Index by Transparency International <http://cpi.transparency.org/cpi2011/results/> (Aug. 22, 2012).

<sup>3</sup>In 1978, Stasi chief Erich Mielke announced at a meeting that it was time Dynamo Berlin began to win trophies in East Germany’s Oberliga. Referees were nobbled, as the Stasi had final say over which officials went on the list for coveted UEFA and FIFA matches.

and is an accepted form of social intercourse. It is said in China that “a little gambling is good for the health, but too much can drive you mad”.<sup>4</sup> *“There are matches played by Scottish teenagers watched by about 20 people and three dogs. But in the crowd will be one or two Chinese – like Zing and Xi – who relay information back to the vast illegal gambling markets of Beijing, Bangkok or Batam”* (Hill 2008b). In the multi-billion pound sports betting market, only 30–40 % is in the legal market, the rest is in the, mostly illegal, Asian gambling markets.

It is all about money: In 2012, the 36 clubs of the German Soccer League (DFL, 1. and 2. Bundesliga) had yearly turnovers of more than € 2 billion, one more reason to think about corruption and manipulation. The German soccer league attracts more visitors than elsewhere – 44,000 in average per match (in Dortmund even more than 80,000).

The *5th World Sport Ministers Conference* (MINEPS V in Berlin [Germany]) in May 2013 addressed the fight against match fixing as a key topic, and together with illegal betting, as well as doping and corruption in sport it is mentioned in the final “Declaration of Berlin”.<sup>5</sup> In this declaration, the Ministers pointed out that the Sport Movement alone cannot successfully prevent and fight doping in sport and the manipulation of sport competitions, particularly when corruption and transnational organized crime are involved. They also saw the integrity of sport threatened by doping in sport, the manipulation of sport competitions and corrupt practices at local, national, regional and international levels. For the Ministers, the manipulation of sport competitions combined with betting offers large scale business opportunities and potential revenues for transnational organized crime and so they expressed their concern, that the rapid growth of unregulated sport betting, especially through the Internet, and by insufficiently regulated betting markets attracts transnational organized crime.

The ministers also called at UNESCO Member States to commit to giving due importance and funding for investigations of criminal activities taking place in the field of sport and to ensure adequate operational capacity to fight the manipulation of sport competitions in law enforcement and juridical authorities. The states should consider the introduction of criminal sanctions which would act as a deterrent against the manipulation of sport competitions, and against doping in sport and develop national and international cooperation between the law enforcement authorities and betting regulators in the fight against manipulation of sport competitions (e.g. mutual legal assistance, joint task forces), involving the Sport Movement and the betting operators. They also should explore the feasibility of creating a public prosecutor’s office specialized in sport-related crimes.

---

<sup>4</sup><http://www.betsir.com/gambling-asian-culture.html> the Chinese culture is uniquely steeped in gambling, with its history including the oldest recorded accounts of gambling worldwide more than 3,000 years ago. In modern China, social gambling is a common and accepted form of entertainment and celebration. See also Godot (2013), Loo et al. (2008) and Raylu and Oei (2004).

<sup>5</sup><http://www.mineps2013.de/fileadmin/Dokumente/pdf/MINEPS%20V%20-%20%20Declaration%20of%20Berlin%20%28Original%20English%20Final%29.pdf>.

The Ministers also called at the Sport Movement to Establish or reinforce transparent, democratic decision-making structures to enhance integrity, accountability, equal treatment and sustainability. In the view of MINEPS V, the following prevention measures against the manipulation of sport competitions must be implemented:

- Comprehensive education programs, in particular face-to-face-training targeted at athletes and also involving their close entourage, sport agents, coaches, referees, representatives of the associations/clubs and the sport federations;
- Appointment of ombudsmen, respected by the relevant target groups, as well as integrity officers at the national and international levels;
- Enforceable Codes of Conduct, committed to fair play and ethical standards
- Amnesty or incentive measures for persons helping to achieve legal action or prosecution;
- Adequate systems for encouraging and protecting whistle-blowers, and for managing suspicious information so as to grant priority to prevention;
- Strict policies for referee announcement timeframes and referee-athlete interactions prior to competitions;
- Integrity agreements with legal betting operators that outline details on the provision of betting services and information sharing protocols, in accordance with national and international law.

The conference also asked to adopt binding good governance rules, which include measures to strengthen democratic structures and transparency at the level of federations and associations/clubs. Individual actors, including sponsors and investors, must not use their influence to undermine the integrity of sport and reliable and sound management of financial affairs (including salary payment according to work contract provisions).

Accusations of corruption at the sport's governing body are nothing new but things heated up in July 2012 when a Swiss prosecutor released legal documents which said former FIFA president and IOC member Joao Havelange and former FIFA executive committee member Ricardo Teixeira took multi-million bribes on World Cup deals in the 1990s from the now defunct sports marketing body ISL (Pfanter 2011). Current FIFA president Blatter, also an IOC member, has denied any knowledge of the bribes, but evidence has been provided by Thomas Kistner (2012) in his book "FIFA Mafia". Several prominent members of the German Football Association (DFB) and the German Soccer League (DFL), including both Presidents Wolfgang Niersbach and Reinhard Rauball have called for Blatter to step down. Blatter denied all accusations of corruption and instead suggested that Germany had used bribery to secure the 2006 World Cup.

In addition to the initiatives adopted by betting operators and sport organizations, EU Member States and European organizations have shown their commitment to fight against match-fixing. 2011/12, the Council of Europe adopted the Recommendation on promotion of the integrity of sport against manipulation of results, the EU Council the Conclusions on combating match-fixing, and the European Parliament the Resolution on the European Dimension of Sport.

A study by KEA (2012) illustrates how corruption in sport, specifically match-fixing, is covered in national criminal law. A survey with national ministries in the 27 Member States, sporting organizations and betting operators was carried out. The study shows, that 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 match-fixing episodes are punished under the offence of cheating at gambling. Overall, these provisions differ greatly as regards the act to be criminalized as well as the scope, objective and subjective elements of the offences or the relevant sanctions.

## Legal Problems

In the context of legal requirements to prosecute match fixing, a lawyer must ask what the object of “legal protection” (Rechtsgut) is or might be. Who exactly is the aggrieved party, what is the loss/damage/harm and how should be it calculated, when must the fraud activity take place (e.g. no fraud, when the bet is done before the manipulation), and whether the manipulative activity was objectively able to influence the chance to win, etc. If we cannot answer these questions from national our legal point of view, we will get in trouble with law enforcement – as the recent case in Germany has shown. A relevant corpus of jurisprudence and scholarly publications around the issue of criminal law and match-fixing exist in Germany, where several court decisions have applied the crime of fraud to betting related match-fixing events. Nevertheless, the situation is not satisfying. Fraud in Germany is punishable under section 263 of the German Criminal Code (Strafgesetzbuch, StGB). Section 263<sup>6</sup> punishes anyone with the intention of obtaining for himself or a third person an unlawful material benefit – who damages the property of another by causing or maintaining an error or by distorting or suppressing true facts – with up to 5 years imprisonment or a fine. In particularly serious cases the penalty is a prison sentence to 10 years. Sect. 263 StGB defines fraud as the real intention of an individual to obtain for himself or a third person unlawful material benefit and damage to the assets of another – for example, of the betting operator and the bettors (Fritzweiler 2007, p. 711).

The key element of the crime of fraud is therefore patrimonial damage. In the so called “Hoyzer case”, the court developed a specific category of detriment, the “Quotenschaden”, which can be translated as a ‘detriment caused by a shift of odds’

---

<sup>6</sup>(1) Whoever, with the intent of obtaining for himself or a third person an unlawful material benefit, damages the assets of another, by provoking or affirming a mistake by pretending that false facts exist or by distorting or suppressing true facts, shall be punished with imprisonment for not more than 5 years or a fine. (2) An attempt shall be punishable.

(Rotsch 2009) and relates specifically to financial loss in sports betting. It is calculated as follows:  $\text{Damage} = (\text{real payment} \textit{ minus} \textit{ real input}) \textit{ minus} (\textit{hypothetical payment} \textit{ minus} \textit{hypothetical input})$ . *Example:* real payment 100,000.- minus real input 10,000.- = 90,000.- minus hypothetical payment 20,000.- minus hypothetical input 10,000.- = damage/loss of 80,000.-.

In similarity with the “Sapina case”, it is necessary to consider whether there is damage to betting operators, regardless of whether manipulations have led to a defeat during the competition. What might matter is that the betting operators would not have concluded a betting contract if they knew that intentional manipulation would take place. It needs to be proven that the perpetrator misled the betting organizers and the referee and players were both considered to be implicated in the offence and to have committed the fraud as part of a gang. What matters is that the betting operators would not have concluded a betting contract if they knew that intentional manipulation would take place. In both cases it was proven that the perpetrator misled the betting organizers and the referee and players were both considered to be implicated in the offence and to have committed the fraud as part of a gang.

### **First Case: The Bundesliga-Scandal (1970–1971)**

The Bundesliga-Scandal was the first major case in Germany where the offence of fraud was considered in relation to the manipulation of sport results. This occurred in the 1970–1971 season during a series of matches which were fixed to avoid relegation. The German Football Association (DFB) sanctioned 52 players, two coaches, six managers and the Bielefeld and Offenbach clubs. The case went to the Federal Court but 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. One commentator argued that the only offence for which they could have been prosecuted was perjury (sect. 154 StGB), for denying their involvement in the manipulation (Fritzweiler 2007, p. 715).

### **Second Case: Robert Hoyzer (2000)**

The second match-fixing case in Germany occurred in 2000. This was a betting related case involving Robert Hoyzer a German national-league referee, and Ante Sapina, who was linked to betting mafia. The ring reportedly placed enormous bets with Asian bookmakers and Turkish international players were said to be involved in the fraud. The accused were primarily Kosovans, and Sapina was convicted of fraud in 2005 and sentenced to 35 months in prison for fixing or attempting to fix 23 games by paying Hoyzer to rig matches Sapina and his brothers bet on. Sapina's brothers were given suspended sentences. Hoyzer was convicted of fraud and

sentenced to 29 months in prison.<sup>7</sup> 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 (Bundesgerichtshof, BGH) ruled, on 15 December 2006 that fraud had taken place<sup>8</sup> and refused to reduce the penalties fixed by the district court of Berlin due to the financial loss suffered by the Federation and the loss of public confidence in the fairness of the sport. The German Football Federation (DFB) introduced a lawsuit against Hoyzer requesting eight million Euros compensation for the damage caused to the whole of German football (Transparency International 2008). Hoyzer described the process in his own words: "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 8 days out of the week and was treated by them like a very special person" (Hill 2008a, p. 166).

### **Third Case: Lim Bee Wah (2007)**

Section 263 StGB was also applied in another betting case which ended with prison sentences for a Malay-Chinese national and a player (KEA 2012, p. 30). Following the contestation of the sentence dating from August 31, 2007, the Landgericht Frankfurt/Main (District tribunal) sentenced a player to pay a fine.<sup>9</sup> 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 2 weeks, but during that time he attempted to fix 10 games. He is said to have won more than 2.3 million Euros in one match. The German court released him in the middle of the trial on € 30,000 bail. As part of the deal, they gave him back casino chips worth € 150,000. He went to the casino, cashed in the chips, paid his lawyer and has not been seen since. He was sentenced in absentia to 2 years and 5 months in jail (Hill 2008b). What happened? There is no suspicion that the German police, prosecutors or judges were corrupt. Rather, they were, as Hill (2008a, p. 187) put it, "purely and simply ignorant. ... they did not know what they did not know". And what did the German Football Association? A police officer, quoted by Hill (2008a, p. 186), said: "No one wants to know about this case. Everyone wants to believe in a clean game. So the German Football Association does not want to talk about this case". They wanted to keep the bad publicity away or at least to go away as soon as possible. Is this also the reason why the German Football League (DFL) provided material on corruption and match fixing to the clubs, referees and players in 2013 without any

<sup>7</sup>LG Berlin (512) 68 Js 451/05 Kls (42/05) and (512) 68 Js 451/05 Kls (25/05).

<sup>8</sup>BGH 5 StR 181/06.

<sup>9</sup>LG Frankfurt/Main, judgment from 4 February 2009, 2 StR 165/08.



PR-support? They wanted to show (whomsoever), that they had done something in this respect, but they do not want the public to know that – to avoid bad publicity and the rumor, that it might be necessary to undertake such activities. In fact, it is necessary, in Germany like elsewhere in Europe at a time, the Bochum police special investigators look (in the summer of 2013) at some dozens of matches in Germany which are under suspicion for being fixed. The chief investigator, Friedhelm Althans, asked politicians in connection with the MINEPS V conference in Mai 2013 in Berlin for better laws to make their investigation easier. He also noted that worldwide cooperation between police is necessary and that besides the organized crime actors, operating from Singapore, the biggest threat for the integrity of football are syndicates in China and Russia (Anonymus 2013a). Both countries are not on the list of those 30 plus countries, who were involved in the investigations by the task force “Flankengott” (cross god), which have been started with the “Sapina Case” in 2009 (see below). At the same time (in June 2013), the Austrian Police task force “Matchfixing” announced, that they are investigation against 15 potential cases in Austria over the last 3 years, two “well known” football activists included (Anonymus 2013b). As in Germany, the officials from the Austrian Football Association see “no substantive evidence” to start their own investigations (Anonymus 2013c).

#### **Fourth Case: René Schnitzler (2011)**

In January 2011 the German magazine Stern reported that a former striker at FC St. Pauli of Hamburg, René Schnitzler, had received more than € 100,000 from gamblers. St. Pauli said in a statement that it was aware that Schnitzler, during his time with the club, had suffered from “private, particularly financial, problems.” Schnitzler, in an interview with Stern, had 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. Later he published a book on his case and how things developed (Schnitzler 2011).

#### **Fifth Case: Ante Sapina (“Don Ante”) (2011–2013)**

One of the main actors in the most recent corruption case in Germany, dealt by the Bochum Criminal Court since 2011, is *Ante Sapina*. To *Sapina*, called “*Don Ante*”, a Berlin-based gambler, a five-star rating denoted a match in which he had bribed several players or even the referee to rig the outcome. He told the court in Bochum that he had sometimes staked hundreds of thousands of Euros on games like these in what officials call the biggest match-fixing scandal in the history of European soccer.

The case involves at least 32 matches in Germany and 200 in the continent, including three matches of the Champions League. Three of the men implicated,

described by the prosecutor as ‘enemies of sport’ 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.<sup>10</sup> It is the outcome of a vast inquiry which began – by accident – at the end of 2008. At the time, the police were investigating a prostitution and narcotics ring run by a transnational criminal organization based in Bochum (Germany). But 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. International and European Cup games were included in the investigation (Boniface et al. 2012).

In both the Hoyzer and Bochum cases the Court took into account the collaboration of the accused with the justice system to reduce the penalties. It is worth noting that all the cases which resulted in convictions were related to betting. A loose confederation of corrupt gamblers, centered in Germany but with links across Europe and Asia, is suspected of manipulating hundreds of matches, including World Cup qualifiers, UEFA Europa League encounters and even youth league games. Since the arrest of *Sapina* and several alleged co-conspirators in November 2009, the investigation has prompted additional arrests in Germany, Switzerland, Turkey and other countries. Dozens of players have been implicated; and UEFA, the governing body of European soccer, has suspended two referees for life.

While prosecutors have described *Sapina* as a ringleader of a German-based conspiracy, Hill (2010) said he and the men who had been charged in the case were merely the “jetsam and the flotsam of a huge tide in global gambling”. In his view, the presence of vast amounts of money in illegal Asian betting pools, with gamblers eager to bet on any match, no matter how trivial, had made the European game increasingly susceptible to scandal. There is a “globalization of the gambling business”. Ante *Sapina* had placed most of his bets in Asian gambling markets because legitimate bookmakers in Europe generally have restrictions on the size of wagers. “In the normal markets it is just not possible to make the kind of money you can win in Asia,” he said (Pfanter 2011). While *Sapina* described himself as a habitual gambler since childhood, he brought forensic discipline to his operations, developing the star system to assess the effectiveness of a potential fix.

## Match Fixing Is Organized Crime

For the German BKA, “Organized Crime” is the planned commission of criminal offences determined by the pursuit of profit and power which, individually or as a whole, are of considerable importance and involve more than two persons, each

---

<sup>10</sup>LG Bochum 12 KLS 35 Js 141/10 – 16/11.

with his/her own assigned tasks, who collaborate for a prolonged or indefinite period of time by using commercial or business-like structures, by using force or other means of intimidation or by exerting influence on politics, the media, public administration, judicial authorities or the business sector. Whereas the first elements of this definition without any doubt apply for the most recent match fixing cases, the last element (influence on politics, the media, public administration, judicial authorities or the business sector) might be doubted (BKA 2013).

The UK-Government's Organized Crime Strategy defines organized crime as "individuals, normally working with others, with the capability to commit serious crime on a continuing basis, which includes elements of planning, control and coordination, and benefits those involved. ... Successful organised crime groups often consist of a durable core of key individuals. ... Collaboration is reinforced by shared experiences (such as prison), or recommendation from trusted individuals. Others are bonded by family or ethnic ties" (SOCA 2013). Bearing this in mind, and looking at what we know from the worldwide structure of match fixing activities, the "durable core of key individuals" is still not known – and perhaps will never be known due to their very clandestine structure and violent habits.

The most recent Organized Crime Situation Report for the Federal Republic of Germany by the BKA is not mentioning gambling or match fixing at all. The list of the crimes includes different crimes and areas, but at least some of the regional LKA have information on relations between parts of the well-known organized crime groups and gambling or betting (e.g. in context with legal gambling machines). Germany might be seen as a "safe haven" for internationally organized, but locally networked groups. We know that from the Italian Mafia: The mafia is expanding its influence on the economy and politics in Germany, as the BKA in a recent report has shown. Nearly 250 members of the Italian Mafia are living in Germany (BKA 2011).

In 2012, an EU-parliament special committee pointed out, that "criminal organizations ... are increasingly using online sports betting as a tool for making and laundering money around the globe. Since websites providing sports betting can be located anywhere in the world, criminals shop for countries where there is the least oversight and control from public authorities for their criminal operations. ... the recent development of online sports betting has proved to be a massive threat to the integrity of sport. Additionally sports fraud is extremely interesting for organized crime due to its relatively high revenues and low sentences" (Bozkurt 2012) Criminal organizations have – in the view of this committee, "deeply penetrated the football establishment". Strong ties exist between the football establishment and criminal organizations especially in Eastern Europe and the Balkans. In countries such as Russia, Ukraine, Bulgaria and Serbia criminals have infiltrated in the clubs and federations and are operating from within, while using the clubs as covers for a multitude of criminal activities. And "Organized crime in sport" was the name of a hearing which has been organized on September 19, and 20, 2012 in the European Parliament by the Special Committee on organized crime, corruption and money laundering (Fajon and Bozkurt 2012).

## **Criminological Background and Forensic Evidence**

Investigations in the field of match fixing are 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) (Hill 2008a, p. 186). Furthermore, the cooperation within Europe with now 27 states is difficult and lengthy: During one fixed match more than 50 persons in 10 states have been involved in different criminal activities. A coordination of all law enforcement activities in these 10 states within due time is just impossible. The different criminal liability for match fixing and betting with e.g. different acceptance of benefit, granting of an undue advantage, betting fraud, organized economic crime, and the formation of a criminal association – all these illegal activities have different regulations in different countries. And finally, it is extremely difficult to get the evidences for the bets, especially in Asia.

Ante Sapina was born in 1976 born in Raško Polje (Croatia) and raised in Duisburg, Germany, as the youngest of three sons. His father died 1988, and the family moved to Berlin. Ante is good in mathematics in school, and with 14 years he sent money to Ireland for sports betting (30 German Marks in each envelope). In 1999 he won € 76,000 at a betting machine in Berlin, invested directly 50,000 in the German Bundesliga Champion and won 100,00. Later he called this his “break-through”. He studied business economics at a university, but found his profession in bets. When he got in trouble with private bookies – he is too good for them – he got limits, some sports are blocked for him, so he 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. In 2004 he met the referee Hoyzer at Cafe King in Berlin, owned by his brother Milan. Sapina and Hoyzer get friends and agree on match fixing. Sapina is said to loves football, he also met Messi during 2006 championship. In August 2004 Sapina won € 751,365 (match fixed by Hoyzer). Hoyzer and Sapina were sentenced, Sapina got 2 years and 11 months in prison, but he was released on probation after half time (which is very seldom in Germany). Sapina stays in the milieu, bets again, and fixes matches. He is diagnosed as pathological gambler, and he lost his Porsche to the public prosecutor during the investigations. The car had the license plate “B-OG” for “Bog”, the Croatian word for god. Sapina is a catholic, goes to church whenever possible. People describe Sapina as a very bright boy, good in mathematics. He started gambling with small bets (as all gambling addicts). As a young boy, he was looking for challenges. With bigger bets and (financial and societal) success, he got addicted (pathological gambling). The cultural and business environment of Cafe King fascinated him, and his private, personal success and appreciation by others influenced him, so that he was looking for higher aims, which he found at the Asian betting market. This is when he got in contact with and appreciation by Organized Crime representatives. It is still unclear whether Sapina approached these people or vice versa, but it would make sense for OC representatives to use somebody like Sapina for their business. Finally, Sapina was caught by the police by coincidence. They were not looking after him or

investigating his activities, but they were phone tapping another person, and found him like a “chance find”. Overall, Sapina is not a typical member of organized crime structures, and perhaps this is the reason, why he got caught and sentenced.

But what were the reasons for his success? Sapina was and still is smart, polite, and trustful. He is able to “read” people, to find their very personal chinks or weak points. He knows how to deal with characters like Hoyzer on the one side and organized crime activists on the other side. The fact, that he was released after half sentence in 2006 shows, that he was able to convince the prison authorities and the courts that he is rehabilitated – because a release after half sentence is legally possible, but very rare in Germany (even release after two third is nowadays seldom). And the same happened when he was released from pre-trial custody in 2011 because he was “cooperative”.

## Consequences and Recommendations

Match Fixing causes high financial losses for associations, players, bet providers and individual players. Clubs may end up with high debts after relegation or elimination of international competitions. The results can be job cuts on sides of professional players and coach, club can go insolvent. But as citizens are losing trust in sports, as also athletes and functionaries, the fascination of matches and sporting events will disappear, and with that the possibility for clubs, players, and media, PR-companies, and sponsors, to earn money. The money draws back from sports, which is shaken to the very foundations and suffer considerable image damage.

Monitoring systems are (at least at the moment) not effective because they deliver no facts or data, which can be used in investigations and trials. They have no evidentiary value, and they are suggested to be monitored by those criminal networks, or even tactically used by such networks for their own bets. Monitoring systems are a net with very large mesh, because Asian fixers do not bet with Betfair or English betting companies.

So one solution could be to intensify training and education, as the German Soccer League (DFL) is recently trying to do. The target groups for education should be law enforcement officers, athletes, club representatives, managers, referees. The program and the documents should be specially tailored and should include the risk of gambling addiction. Examples from other sports may be used, like from the U.S. National Collegiate Athletic Association. They have a former Mafia capo lecture their players about how the mob really works. We need more education or training for players on how to avoid criminals or the dangers of dealing with them. Players get educated how to deal with the media – but not with the Mafia.

Bearing this in mind, the following recommendations can be made:

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. undercover 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 organizations, not only football); they should inform police about suspicious matches.
10. Licensing of bookmakers should be combined with agreement to provide information about suspicious matches, persons, and clubs.
11. Regulatory authorities should agree on standards to supervise and control the betting market and bookmakers (the problem in Germany: No nation-wide agency is possible like in France, Italy or UK due to the federal system and urban, communal regulatory agencies in cities.
12. Integrity delegates in sports federations and betting providers/bookmakers for cooperation with law enforcement agencies.

In the same direction goes the Position Paper of the Federal Ministry of Interior in Germany for the 2013 World Sports Ministers Conference in Berlin.<sup>11</sup> It asked for effective good governance policies and ethics codes help strengthen the autonomy of sport in relation to state authority, create a relationship based on trust and mutual respect and strengthen the integrity of sport. For the fight against corruption to be successful an organizational culture based on integrity, fairness, transparency and equal treatment is needed. Democratic structures within the football associations are necessary with transparent, reliable and sound management of financial affairs. Individual actors including sponsors and investors must not have too much influence on the clubs and associations and a code of conduct committed to fair play and ethical standards must be installed. The clubs together with the football association should agree on rules for managing conflicts of interest, preventive measures, warning, advice and reporting points, and effective control mechanisms. As betting fraud is organized crime, we need to unite in the fight against trivialization and lack of awareness. Only really professional management of football associations with independent people from “outside” can guarantee that, not the “old-boys-network”-structures, where positions are filled with those, who served (in the really meaning of the word) and behaved properly (in the view of the officials in charge) over years. The public awareness and acceptability of investigations must be increased, misleading information by

---

<sup>11</sup>[http://www.mineps2013.de/fileadmin/Dokumente/pdf/MINEPS%20V\\_Media%20E%20Kit\\_eng.pdf](http://www.mineps2013.de/fileadmin/Dokumente/pdf/MINEPS%20V_Media%20E%20Kit_eng.pdf).

media and associations must be contradicted. Finally, national regulatory authorities should be established, and the supranational cooperation between betting-companies, regulatory authorities, sport associations and law enforcement agencies need to be increased. Specified, independent units within soccer associations like UEFA, DFL, DFB and security departments must protect and police the game. Football needs to be taken away from so called "honorary officials" who's only qualification besides to rake in money is that they have none.

## References

- Anonymus (2013a).** Bochumer Chefermittler fordert härtere Gesetze gegen Wettbetrug [Online Document] URL <http://www.finanznachrichten.de/nachrichten-2013-05/26937860-bochumer-chefermittler-fordert-haertere-gesetze-gegen-wettbetrug-003.htm> (16.07.2013).
- Anonymus (2013b).** Fußball-Wettbetrug mit "bekannten Namen" [Online Document] URL [http://wirtschaftsblatt.at/home/life/1421746/FussballWettbetrug-mit-bekanntem-Namen?\\_vl\\_backlink=/home/index.do](http://wirtschaftsblatt.at/home/life/1421746/FussballWettbetrug-mit-bekanntem-Namen?_vl_backlink=/home/index.do) (16.07.2013).
- Anonymus (2013c).** Wettbetrug in Österreich Anklagen stehen bevor [Online Document] URL <http://diepresse.com/home/sport/fussball/national/1421801/Wettbetrug-in-Oesterreich-Anklagen-stehen-bevor> (16.07.2013).
- BKA (2013).** Organised Crime [Online Document] URL [http://www.bka.de/nn\\_194550/EN/SubjectsAZ/OrganisedCrime/organisedCrime\\_\\_node.html?\\_\\_nnn=true](http://www.bka.de/nn_194550/EN/SubjectsAZ/OrganisedCrime/organisedCrime__node.html?__nnn=true) (16.07.2013).
- BKA (2011).** Organisierte Kriminalität. Bundeslagebild 2011 [Online Document] URL [http://www.bka.de/nn\\_193314/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/OrganisierteKriminalitaet/organisierteKriminalitaetBundeslagebild2011,tempLateId=raw,property=publicationFile.pdf/organisierteKriminalitaetBundeslagebild2011.pdf](http://www.bka.de/nn_193314/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/OrganisierteKriminalitaet/organisierteKriminalitaetBundeslagebild2011,tempLateId=raw,property=publicationFile.pdf/organisierteKriminalitaetBundeslagebild2011.pdf) (16.07.2013).
- Boniface, P. et al. (2012).** Sports betting and corruption: How to preserve the integrity of sport [Online Document] URL [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) (16.07.2013).
- Bozkurt, E. (2012).** Match fixing and fraud in sport: putting the pieces together [Online Document] URL <http://static.euractiv.com/sites/all/euractiv/files/17Sep%20Crim%20Bozkurt%20fv.pdf> (16.07.2013).
- Fajon, T./Bozkurt, E. (2012).** Organized crime and sport: Euro-deputies fight against match fixing Online Resource URL <http://www.youtube.com/watch?v=CwsZ94U9N60> (16.07.2013).
- Fritzweiler, J. (2007).** Praxishandbuch Sportrecht. C.H. Beck: München.
- Godot, D. (2013).** Cultural Factors in Problem Gambling among the Chinese [Online Document] URL <http://davidgodot.com/cultural-factors-in-problem-gambling-among-the-chinese/> (16.07.2013).
- Hill, D. (2010).** The Fix. McClelland & Stewart: Toronto.
- Hill, D. (2008a).** Soccer and Organized Crime. McClelland & Stewart: Toronto.
- Hill, D. (2008b).** Match-fixing: European football's dark and dangerous side [Online Document] URL <http://www.telegraph.co.uk/sport/football/competitions/premier-league/3224065/Match-fixing-Premier-League-footballs-dark-and-dangerous-side-Football.html> (16.07.2013).
- KEA. (2012)** Match-fixing in sport. A mapping of criminal law provisions in EU 27 [Online Document] URL [http://ec.europa.eu/sport/news/documents/study-sports-fraud-final-version\\_en.pdf](http://ec.europa.eu/sport/news/documents/study-sports-fraud-final-version_en.pdf) (16.07.2013).
- Thomas Kistner (2012).** FIFA Mafia. Die schmutzigen Geschäfte mit dem Weltfußball. Droemer: München.
- Loo, J.M.Y., Raylu, N., & Oei, T.P.S. (2008).** Gambling among the Chinese: A comprehensive review. *Clinical Psychology Review*, 28, 1152–1166.

- Mutschke, R. (2012).** Match-fixing must be combated [Online Document] URL <http://www.fifa.com/aboutfifa/organisation/administration/news/newsid=1593037/index.html> (16.07.2013).
- Noble, R. K. (2013).** Valcke: We must battle match-fixing together [Online Document] URL <http://www.fifa.com/aboutfifa/organisation/footballgovernance/news/newsid=1987215/index.html> (16.07.2013).
- Noble, R. K. (2012).** No quick fix to fighting sports corruption, INTERPOL chief tells FIFA Congress [Online Document] URL <http://www.interpol.int/News-and-media/News-media-releases/2012/PR044> (16.07.2013).
- Pfanner, E. (2011).** Corruption Eroding Level Playing Fields of Europe [Online Document] URL <http://www.nytimes.com/2011/01/07/sports/soccer/07iht-match07.html?pagewanted=all> (16.07.2013).
- Raylu, N. & Oei, T.P. (2004).** Role of culture in gambling and problem gambling. *Clinical Psychology Review*, 23, 1087–1114.
- Rotsch, T. (2009).** Concerning the hypertrophy of law. *Zeitschrift für Internationale Strafrechtsdogmatik*, 3, 89–96.
- Schnitzler, R. (2011).** Zocker Liga. Gütersloh.
- SOCA (2013).** Organised crime groups [Online Document] URL <http://www.soca.gov.uk/threats/organised-crime-groups> (16.07.2013).
- Spurling, J. (2013).** Drugs, Mafia And Murder: The Ten Most Corrupt Football Leagues Ever [Online Document] URL <http://www.sabotagetimes.com/football-sport/10-most-corrupt-football-leagues-ever/> (16.07.2013).
- Yau, C. (2012).** Arrests across Asia in INTERPOL-led operation targeting illegal soccer gambling networks [Online Document] URL <http://www.interpol.int/en/Internet/News-and-media/News-media-releases/2012/N20120718> (16.07.2013).