

CRICKET DISCIPLINE COMMISSION

CHARGE BROUGHT BY THE ENGLAND AND WALES CRICKET BOARD ('ECB') AGAINST AZEEM RAFIQ

Breach by Mr Azeem Rafiq of ECB Directive 3.3

I have been appointed to be the Adjudicator for the CDC under its Summary Procedure in respect of the above Breach and herein confirm my decision.

The background

1. On the 1 August 2022, Mr Rafiq was charged by the ECB with a breach of ECB Directive 3.3, which states that -

"No such person may conduct himself in a manner or do any act or omission which may be prejudicial to the interests of cricket or which may bring the game of cricket or any Cricketer or group of Cricketers into disrepute."

During 2011, Mr Rafiq had an exchange of messages on Facebook with Ateeq Javid, a former professional cricketer, as follows –

You--"Haha yh his treat defooo .. Derby paying too much ha" Ateeq Javid – "hes a dik he will nt pay!!!!!! watch he iz guna be like i left my card at home ect ect ect" You-"Hahaha he is a jew. Probs go after my 2nds again ha" Ateeq Javid – "hahahaha I knowww!!!!!! that iz wrong guna get ripped 4 tht mate lolz" You – "Haha propa ripped bro.. How wrong is tht?? Only jews do tht sort of shit ha" Ateeq Javid – "defooo mate!!!!!! he must be out now getting talyyyyyy lool jew shit"

I find that these remarks amounted to racist and discriminatory conduct.

The Facebook Messages were published in a Times article on the 18 November 2021 before receiving broader publication in the media. Mr Rafiq apologised in a post on Twitter the same day as well as confirming that he had deleted the Facebook messages from his Facebook profile.

2. Mr Rafiq has admitted this breach.

3. The Sanctions available under the Summary Procedure are set out in Clause 6 of the CDC Regulations and allow any combination of the following:

"6.1 The Adjudicator may impose any one or more of the following sanctions under this summary procedure:

6.1.1 caution as to future conduct;

6.1.2 reprimand;

6.1.3 completion of any education/training programme/course (at the cost of the individual);

6.1.4 fine (not to exceed £2,000);

6.1.5 suspension for a maximum of 4 scheduled playing days of the right to participate in any Match(es);

6.1.6 alteration of the points awarded in respect of that Member's Match(es); and

6.1.7 a contribution to the costs and expenses incurred by the ECB in connection with the Charge, limited to £250.

6.2 Any fine and/or costs order imposed pursuant to Regulation 6.1 above shall be paid as directed by the Adjudicator. Written notification of any such fine and/or costs order (as applicable) shall be sent to the Respondent by or on behalf of the Adjudicator and such written notification shall specify the date by which full payment of the fine and/or costs order (as applicable) is required....”

4. I received and have considered submissions from the ECB and Mr Rafiq’s legal representatives.

5. I accept that –

When the messages surfaced in the media in November 2021, 10 years after they had been posted, Mr Rafiq immediately apologised publicly in unequivocal terms, saying he was ashamed of the exchange and was very angry at himself.

At the time of posting the messages, he was a 19 year-old teenager, and they are the only known examples of his use of that kind of language. It was a single exchange, not part of a pattern of behaviour.

Subsequently, Mr Rafiq has taken, and continues to do so, significant steps to educate himself about Jewish history, and continues to work publicly and privately with Jewish groups to raise awareness of the need to combat Anti-Semitism.

As an example, and further to educate himself, in April 2022, he took part in the International March of the Living in Poland, a 3km walk, to mark National Holocaust Remembrance Day.

His financial position is uncertain.

6. As the ECB submits, the posts were plainly prejudicial to the interests of cricket, brought the game and Mr Rafiq into disrepute, and undermined the ECB’s strategic objective of eradicating discrimination from the sport. However, and I agree, they fall at the lower end of the spectrum of such cases.

Sanction

7. Mr Rafiq is reprimanded for his breach of ECB Directive 3.3

8. I consider that it is inappropriate and unnecessary to require a further apology, participation in an educational or training programme or to impose a fine, given the factors outlined in paragraph 5 above. There will be no costs order.

9. This decision should be published so as to emphasise that such inappropriate behaviour and subsequent posting on social media, however historical, will not be tolerated.

Chris Tickle, Adjudicator for the CDC
7 October 2022

The Cricket Discipline Commission operates at arm’s length from ECB.
It administers cricket discipline covered by ECB’s Rules, Regulations and Directives.

