

The LAMPTEY case: A decision without Precedents



By Lucas FERRER and Luis TORRES
Lawyers, Pinto-Ruiz & Del Valle
Barcelona - Spain

→ **Betting - Match-fixing - Referee - FIFA Regulations - Disciplinary litigation - Sporting sanctions - Court of Arbitration for Sport (CAS) - Standard of proof**

CAS 2017/A/5173 Joseph Odartey Lamptey v. FIFA

A very recent Court of Arbitration for Sport (CAS) decision, which confirmed the lifetime ban imposed by FIFA on the Ghanaian referee official Joseph Odartey LAMPTEY (Mr LAMPTEY), has demonstrated

the significance of monitoring sports betting data through the services that monitoring agencies provide to sports federations. More specifically, this case discussed whether the information provided by the monitoring agency may be considered sufficient to meet the standard of proof test of the relevant federation or the CAS itself.

Introduction (Betting & Match-Fixing - an Overview)

'Manipulation of sports competitions' has been recently defined by the Council of Europe¹ as follows: "(...) an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others."

Match-fixing is an international phenomenon that is often linked to gambling and has impacted a wide range of sports, including tennis, boxing, basketball, cricket, and of course, football.² This problem has been evident not only in low-level games³ but also in high-profile

events such as World Cup qualifiers, European Championship qualifiers, and even Champions League matches. According to Sportradar Integrity Services (Sportradar), a company that monitors the integrity of sports events on behalf of sports federations, less than 1% of the 280,000 matches they monitor are likely to be fixed.⁴

Recently, Joey BARTON⁵ (an English player banned from football for 18 months after admitting a Football Association charge in relation to betting on 26 April 2017) has admitted that match-fixing occurs on a weekly basis in English professional football and is a growing problem.⁶ These worrisome declarations from an elite athlete only serve to confirm that match-fixing has become a global issue which directly affects the integrity and credibility of the sport.

The development of this epidemic in sports has caused considerable concern among various stakeholders, including football associations, who have reaffirmed their commitment to fighting illegal betting, match-fixing and corruption in sport by signing partnerships with corporations that monitor and analyse the worldwide betting market for suspicious betting patterns. By way of example, FIFA concluded an agreement with Sportradar in February 2017 to work closely with the six continental confederations (CONCACAF, CONMEBOL, CAF, UEFA, AFC and OFC).⁷

Monitoring sports betting data to track suspect betting patterns has become a real necessity in order to tackle the issue of match-fixing and gambling. As an evident consequence, the importance of an alliance between sports associations and monitoring agencies has increased exponentially in recent years.

1 Art. 3(4) Council of Europe Convention on the Manipulation of Sports Competitions.

2 'Top 15 Biggest Match Fixing Scandals of All Time' by Alex SCHAFER at TheSportster: www.thesportster.com

3 According to "The Odds Of Match Fixing - Facts & Figures On The Integrity Risk Of Certain Sports Bets" by Ben Van ROMPUY, T.M.C. Asser Instituut, 2015 (p. 35): "Domestic league football rather than top-level international football is the main target of betting-related match fixing. The evidence also points to a higher number of incidents in relation to first tier league matches than second tier league matches."

4 <https://integrity.sportradar.com>

5 Joey BARTON is an English football player who, among others, played for Newcastle, Manchester City, Rangers and Olympique de Marseille.

6 'Joey BARTON claims that gambling and match-fixing in English football is rife' at The Independent: www.independent.co.uk

7 www.fifa.com

'The LAMPTEY case'

Before proceeding with the analysis of the legal considerations surrounding the above-captioned case, it is important to recall at this stage the main facts that triggered the imposition of a lifetime ban by FIFA on the Ghanaian referee.

Mr LAMPTEY was the main referee of the Russia World Cup 2018 qualifier match played between South Africa and Senegal on 12 November 2016. South Africa won the aforesaid match (2-1) after Mr LAMPTEY took two refereeing decisions which were at least very controversial. The referee awarded a non-existent penalty in the 41st minute and in the 45th minute allowed a quick restart following a foul that led to a South African goal. After the match was played, concerns were raised regarding the movement of odds in the betting markets and several alerts were sent to FIFA⁸ based on unusual betting patterns. Particularly, the live odds movements on at least 2 and 3 goals to be scored during the game were considered irregular and suspicious.

Following the alerts sent by the monitoring agencies on the match played on 12 November 2016, and considering them together with the 'Sportradar Fraud Detection System Report' (the Sportradar Report) as well as a letter received from the Senegalese Football Association complaining about the decision taken by the referee, which had a significant impact on the result of the match, the Secretariat of the FIFA Disciplinary Committee ordered FIFA's Integrity Officer to investigate the matter at stake.

Two months later, after also receiving the 'FIFA Early Warning System (EWS) Final Monitoring Report', the Secretariat of the FIFA Disciplinary Committee formally decided to initiate disciplinary proceedings against Mr LAMPTEY for a possible violation of Article 69(1) - Unlawfully influencing match results⁹ of the FIFA Disciplinary Code (FIFA DC).

The FIFA Disciplinary Committee invited the referee to submit a statement of defence and any evidence he could consider relevant, but Mr LAMPTEY did not submit a response at this procedural stage. In this context, the FIFA Disciplinary Committee rendered its decision to ban Mr LAMPTEY for breaching Article 69(1) FIFA DC during the Russia World Cup 2018 qualifying match between South Africa and Senegal on 12 November 2016.

Mr LAMPTEY subsequently confirmed his intention to lodge an appeal before the FIFA Appeal Committee that ultimately confirmed the decision adopted by the FIFA Disciplinary Committee in its entirety.

The referee appealed to CAS and the sports arbitral tribunal also decided to dismiss the appeal filed by Mr LAMPTEY and confirmed the decision of the FIFA Appeal Committee, as will be stressed below.

As far as the CAS decision is concerned, the Panel in CAS 2017/A/5173 *Joseph Odartei LAMPTEY v. FIFA* (the LAMPTEY case) took into consideration the following elements:

- ➔ The Fraud Detection System Report generated by Sportradar's Integrity Services, delivered to FIFA two days after the relevant match, and the FIFA EWS Final Monitoring Report, submitted on 6 January 2017 (jointly, the Reports);
- ➔ Statement of FIFA Refereeing department dated 28 June 2017 confirming, *inter alia*, that it is "unusual" for a FIFA elite referee to make two wrongful decisions in such a short time period (between min. 41 and min. 45);
- ➔ A FIFA report revealing concerns over manipulation in a total of 6 matches refereed by Mr LAMPTEY;
- ➔ Statistical evidence that the referee awarded a significantly higher number of penalties than his colleagues in his confederation.

” The Panel defined the term 'to conspire' as follows: '(...) to influence a match may be deemed to include all intentional actions, secretly planned, aimed at manipulating the result of a match, be that in combination with, or the advantage of other, or by the person who conspires acting alone, or to his individual benefit (...)' ”

With regards to the merits of this particular case at hand, in order to verify if the referee was actually responsible for the violation mentioned by Article 69(1) FIFA DC, the Panel was firstly tasked to analyse whether Mr LAMPTEY "conspired" to influence the result of the match as required by the aforesaid provision. In this sense, one of the referee's main legal arguments in the CAS proceedings was that since the concept of

⁸ First to send an alert was the Global Lotteries Monitoring Service (12th November). Later on 14th November, FIFA Early Warning System sent another alert. The same date Sportradar sent the Fraud Detection System Report. Another alert was sent on 15th November from Star Lizard, and finally Genius Sport sent its alert on the 16th November.

⁹ Art. 69 FIFA Disciplinary Code: "1. Anyone who conspires to influence the result of a match in a manner contrary to sporting ethics shall be sanctioned with a match suspension or a ban on taking part in any football-related activity as well as a fine of at least CHF 15,000. In serious cases, a lifetime ban on taking part in any football-related activity shall be imposed."

"conspiracy" is not defined in the FIFA Regulations, Swiss Law or international treaties, the plain language definition of the term in English must be applied, which requires that more than one individual be involved and that those individuals have agreed to commit an illegal act. However, contrary to what the referee sustained, the Panel held that it was not necessary for Mr LAMPTEY to have plotted together with other people¹⁰ and defined the term "to conspire" as follows: "(...) to influence a match may be deemed to include all intentional actions, secretly planned, aimed at manipulating the result of a match, be that in combination with, or the advantage of other, or by the person who conspires acting alone, or to his individual benefit (...)", concluding that such definition was congruent with FIFA's policy and its regulations and that it should be applied to the case.

After defining the scope of the above-mentioned concept, the Panel went on to evaluate (i) whether the referee's controversial decisions were due to an innocent mistake, and (ii) if such decisions were linked to the deviation in the betting patterns shown in the Reports.

On the one hand, regarding the first point above, the Panel deemed the decisions taken by the referee as "inexplicable for an expert referee", echoing the sentiments of the FIFA refereeing department. The Panel also acknowledged the fact that FIFA submitted evidence revealing concerns about manipulation in a total of 6 matches refereed by Mr LAMPTEY,

as well as statistical evidence that the referee awarded a significantly higher number of penalties than his colleagues in his confederation. The aforesaid was not challenged by the referee during the CAS proceedings. Accordingly, the Panel came to the conclusion that the wrong decisions were not due to purely innocent mistakes.

On the other hand, after having examined the Reports and the concurring opinions of the experts recognised their probative value, the Panel concluded the following: "it is undisputed that the betting patterns for the live betting market relating to the Match are highly suspicious. The Panel is convinced by the concurring opinions of a number of experts, who rendered declarations in this arbitration, and finds it extremely meaningful that a number of entities active on the betting market immediately and spontaneously detected the irregular betting patterns and raised concerns as to the integrity of the Match (...)."¹¹

These experts' opinions were not challenged at any point during the CAS proceedings by Mr LAMPTEY. In this sense, the Panel highlighted that "the deviation from the expected, ordinary movement in the odds on 'overs' in the Match, contradicting the mathematical model, is a decisive sign that bettors had some information that the mathematical model did not have and expected that at least two goals be scored irrespective of the lapse of time",¹² thus concluding that, based on the undisputed betting evidence at its disposal, concerns were rationally raised over betting patterns during the match.

“ This is the first time a FIFA match has been replayed for reasons linked to match-fixing ”

In light of the foregoing, it was the Panel's personal conviction¹³ that there was an obvious link between the wrong decisions deliberately taken by the referee and the deviation from the normal betting patterns for the live odds movements on at least 2 and 3 goals to be scored, which were inexplicable if taken into consideration alone. As a result, the referee was found guilty of conspiring to influence the result of a match in a manner contrary to sporting ethics, as stipulated in Article 69(1) FIFA DC.

Additionally, and taking into account the wording of the Article 69 FIFA DC regarding the sanction to be imposed ("In serious cases, a lifetime ban on taking part in any football-related activity shall be imposed"), the Panel established that it had no doubt that the matter at hand was a "serious case" and a lifetime ban should be imposed on the referee.¹⁴

Finally, it is worth noting that, in an unprecedented decision, FIFA ordered the match to be replayed after CAS confirmed the decision to ban Mr LAMPTEY for life for match manipulation.¹⁵ This is the first time a FIFA match has been replayed for reasons linked to match-fixing, which makes this significant case even more interesting. The replayed match ended 0-2 in favour of Senegal.

¹⁰ The Panel referred to jurisprudence of the Swiss Federal Tribunal regarding the interpretation of rules and held that it should be interpreted by looking at the language used, but also by objectively construing the purpose sought as well as the intent of the legislator.

¹¹ *Ibid*, par. 80.

¹² *Ibid*, par. 83.

¹³ According to Art. 97 par. 3 FIFA DC, the standard of proof which has to be met in FIFA disciplinary proceedings is the "personal conviction" of the deciding body.

¹⁴ CAS 2017/A/5173 *Joseph Odartei LAMPTEY v. FIFA*, par. 91 et seq.

¹⁵ "South Africa vs. Senegal World Cup qualifier to be replayed in November", www.fifa.com

Analysis of the LAMPTEY case: Fraud Detection System & Standard of Proof before CAS

In view of the above, it shall be noted that this CAS award presents some interesting considerations with respect to the content and probative value of betting evidence related to match-fixing, which may also impact on the future of this global issue in football as well as in other sports. Bearing in mind that this is not the first CAS Panel that has relied upon betting pattern evidence as a persuasive part of the evidentiary basis for its decision, this specific award may constitute a landmark decision due to the Panel's inclination to rely heavily on the *Sportradar* Report, which was decisive to meet the standard of proof set for the Panel in this particular case.

Hence, the focus of this article is to provide an explanation of the Fraud Detection System employed by monitoring agencies and a comparison with other betting-related cases heard by the CAS where the reports submitted by the agencies were fundamental in attributing responsibility to an individual.

As a preliminary matter, we begin with a brief description of the so-called '*Fraud Detection System*' (FDS) used by *Sportradar* to highlight irregular betting patterns before a match as well as during the match. This system uses sophisticated algorithms and mathematical models to compare odds and their patterns and determines whether some odds may be considered irregular in the betting market. This data enables FDS analysts to monitor betting fluctuations and serves as a key tool in an investigational process.

Initially, when the algorithms detect extraordinary and unusual odds

movements, the FDS provides alerts regarding these suspicious market values (Stage 1).¹⁶ In other words, an alert goes off in the system and a betting pattern is considered as potentially suspicious when an anomaly is detected.¹⁷ At a later stage, the analysts' team decides whether the matches with an irregular betting pattern that have activated an FDS alert are truly likely to have been manipulated. It should be noted that only a very small portion of matches flagged as potentially suspicious by the algorithms are eventually classified as likely manipulated by the analysts' team.

When the FDS identifies an irregular betting pattern, the matter is 'escalated' and a report is generated by the system (Stage 2).¹⁸ As explained in '*An evaluation of Sportradar's Fraud Detection System*' by Profs. FORREST and McHALE (2015),¹⁹ the reports contain detailed information captured during the specific match that the system is monitoring. Reports contain a textual analysis and expert assessments, as well as graphical representations of movements in the relevant betting market.²⁰ In brief, the analysts carry out a further study with access to the data already assembled and to additional information obtained from correspondents covering the monitored matches. If a match is still considered suspicious, before reaching a final conclusion, it

is reviewed again at a meeting of analysts after additional information has been gathered and all the data has been verified.²¹

The aforesaid distinction is a key element when it comes to understanding the FDS in its entirety because, as concluded by the Panel in CAS 2016/A/4650 *Klubi Sportiv Skenderbeu v. UEFA* (par. 86), while alerts are a vital quantitative part of the process, it would not be possible to satisfy a '*standard of proof test*' if the alert submitted without any qualitative study to analyse such alert and its surrounding circumstances.

Therefore, the main question that arises when a deciding body must determine if an individual shall be sanctioned based solely on the arguments and conclusions of a betting report is whether such report is sufficient to meet the standard of proof set for the relevant deciding body²² or if instead it needs to be supported by other, different and external elements pointing in the same direction as the report. The answer to this question might be crucial to validate the qualitative analysis of the quantitative information conducted by monitoring agencies in order to secure and sustain accusations against any act of match-fixing and, thus, protecting the integrity of the sport.

If we take a look at the CAS precedents concerning the matter at hand, it shall be noted that

16 "The Odds Of Match Fixing - Facts & Figures On The Integrity Risk Of Certain Sports Bets" by Ben VAN ROMPUY, T.M.C. Asser Institut, 2015 (p. 25).

17 Prof. FORREST and Prof. McHALE (2015) - "An evaluation of Sportradar's fraud detection system", p. 40.

18 CAS 2016/A/4650 *Klubi Sportiv Skenderbeu v. UEFA*, par. 81.

19 "Our evaluation was based principally on analysing the reliability in construction and execution of each component of the system, both those based on statistical algorithms and those where expert analysts form a final judgement." (Summary - "An evaluation of Sportradar's Fraud Detection System").

20 Prof. FORREST and Prof. McHALE (2015) - "An evaluation of Sportradar's fraud detection system", p. 10.

21 *Ibid*, p. 62.

22 *Ad exemplum: Regulations of the UEFA Champions League 2015-18 Cycle - Art. 4.02*: "If, on the basis of all the factual circumstances and information available to UEFA, UEFA concludes to its comfortable satisfaction that a club has been directly and/or indirectly involved, since the entry into force of Article 50(3) of the UEFA Statutes, i.e. 27 April 2007, in any activity aimed at arranging or influencing the outcome of a match at national or international level, UEFA will declare such club ineligible to participate in the competition".
FIFA Disciplinary Code - Art. 97.3 (Evaluation of proof): "They [FIFA bodies] decide on the basis of their personal convictions."

prior to the *LAMPTEY* case, CAS had already dealt with three other cases where the dispute essentially hinged on the interpretation of the reports and the legal value that should be attributed to them. These cases were: the landmark decision CAS 2016/A/4650 *Klubi Sportiv Skenderbeu v. UEFA* (the *Skenderbeu* case), the *FK Kruoja Pakruojis* case²³ and finally the *Gloria BUZAU* case.²⁴

” The key element to consider that a match has been manipulated will be the ability to connect the irregular betting activity and the controversial facts occurred on the field with sufficient evidentiary weight “

The Panels in the above-mentioned cases relied upon the reports submitted by a monitoring agency (*Sportradar* or UEFA Betting Fraud Detection System - “*UEFA BFDS*”²⁵), as well as other evidence relating to the relevant match, to attribute responsibility to a club, a player, a coach, or an official. The question that arises, however, is whether these reports are able to meet the required evidential standard. At first glance, from a legal point of view, it is questionable whether a judging body would be satisfied to the necessary standard of proof on the basis of a betting report alone.²⁶ The key element to consider that a match has been manipulated will be the ability

to connect the irregular betting activity and the controversial facts occurred on the field with sufficient evidentiary weight.

As far as the *Skenderbeu* case is concerned, as a preliminary remark, it should be pointed out that this case was not of a purely disciplinary nature but rather of an administrative nature, which implied that a mere indirect involvement in match-fixing activities²⁷ was sufficient to justify the imposition of the administrative measure (*i.e.* non-admission to a competition for one season) on the club. In this sense, the Panel in the *Skenderbeu* case established an interesting comparison between the UEFA BFDS Report and the athlete blood passport (ABP) for doping-related matters because both “*rely initially on analytical data which is subsequently interpreted by experts/analysts before conclusions are drawn as to whether a violation is presumed to be committed or not.*”²⁸ This analogy served the Panel to clarify that the statistical information indicates the likelihood of a violation having occurred, rather than providing absolute proof.²⁹

In addition to the aforementioned reasoning, the Panel underlined that “[t]he reporting of an “escalated” match deriving from the BFDS is by no means conclusive evidence that such match was indeed fixed, but remains subject to review.”³⁰

According to the Panel’s opinion, in order to conclude that a match

is fixed, the analytical information needs to be supported by other different and external elements pointing in the same direction, *i.e.* a differentiation must be made between the so-called quantitative information and a qualitative analysis of the quantitative information.³¹ The Panel, after carefully revising the FDS with the experts, *FORREST* and *McHALE*, concluded that it was “*satisfied that the BFDS is a reliable means of evidence to prove indirect involvement in match-fixing.*”³²

Taking the foregoing into consideration, it shall be stressed that one must examine the quantitative information and external factors must corroborate the theory that the abnormal betting behaviour is likely to be explained as match-fixing. Nevertheless, even considering different factors such as the suspicious actions of players, suspicions raised by an opponent, or inexplicable or unusual referee decisions, a qualitative assessment of the quantitative information by the analysts/experts involved in the FDS will always be necessary to meet the standard of proof test. Indeed, the reports bring forward and connect the betting patterns with on-field actions, suspicious player behavior, players’ and coaches’ data, level of the players or additional information which may be relevant (*i.e.* qualification for the next round of the competition not being at risk, etc.) to base its conclusions. Therefore, the reports are a key and fundamental tool to present some of the additional evidence pointing in the same direction, as required by the CAS Panels.³³

23 CAS 2015/A/4351 *VSL Pakruojo FK, Darius JANKAUSKAS, Arnas MIKAITIS, Sigitas Olberkis VALDAS POCEVICIUS, Alfredas SKROBLAS, Donatas STROCKIS, Diogo GOUELA, C.H. ALEXANDRU, Taras MICHAILIUK v. Lithuanian Football Federation* (the *FK Kruoja Pakruojis* case).

24 CAS 2017/A/4947 *Ion VIOREL v. Romanian Football Federation*.

25 UEFA Betting Fraud Detection System works together with *Sportradar*: www.uefa.com

26 “The use of betting evidence to combat match-fixing: A review of the Joseph LAMPTEY decision” by Adam BRICKELL on LawInSport.com.

27 Regulations of the UEFA Champions League 2015-18 Cycle – Art. 4.02: “If, on the basis of all the factual circumstances and information available to UEFA, UEFA concludes to its comfortable satisfaction that a club has been directly and/or indirectly involved (...)”

28 CAS 2016/A/4650 *Klubi Sportiv Skenderbeu v. UEFA*, par. 82.

29 “UEFA’s betting fraud detection system: How does the CAS regard this monitoring tool?” by Emilio GARCIA in Asser International Sports Law Blog.

30 CAS 2016/A/4650 *Klubi Sportiv Skenderbeu v. UEFA*, par. 85 *in fine*.

31 *Ibid*, par. 86 *in fine*.

32 CAS 2016/A/4650 *Klubi Sportiv Skenderbeu v. UEFA*, par. 79.

33 “The *Skënderbeu* case - A step forward to combat match-fixing?” by Marc CAVALIERO in *Football Legal # 7* (June 2017), p. 201.

CAS jurisprudence³⁴ has considered the FDS to be reliable evidence to prove involvement in match-fixing if concurring opinions of a number of experts analysing the overall circumstances come to the conclusion that the match is very likely to have been manipulated. The experts require the necessary connections between the unusual betting patterns and the events occurred on the pitch. This conclusion³⁵ is also supported by Profs. *FORREST* and *McHALE* in "*An evaluation of Sportradar's Fraud Detection System.*" In other words, in case there is a consensus between the experts that have analysed the quantitative information at their disposal that a match has been manipulated, such a conclusion will play a decisive role in the context of disciplinary proceedings, which, together with video footage and the analysis on certain on-field actions and other elements, have been considered sufficient for a CAS Panel to conclude that an individual was involved in match-fixing activities to the satisfaction of the required evidentiary standard.³⁶

Considering the above-mentioned criteria, the main point in the *LAMPTEY* case is that the Panel understood the concurring opinions of the experts (*i.e.* the qualitative analysis of the quantitative information), together with some additional external circumstances pointing in the same direction,³⁷ to be sufficient to meet the standard of proof test.

³⁴ The *LAMPTEY* case, par. 80; the *Klubi* case, par. 102; the *FK Kruoja Pakruojis* case, par. 92; the *Gloria Buzau* case, par. 140.

³⁵ Prof. *FORREST* and Prof. *McHALE* (2015) – "*An evaluation of Sportradar's fraud detection system*", p. 66.

³⁶ CAS 2013/A/3256 *Fenerbahçe Spor Kulübü v. UEFA*, par. 274 et seq.

³⁷ FIFA refereeing department considering it is "*unusual for a FIFA elite referee to make two wrongful decisions in such a short time period*"; The fact that FIFA submitted evidence which revealed concerns over manipulation in a total of 6 matches refereed by Mr *LAMPTEY*, as well as statistical evidence that the referee awarded a significantly higher number of penalties than his colleagues in his confederation.

The Panel, on the basis of the aforementioned evidence, was persuaded that there was an obvious link between the controversial decisions taken by the referee during the match and the irregular betting patterns shown by the Reports, and that the disciplinary responsibility should therefore be attributed to Mr *LAMPTEY*.

Conclusion

First and foremost, one should consider the importance of the matter at stake, bearing in mind that match-fixing is an international phenomenon and a global scourge, with criminal networks exploiting unregulated gambling markets every day. Therefore, it is understood as a major threat to the integrity of sporting events, fair play and respect for other competitors.

“ The *LAMPTEY* decision has been a milestone with regards to tackling match-fixing because it has corroborated the probative value of a monitoring report ”

Unfortunately, detecting betting-related manipulation in sport is not a straightforward matter. According to the European Gaming & Betting Association³⁸ around 70-85% of bets, excluding horseracing, are related to football. By way of example, *Sportradar* has contracts to monitor betting on roughly 280,000 matches a year, running algorithms that cover 550 global bookmakers, to spot suspicious betting patterns and concerns are raised with about 1% of the fixtures monitored. The workload in this area is huge, and

³⁸ "*Sports betting: commercial and integrity issues*", p. 2: www.egba.eu

only a proper and robust system is able to process all this data and come to a reliable conclusion.

It shall be taken into account that in betting-related match-fixing scandals, one of the great impediments that the relevant deciding bodies of the sports federations may face in order to attribute responsibility to an individual in every case is the complexity to gather sufficient and convincing evidence to consider such individual responsible of manipulating a match. For this reason, the above-mentioned decisions (especially the *LAMPTEY* case) and their implications may play a significant role when it comes to proving to satisfaction of the required evidentiary standard that a manipulation of a match has occurred. These CAS decisions confirm the importance of the monitoring agencies and their detection system developed to tackle match-fixers in sports.

In this sense, the *LAMPTEY* decision has been a milestone with regards to tackling match-fixing because it has corroborated the probative value of a monitoring report (in this case, essentially prepared by *Sportradar*) in proceedings of a disciplinary nature. Bearing in mind that in order to establish the other party's responsibility the burden of proof lies with the sporting association, this case evidences that the integrity of sport can be protected through reliable monitoring agencies that address the lack of evidence in certain cases.

Nonetheless, the work undertaken by monitoring betting agencies needs to be supported by sports federations to investigate and sustain sports sanctions against their affiliates who may manipulate the result of a match. This, taken together with the probative value of the reports granted by

CAS jurisprudence, allows sports associations to contribute to safeguarding the integrity and authenticity of the sport and will create a sense among athletes/officials/clubs that the probabilities of detecting match manipulation are much higher.

The abovementioned conclusion has been highlighted by the Panels in the *LAMPTEY* case and the *Skenderbeu* case. The *LAMPTEY* decision establishes a need for federations or leagues to use, employ or rely on concurring opinions or reports from bet monitoring agencies, emphasizing also the importance that sporting regulators show zero tolerance against attempts to influence matches contrary to sporting ethics and to impose sanctions which should serve as an effective deterrent to others.³⁹ Taking these cases as an example, it is worth mentioning that FIFA and UEFA have achieved positive results with regards to tackling match-fixers in football in the past few years.

On the other hand, the Panel in the *Skenderbeu* case encouraged UEFA to improve its BFDS system *“through an ad hoc UEFA regulation (for example, setting a minimum number of analysts that need to agree in order to flag a match for abnormal betting behaviour, anonymising the name of the club at least during the first stages of the analysis, including some former players and/or coaches in the pool of analysts) (...)”*.⁴⁰

Therefore, one can conclude that the award rendered by the CAS in the *LAMPTEY* case is an

important decision for sports federations (in this case, for FIFA) that perceive the monitoring reports to be a valid manner to enforce their own sanctions and to be able to confidently fight the regulatory battle against match-fixers with the betting analysis and fraud monitoring tools they have available. The FDS has been subject to a thorough examination during the aforesaid CAS proceedings and the Panels have corroborated that such a system, if comprised of a validated qualitative analysis of the quantitative information carried out by experts on the matter, is able to meet the evidential standard set for the relevant sports-deciding body. This directly implies that these betting reports may allow sport associations to investigate betting-related manipulation in sport earlier and much easier.

As a final matter, it is worth mentioning that the decisions in all the above-cited cases were based, to a greater or lesser extent, on a UEFA BFDS Report or a *Sportradar* Report as part of the fundamental evidence to sanction a club / coach / player or referee (as the case may be). Considering that only this Fraud Detection System has been validated by the CAS in the referred decisions, it would be difficult to conclude whether other fraud detection systems may be considered equally reliable. In any case, to meet the required evidentiary standard, strong circumstantial evidence is always necessary to connect the irregular betting patterns and the controversial facts occurred on the pitch. Hence, it would appear that, as a general rule, the more information and evidence an association is able to gather, the higher the likelihood of successfully attributing such responsibility to the perpetrator of match manipulation.

³⁹ “80. (...) The Panel is convinced by the concurring opinions of a number of experts, who rendered declarations in this arbitration, and finds it extremely meaningful that a number of entities active on the betting market immediately and spontaneously detected the irregular betting patterns and raised concerns as to the integrity of the Match”.

⁴⁰ See the *Klubi* case, par. 96.