

B E T W E E N:

MR AZEEM RAFIQ

Claimant

and

YORKSHIRE COUNTY CRICKET CLUB

Respondent

WITNESS STATEMENT OF AZEEM RAFIQ

I, AZEEM RAFIQ, WILL SAY as follows:-

1. I make this Witness Statement in support of my contention that the Tribunal should extend time to allow me to pursue my Grounds of Claim ("GOC") dated 11 December 2020 filed in the Employment Tribunal in a Claim against Yorkshire County Cricket Club ("YCCC"). I also seek to persuade the Tribunal not to strike out and/or make a deposit order in relation to my claims summarised at paragraphs 17-19 of my GOC.
2. Where matters stated within this statement are within my knowledge, they are true, where matters are not within my knowledge, I refer to the sources stated. Any exhibits that I have referred to in the statement are in the Bundle of documents relating to this matter in the PH Bundle ("PHB").
3. To assist the Tribunal, I have also exhibited a chronology of events and list of characters ("AR1"), to which I refer throughout this statement.

A. Introduction: Background and Overview

6. By way of brief personal background, I was born in Pakistan and came to the UK with my family aged 10 and remained in the UK after we obtained asylum. We moved to Barnsley and I played for my local cricket club in the under 11's team. My coaches saw potential in me and put me forward for Trials the following year. I was selected and played for Yorkshire in my under 12's team, where Joe Root (Yorkshire Player & Current England Captain) was amongst my colleagues at the time. I was selected for the England under 15's team in 2006 and became involved with YCCC from 2007.

7. I was employed by YCCC as a professional cricketer from 2007 – 2014 and then again from 2016 – December 2018 (see "AR1" for full chronology). During this time, I was employed on number of different contracts:
 - (i) Contract 1: A fixed term contract from 1 April 2007 to August 2014;
 - (ii) Contract 2: A fixed term contract from 17 June 2016 to 23 September 2016; and
 - (iii) Contract 3: A fixed term contract from 1 October 2016 ending 31 December 2017, which was renewed on 1 May 2017 and ran until 31 December 2018. I was released in September 2018.

8. Throughout my time at YCCC, I experienced racism, discrimination and bullying, which I believe was because of my Pakistani ethnic origins. This made me feel unwelcome and that I wasn't a valued cricketer or member of the club, it undermined my confidence and ultimately my performance, and drove me to depression and suicidal thoughts. I also believe that I was discriminated against at YCCC and held back from professional opportunities, which undermined my career prospects, which contributed to and/or caused the depression I experienced while at YCCC. This discrimination was also shown in the club's failure to extend support and pastoral care in times of personal need and family crisis that I had seen offered to others. I tried to raise my concerns at YCCC while I was under contract, but nothing was done. My situation only became worse. It is my belief that I was released from the club because I had raised concern about racism in the club. I left professional cricket – my dream career – feeling broken and helpless, without hope of any justice and completely disillusioned with the sport that I loved.

9. For a range of reasons, including dealing with mental health issues resulting from my time at the club, it took me awhile to find the courage to speak publicly about my experience of racial discrimination at YCCC. After the Black Lives Matter (“BLM”) movement, I felt an obligation to speak up for future generations of Asian cricketers, so they wouldn’t go through what I did. I wanted to make sure that we create the change that is required to support them into professional cricket and that they have a positive experience in the sport. I made my first disclosures to the media in August 2020, which has resulted in widespread public concern and discussion about racism in cricket and about the treatment of BAME players and umpires. It was only after my disclosure to the media, and YCCC’s subsequent announcement of an inquiry into my allegations, that I felt able to reach out to and talk to lawyers about what had happened and to file these proceedings.

10. My statement addresses my experience of the institutionalised culture of racism within YCCC, what I’ve since learned about the history of YCCC and how that has helped me understand my own experience at the club (Section B), provides some examples of the racism and racial discrimination I experienced at YCCC (Section C), explains the events of 2017 and 2018 that led up to my release in September 2018 (Section D), explains the protected disclosures I made and the aftermath of those disclosures (Section E) and finally, sets out what happened after my dismissal, the consequences for my health after what happened at YCCC and how this affected my ability to bring this legal claim any earlier (Section F).

B. Historic Culture of Racism at YCCC:

11. When I first started playing cricket at YCCC in 2007, I was only young and I wasn’t aware of the history of institutionalized racism at the club. First, I noticed that I was one of the few Asian players. Then I began to notice things that made me feel like we were out of place or didn’t belong. For example, even though there were four or five Muslim Pakistani players on the under 15 team, YCCC provided no facilities for Halal food to be available. This meant that we were travelling – children were being taken on cricket trips – and would not be able to eat from the grounds with everyone else. I remember thinking at the time that it was unfair, thinking “why would they provide for the white children, but not for us?” and “if they want us all to succeed, shouldn’t we all be provided facilities where we can eat?”. It put us at a clear disadvantage.

12. The first signal that my Pakistani ethnic origin was going to be a problem at YCCC came with the controversy that followed my debut for the first team in 2008 in a T20 match against Nottinghamshire. I was only 17 and I was chuffed: to have played my debut and in a televised match was a massive career milestone for me. But controversy soon followed.
13. I had always been up front and honest about the fact that I had been born in Pakistan and that my family had been applying for British residency. It hadn't affected my ability to play under 15s for England: If I had been registered, I would have received a special dispensation from the ECB to participate. But a few days before the T20 quarter final, YCCC discovered that there had been an administrative error which meant they had not properly registered me for the competition. Because I was not a British citizen and the process had not been completed, I was not eligible to play. When YCCC discovered their mistake, I was dropped from playing in the T20 quarter final.
14. The T20 quarter final was a very important match for the club. But just before the match, I got a call saying the match was going to be stopped before a hearing excluded Yorkshire from the competition – and all because I had been played when ineligible, i.e. because I was Pakistani and not British born. The quarter final match was called off and abandoned just hours before it was due to begin. This caused a massive controversy in the media and among YCCC players and supporters, who were understandably disappointed, upset and angry – and it looked like I was to blame because I was Pakistani, not British born. I was absolutely devastated. As the youngest player in the team, it was really hard. It wasn't my fault, but I felt like everyone's anger and frustration was directed at me – and the club didn't protect me or support me.
15. YCCC put out a statement saying that my inclusion in the squad had been a last-minute decision. This was not true: I had been in the squad for three weeks prior and had they done the paperwork, I would have been eligible to play. Rather than admitting their responsibility for the error, YCCC let everyone think that I had let the side down by turning up to play at the T20 without disclosing my nationality. I was only 17 and had no experience of the media, but suddenly I had journalists turning up at my house, asking me why I had not disclosed my nationality, suggesting that I had been dishonest or hidden it, when in fact the club was aware of it (this was later confirmed by the ECB disciplinary commission: YCCC knew of my immigration status no later than early 2007). All of a sudden, my family and I were at the centre of this controversy and being blamed for YCCC being

knocked out of the T20 competition. A journalist even tried to get into our house through the back garden. It was really upsetting to face this media backlash. I had to hide from journalists hanging around my family's home and I didn't leave the house for a week. The controversy also sparked people making racist comments about me and my family being foreigners, on social media and in public. At no point during this upsetting and traumatic experience was I offered any support or advice from the club.

16. I remember being angry about how YCCC handled it: I had not done anything wrong, but I had been allowed to be made the public scapegoat for YCCC's mistake. Aside from the backlash I faced, their mistake also cost me important professional opportunities: it meant that I missed some critical cricket matches (including, for example, the Regional Festival and the Under 17 Selection). But I didn't want to rock the boat, so I just put my head down and kept trying to do my best. I wanted to play for England and I tried to stay focused on that goal.
17. As a result of this controversy, it was widely reported that I was Pakistani and not British born. Suddenly I realized that where I was born – and my Pakistani ethnic origin – was an issue and a problem. I didn't know then that it would continue to be a problem for me for the rest of my time at the club.
18. Over the next few years, I learned about how YCCC had historically discriminated against players on the basis of where they were born: for many years (until 1992), you could only play for Yorkshire if you were born in Yorkshire. This history first hit home for me in 2010, after Andrew Gale became captain, when I began to hear him make comments like he'd "like to go back to Yorkshire born and bred" and "I want 11 players born and bred". Hearing comments like this from my own captain and teammate made it clear to me that my Pakistani ethnicity and origin meant that I did not belong at YCCC and that I was not welcome. The many racist comments made towards me and other Pakistani players, and the unduly harsh and discriminatory treatment that I saw directed at other Pakistani players and which I personally faced (some of which I detail below in Section C), only confirmed and reinforced that message.
19. Over the course of my time at YCCC, I also noticed a pattern of language and behaviour towards myself and the other Pakistani players at the club (myself, Adil Rashid, Ajmal Shazad and Rana

Naveed Ul-Hasan). Since speaking out about my experience and commencing these proceedings, I learned about the 2014 Fletcher Report (PHB 487-506), a paper commissioned by the ECB about the experience of British South Asians in elite coaching in Yorkshire, which reflected my experience at YCCC and helped me to better understand it. The research for this paper was conducted between 2007-2010, in my early years of playing with the club, and was published in 2014 while I was still playing with the club. The Fletcher Report highlighted that within the structure of YCCC there continued to be “cultural and institutionalized forms of racism” and that, despite Pakistani players’ “commitment to Yorkshire, white Yorkshire people may never fully accept them as “one of us”” (PHB 488). Fletcher outlines various sociocultural factors that were responsible for the exclusion of South Asian cricketers, including the influence of stereotypical views that were held of South Asian players, who were considered to be volatile, overly aggressive and cheaters, that our culture was considered to be incompatible with Yorkshire culture and because we “did not and could not represent Yorkshire masculinity (read as ‘ideal’) in the same way a white man could” (PHB 497).

20. Learning more about this history and culture of institutionalized racism at YCCC has helped me understand the context of my own experience. For example:

- (i) YCCC had a birth right policy which required that you had to be born in Yorkshire to play for the county team (PHB 487-506) and the exclusion of Asian players from the normal league system led to the creation of an entirely separate league for Asian players: the Quaid-e-Azam League (PHB 484-485);
- (ii) It was not until 1992, when the birth right policy was lifted, that Sachin Tendulkar became the first overseas Asian player to be signed by YCCC;
- (iii) During the 1999 World Cup tournament, Imran Khan accused YCCC of failing its Asian community. At that time, Tendulkar remained the only Asian player playing for YCCC. In an interview, Khan (now Prime Minister of Pakistan and a personal hero of mine) said, “with Yorkshire, which is flooded with Asian people, how come an Asian just doesn’t find a place...there has to be an element of some prejudice” (PHB 484-485);

- (iv) Despite the controversy that followed Khan's comments, it wasn't until 2003 – just four years before I started playing for YCCC – that Ismail Dawood became the first British born, South Asian player to play for Yorkshire;
- (v) Despite YCCC moving away from the birth right policy in 1992, "this apparent 'white's only' legacy is insidiously relevant to this day" and there is evidence that "Yorkshire people are committed to 'keeping the White Rose white' by being openly inhospitable to people from minority ethnic backgrounds" (PHB 495). This was certainly my experience of the club, given the comments made to me and about me from people like Andrew Gale (above para 18) and others, including Michael Vaughan (see Section C below);
- (vi) South Asian players are presented as "the other" and "an anathaema to Yorkshire culture" (PHB 492), which explained the constant comments towards me and the other South Asian players on the team from white Yorkshire players, describing us as "you lot", and the pressure I felt to conform to club culture – and white Yorkshire culture – to try to fit in and prove that I belonged (for example, by participating in the drinking culture);
- (vii) In that same year (2004), local MP Terry Rooney and some his constituents accused YCCC of racism for its failure to progress Asian players. In a statement since provided by Ismail Dawood (PHB 476-478), I learned about the racism he experienced and witnessed at YCCC at that time (including seeing a fellow South Asian player, Adil Ditta, called a "smelly Paki", and he himself being referred to as "Token Black Man") and about the racist language he heard in the dressing room. He explained how, David Byas (who was the YCCC coach at that time and when I began at the club), referred to a black supporter as "that fucking nigger" and openly addressed Black and Asian people as "coons and pakis". Despite the fact this was happening, the YCCC President, Robin Smith, and CEO Geoff Cope had asked Dawood to speak to Rooney's delegation and tell them "there was no racism" at YCCC. Dawood explains he felt he was put in a difficult position because he didn't want to "rock the boat" and was fearful of the impact it would have on his career opportunities if he acknowledged the racism he had seen and experienced (which is something I understand because I felt the same way when I was at YCCC) and felt that he was used by YCCC "to discredit the pain and suffering of fellow BAME individuals";

- (viii) There is a history of racist conduct among YCCC supporters. As Fletcher notes, YCCC and Headingley had a number of well-publicised racist incidents, including YCCC fans (throughout the 1980s) calling David ‘Syd’ Lawrence (a Black bowler), “nigger, black bastard, sambo, monkey, gorilla” and throwing bananas at him. Fans at Headingley became known for racism and Islamophobia after numerous incidents, including a pigs head being thrown into the seating where Pakistan supporters were (PHB 489). I saw incidents while I was playing, including a beer being thrown over a young Muslim child. The response in the dressing room was laughter, which disgusted me. Management simply sent the child a signed jumper as a gesture. My own family had to buy separate tickets away from the usual Yorkshire stand when they came to see me play in order to be away from alcohol being thrown around during celebrations. There were also incidents of racist jeers and abuse from Yorkshire fans, something that myself and Rana both experienced (PHB 626–628; 463);
- (ix) According to Fletcher’s research, many attributed “the historical lack of South Asian representation at YCCC to blatant cultural and institutionalized racism”. But “for most, there was no legitimate case to be made proving YCCC discriminated against British Asians”, which Fletcher explains was “not least because the club had long denied such accusations” and had refused “to acknowledge its prejudices and apologise to South Asian cricketers” (PHB 496). It has certainly been my experience of YCCC that the club hasn’t acknowledged, acted upon or apologized for the conduct I experienced. I also observed the club support players accused of racism and refuse to take action, even – in one instance (Andrew Gale) – when the ECB took action.

21. The Fletcher Report helped me understand and reflect again on the patterns of language and behaviour that I observed, read about and experienced at YCCC. For example:

- (i) Adil Rashid, Ajmal Shazad and I would often be referred to as “you lot” and asked to go and sit separately from the rest of the majority white team, isolating us and singling us out as the other;

- (ii) All Asian players (with non-English names) were referred to by the same, generic English name. For example, we were all called “Kevin” (see further in Section C below) or “Steve” (in the case of Indian Test player Cheteshwar Pujara (see statement of Taj Butt, PHB 482-483) – a practice which has since been condemned as racist (PHB 667-673);
- (iii) At different times, Adil Rashid and I were both accused by fellow players of “faking injuries”, an accusation I had never heard levelled at white British players. I was also described as having “ruled myself out” of selection – again, their comments suggested I was not committed to cricket or was being “lazy” or “difficult” or dishonestly creating some kind of excuse not to play;
- (iv) Ajmal Shazad was released by YCCC in 2012 because he was “difficult to manage” and “not a team player” and “too committed to fiery attack” (a decision overseen by Martyn Moxon), despite having been praised by our coach Jason Gillespie for his pace and skill (it is worth noting that Ajmal went on to play for four different counties and is currently a Head Coach);
- (v) Sarfaraz Ahmed, an overseas player from Pakistan who came in for a short contract, was called “a disgrace” with “a shit attitude” by Mark Arthur (the YCC Chief Executive) in front of me at my appraisal in 2017 to explain why Sarfaraz was not being invited back to the club;
- (vi) Adil Rashid was branded “ungrateful”, “lazy” and “selfish” for opting out of a match, despite him releasing his own statement disclosing personal circumstances for his absence, i.e. his grandmother’s grave illness (PHB 541-548);
- (vii) I often felt that I received unduly harsh criticism of my performance, was laid into or spoken to in disrespectful ways in front of others (including umpires, players and others), was unfairly blamed for losing matches, and had my place in the team constantly questioned, compared to the more supportive and encouraging comments I saw given to my white British teammates. I saw a pattern of this in respect of the harsh criticism offered to other Asian players. It was as if we, as Asians, were lucky to have even been given an opportunity to play, we didn’t deserve to be there and any mistake would be jumped on as evidence of it, including with accusations being made about our attitude or commitment to the game (see

further below in Section C). I experienced this, but I also saw it directed at the other South Asian players. For example, during the Champions League in South Africa in 2012, Andrew Gale was asked why he didn't bowl Adil Rashid and Andrew responded by calling Adil "a shit prick". Adil later spoke to the media about this kind of conduct and said, "if a player's not performing, don't just all of a sudden disrespect him" (see PHB, 507-510). Similarly, Rana described his experience of being shouted out and facing unduly harsh criticism in relation to bad performance (PHB 626–628; 463); and

(viii) I was constantly made to feel that I was the problem and that I was "difficult" for raising concerns or complaints or questioning decisions made by our captain or by management, and I was even sanctioned for doing so, but the same was not said of white British players when they raised similar concerns or questions (see further Section C below).

22. Another aspect of playing for YCCC was the drinking culture. Drinking after games and socialising with teammates is a big part of the club culture in Yorkshire. I had already had a bad experience at 16: while at Barnsley Cricket Club I had been held down and, despite people knowing I was Muslim, had wine forcefully poured down my throat. It was traumatic and upsetting because it was against my religion and culture. At YCCC, it was never forced, but there was an entrenched drinking culture which had the effect of isolating Muslim Asian players: if you didn't drink, you didn't fit in. When I started playing for YCCC, I did not drink because it is not permitted in by religion and ethnic culture. But it soon made me feel isolated and that I didn't belong. In some instances, I was ridiculed for not drinking. I also observed that other players who were drinking and socialising with others were getting on better with everyone and progressing with their cricket. I felt pressured to conform to this, so I took up drinking in an effort to fit in around 2012. And initially, it helped – I made my breakthrough that same year, I felt like I was fitting in better and felt less like an outsider. But I never felt happy with myself, or within myself, after consuming alcohol as I knew it was against my religion and all the values that my parents had instilled in me. When I drank, I became someone who was not true to myself and I felt ashamed. But if I wasn't drinking with the others, I didn't fit in. Either way, it felt like I was in no man's land.
23. Concerns about institutional racism have not been limited to the treatment of Asian cricketers. After the Black Lives Matter ("BLM") protests in the USA following the death of George Floyd, Tino Best, a former West Indies fast bowler who played for YCCC, spoke about his experiences: "I

encountered subtle racism. Nobody ever referred directly to the colour of my skin...but there would be little things said which I felt were disrespectful and designed to get a reaction” (PHB 551-571). Tino posted a video on Twitter, where he describes an incident in which Martyn Moxon (Director of Cricket at YCCC), had told him “he would send me on the next bloody flight to Barbados” (PHB 351-352).

24. The use of this kind of language was not only tolerated at the YCCC, but it was defended and excused. For example, in 2014, Andrew Gale was disciplined by the ECB for on field racist abuse directed at Ashwell Prince, a black South African player. Gale had said, “fuck off back to your own country you Kolpack fucker”. YCCC Chair Robin Smith told the media that Gale had the club’s “full support”, while Martyn Moxon said that YCCC was “going to do what we can to help him clear his name” and “the club will help Andrew in any way possible” (PHB 511-512). The club even paid Gale’s legal fees. He was suspended by the ECB, but not by YCCC, over the incident. When this happened, I remember feeling disappointed by the club’s reaction. It was pretty clear to me after this that YCCC did not take racism seriously. Despite this, I did raise my complaints internally several times – and they were not interested in investigating my allegations until after I went to the media (see Section E).
25. Inaction on racism during my time at YCCC extended beyond the conduct of players, to supporters. I was also made aware of incidents of racism among supporters. For example, in 2018 there was an incident at a Scarborough game where the grandfather of one of the YCCC players, Harry Brook, saw a group of children around the ground and said “just look at all those little Pakis running around on the outfield”. The woman who observed this, Claire Sanderson, tweeted about it at the time. After I made my disclosure, she wrote to me to confirm that she had reported the incident to the police on the recommendation of the ECB because “other racially abusive language” was used towards a player. She also confirms that YCCC was aware of the incident, but took no action (PHB 474-475).
26. After I made my disclosures to the media, several former YCCC players have come forward to support me by confirming their own experience of institutional racism at YCCC and of what they saw of the treatment of Asian players while at the club:

- (i) Ismail Dawood, the first British born South Asian to play at YCCC, confirmed his experience of racism at YCCC, giving examples of the conduct towards him and another South Asian player, Adil Ditta (from the time when Martyn Moxon was a player), and how Ditta has recently taken his son out of the YCCC academy and gone to another club because of ongoing concerns today under the leadership of Moxon, who is now as Director of Cricket. Ismail also confirms the change he saw in me over the course of my time at the club, from confident and relaxed to being “isolated” and “a broken man” due to what was happening at YCCC and the lack of support I received (PHB 476-478);
 - (ii) Rana Naveed Ul-Hasan (“Rana”) confirms he suffered systematic taunting while at YCCC and that the club had a “bad attitude” towards Asian players, including him and I. Rana also confirmed that he saw what I went through and confirmed what I have said about what happened (PHB 626–628; 463);
 - (iii) Tino Best wrote to my solicitor about his time while playing at the club with me, Adil Rashid and Ajmal Shazad, confirming that “some of the things I saw towards the players of Pakistani descent wasn’t good...every day I would hear them complaining about how they were treated” (PHB 351-352).
27. I appreciate that some of the instances I have referred to do not involve me personally, but I do feel that they are indicative of a discriminatory state of affairs prevalent at YCCC and provide important context on the history and culture of the club to help the Tribunal to understand the context for the examples I provide about my own experiences.

C. Specific Instances of Discrimination: 2008 – 2018

28. During my time at YCCC, I experienced numerous incidents of what I consider to be discriminatory treatment and racism. This is not an exhaustive list but is intended to provide the Tribunal with some examples to understand the extent of the problem and the failure of YCCC management to take appropriate action to put a stop to it.
29. This includes being called or referred to as “Paki”, as “elephant washers”, as “you lot”, and being told to “go back to where you came from”. This “banter” was engaged in unashamedly, often

laughed at and/or otherwise encouraged by other teammates, coaches and management and in the presence of myself, Adil Rashid, Ajmal Shazad and Rana. The use of racist language was generally condoned or ignored – it was completely normalised. But the abuse was constant: I felt constantly mocked and devalued.

30. In a general sense, there was a culture of an “us” versus “them” approach to us as cricketers of Pakistani origin. British white players were “yes men”, who tried hard, could do no wrong and were supported when they stuffed up or were having a hard time. In contrast, players of Pakistani ethnic origin were branded as “difficult”, “opinionated” or “political” when we raised concerns and “lazy” compared to our British white teammates, even when we took the time off we were entitled to or needed for personal reasons.
31. For a long time, I did not understand or fully appreciate the impact of what was happening to me - and certainly not in my early years at the club. I knew there was racism and discriminatory attitudes towards people of colour and South Asians, but I didn’t think – or didn’t want to think – that it would be a barrier to my progress as a cricketer at YCCC. I just tried to manage as best I could, but I now recognise the impact it had on me. The psychological impact of how I was treated at YCCC ultimately resulted in me suffering from depression and mental health issues that impacted my performance, including the YIPS I suffered in 2013, and led to my first episode of suicidal thoughts around that time (include ref to medical report PHB 789-833: 854-870). I was released in 2014.
32. I struggled with this throughout my time at the club. After my return to YCCC in 2016, I managed it while I had the support of our coach, Jason Gillespie. I enjoyed playing cricket with him because I felt encouraged, challenged and supported. I also felt a sort of protection when he was there: he was part indigenous Australian, and I think because of that or perhaps because they knew he would call it out, the others didn’t make racist comments towards me in front of him. But after he left, from 2017 onwards, when Andrew Gale (Coach), Tim Bresnan (Vice Captain) and Gary Ballance (Captain) either coached and / or captained the team, I became the constant target of their racist comments and alleged banter and bullying culture. It affected my mental health, my ability to get out of bed in the morning and face the world, my sense of self-worth, and later my performance – and led to further suicidal thoughts.
33. I outline here specific incidents and examples as they relate to different players, captains and coaches during my time with YCCC. I then set out some other examples discriminatory treatment I

faced from the club in relation to professional development and opportunities, disciplinary issues and pastoral care.

Matthew Hoggard: 2008 – 2009

34. Matthew Hoggard (or “Hoggy”) was part of the England team for the 2005 Ashes series. He and Michael Vaughan were the two England players at YCCC at that time. When they came in, everyone looked up to them. For us young academy players coming into the club, they were the flag bearers for YCCC. All of the young players revered Hoggy, myself included. It was a huge honour for me to be playing on the same team with him. I made my first 100 for the club with Hoggy and it was probably one of the most fun days I had playing cricket. I genuinely liked Hoggy, but I think he was a product of the discriminatory culture he was in and the culture that was allowed to thrive at YCCC.
35. It was Hoggy who started calling me “Raffa the Kaffir”. At the time, I honestly didn’t understand that it was a racist slur. My nickname at the club was “Raffa”, which was a shortening of my surname Rafiq, so when he started calling me “Raffa the Kaffir” – I just thought he said it because it rhymed. It was only later I realised what “Kaffir” meant, how it was used, and that it was a racist term. It was when I was outlining incidents to the YCCC Investigation Team that I had reason to look into this further and appreciated for the first time how seriously demeaning the term was and how casually and lightly it had been taken throughout my career with these players. The use of this term provides important background context to my claims and indicates the extent to which YCCC had enabled a discriminatory culture at YCCC to flourish.
36. The comments from Hoggy towards myself and the other Asian players – Adil, Ajmal and Rana – were constant, on a daily basis, and all day, every day. I think he might have thought it was just dressing room banter, but we would come in in the morning and he would say things like “you lot sit over there” and make us all sit together. He would also call us things like “elephant washers” and “Paki”.
37. After I made my disclosure to the media (without naming any names and only referring to the terms that were used), Hoggy called me to apologise for what he had said to me. I thanked him and I respect him for that.
38. I think Hoggy is a good example of how there was a club culture that led him to emulate the kinds of things he had heard said by players before him. Because it was accepted at YCCC and they did

not put a stop to it, younger players – like Gary Balance, Andrew Gale and others – then just picked up what Hoggy said, like “Raffa the Kaffir”, and kept running with it.

Michael Vaughan – 2009

39. Michael Vaughan was one of my cricketing heroes. I remember watching him captain England in the iconic Ashes series in 2005 – when I was captain of the England under 15s and playing for Yorkshire, like him – and I really looked up to and admired him and aspired to follow in his footsteps. In 2009, when I was 18, I remember being so excited to finally be in the same dressing room as him (Nottingham v Yorkshire, 22 June 2009). But the first thing he said to us, as the Asian players on the team (myself, Adil, Ajmal and Rana), after the huddle and as we were walking on to the field was “there’s too many of you lot. We need to have a word about that”. The four of us never played another match together again after that.
40. At the time, I remember being shocked and thinking, “did he actually just say that?”. I felt so disappointed that I felt sick. And then I felt angry. But I was so determined to play for England that I just tried to let it go. But I never forgot it. A lot of stuff that was said at YCCC hurt me, but hearing this from one of my cricketing heroes, it really stuck with me.
41. Michael Vaughan was probably the most influential player at YCCC at that time, and he continued to hold influential roles at YCCC after he announced his retirement in June 2009: he was appointed to mentor Andrew Gale, as captain, and spoke to him 3-4 times a week, he also oversaw international recruitment and later, in 2012, became a board member.

Gary Balance: 2012 – 2018

42. Gary Ballance is a cricketer from Zimbabwe who joined YCCC in 2008. While Hoggy started “Raffa the Kaffir”, it was Gary who really picked it up and really ran with it. Gary was also known to call any person of colour, “Kevin”.
43. I played in the first team before Gary did and was in and out of the first team between 2009 and 2011. It was 2012, when I made my breakthrough (which was around the time I began socialising more with the team, including drinking alcohol to try to fit in), so I started going out with Gary and Joe Root, and at that time I considered them both to be friends (I still consider Joe a friend). But over time, the constant racist banter from Gary became too much. He would constantly talk down to me and make racist jokes, designed to undermine me and make me feel small, like coming up

and interrupting when I was talking to girls in a club, saying “don’t talk to him, he’s a Paki”. I did my best to try to fit in, but it happened so much that at one point in 2012, I remember crying outside a nightclub after his constant racist taunting.

44. But Gary’s comments weren’t restricted to comments while out in clubs – he would make constant comments on YCCC trips, tours and events, and in front of YCCC coaches and staff, who did nothing to stop it and would often laugh along with Gary at the humiliating, racist comments he made towards me. For example:

- (i) During the Abu Dhabi pre-season trip in 2009, Gary ridiculed me for not engaging in the drinking culture. On the last evening of the trip, everyone had to perform a show. Gary’s show, as always, was about him drinking sambuca and he was loved for his show. My show was non-alcohol related and Gary humiliated me in front of everyone for the lack of entertainment, compared to himself. Over time and after many comments like this, I felt pressure to participate in the drinking culture.
- (ii) Gary would regularly make belittling or derogatory comments about my Pakistani heritage to others in front of me in various settings (“don’t talk to him, he’s a Paki” or “why are you talking to him he’s a Paki”), including on cricket trips and at functions. This happened in front of loads of people, including James Wainman, Joe Root, James Lee, Karl Carver, my agent Will Quinn and Bryan Teller. It got to the point that he said it so often, it became unbearable. I became completely fed up with it and I ended up having to complain to my agent, Will Quinn, on a number of occasions. At the PCA Awards event in 2014, Gary made another racist, belittling, racist comment to a woman about me in front of me, about me being Pakistani. I was so fed up that I wanted to hit him and we had to be pulled apart by our agent, Will Quinn.
- (iii) On a pre-season trip to Dubai in 2017, Gary muscled in when I was speaking to a girl at an event, making comment about my Pakistani appearance, saying that “he is not a Sheikh, he has no oil” and “don’t talk to him, he’s a Paki”, and in front of James Wainman;
- (iv) In 2017, Gary made comments to other teammates that I had “ruled myself out” from selection for the Warwickshire game. Comments like these suggested I was to blame for not being selected or that I was not available for selection, when in fact it was.
- (v) In June 2017 while away for a four-day Championship game, I had to ring Will Quinn again after another incident involving Gary. I told him to get me out of YCCC because I could not

take it any longer. Steve Patterson saw the state that I was in that day – I literally broke down and was crying because of the ongoing comments from Gary, Tim Bresnan and Andrew Gale, (Somerset on June 9-12 2017);

(vi) In September 2017, we were on a YCCC bus trip travelling through London to Surrey. While driving through London, we drove past Asian men with beards and Gary said in front of the whole squad (including Adam Lyth, Steve Patterson, Andrew Gale (Yorkshire Coach), Richard Pyrah (Yorkshire Assistant Coach)) “is that your uncle there?”. Everyone laughed, which only encouraged and egged Gary on. On those bus trips, he would look out for corner shops and make comments like “does your dad own these?”. Again, everyone would laugh. They treated it as if it was just banter, but I found it hurtful and humiliating – and racist.

45. Gary would often make comments like this on YCCC bus trips, in the dressing room, or at events – and in front of YCCC coaches, staff and management, including our coach (Andrew Gale), Richard Pyrah, Director of Cricket, Martyn Moxon, and Club President Dickie Bird. But nothing was said or done to stop it. Instead, they often laughed along.

46. Gary continued this conduct towards me throughout my time at the club.

Andrew Gale

47. Andrew Gale played for YCCC with me and later went on to become captain. He was in the second team with me pushing into the first team around the same time. David Byas was the coach at that time, who had a brutal manner and was very old school Yorkshire (see above: Byas was also known for using phrases like “nigger”, “Paki” and “coon”). But he was Andrew’s hero. Everyone saw Andrew as the second David Byas, so they gave him the same nickname, “Gadge”.

48. As I explained before, Andrew joined in with Gary and others in the racist banter. Throughout my time at YCCC, Andrew called me “Raffa the Kaffir”, “paki” and so on. But it was the discriminatory treatment and bullying I felt from him that was harder for me than the name calling.

49. It just always felt like the relationship was difficult, and it was as if we didn’t talk unless he was having a go at me or dressing me down – aggressively and in public. There were numerous incidents where I felt that Andrew was aggressive and rude towards me in ways he wasn’t with white players. For example:

(i) In 2009, after Andrew got dropped from the first team, the coaches wanted me to play a few overs for the second team to get some practice before the next important four-day match. I

went on the field and Andrew didn't bowl me. I didn't know what was going on because the entire reason I was sent down there was to bowl for practice. I asked him why I wasn't being bowled, and he kicked off at me and shouted at me aggressively in front of everyone;

- (ii) In 2012, I was bowling and I wanted a fielder in a particular position and Andrew didn't listen me. I gestured in frustration after the ball went through the very position I had asked for a fielder and he shouted aggressively. "Who the fuck do you think you are? You do as you're told";
 - (iii) In 2013, in Barbados on a pre-season tour, I had an injury and I was debating with the physio about what treatment I thought I needed. We were in the bar, in public in front of other team members, and Andrew came over and started laying into me – again aggressively and in front of everyone (the next day, I was pulled aside by Moxon and told to "sort out my attitude"; no one seemed to care about how Andrew had spoken to me).
50. In or around August / September 2014, just a few weeks after I was released, I heard in the media about an incident where Andrew – as captain of YCCC – had made a racist remark to Ashwell Prince ("fuck off back to your own country you Kolpack fucker"). He was suspended by ECB. YCCC didn't suspend him: he was given their full support, funding for his legal defence and the Chair and Director of Cricket made public statements in support of him, saying he had their full support and they would do anything to help him clear his name (as set out in Section B above). I remember feeling very angry: I felt his treatment towards me was discriminatory and racist, but here he was being suspended by the ECB for being racist and the club excused his behaviour and let him off. At this point, I wasn't angry at Andrew, I was angry at the club for failing to act.
51. But things got even worse after Jason Gillespie left at the end of 2016 and Andrew became coach. Before that he was a fellow player and captain, so I felt like I could ignore him as I had Jason there as our coach who supported me and looked after me. But when Andrew became coach, he had full control over my life and my career. I had to communicate with him every day, he would leave me out of training sessions, he would put me down – in ways I hadn't seen him do that to others and particularly white British players.
52. I just don't think that we received fair and equal treatment from Andrew, as compared with white British players. For example, during the Durham T20 Away game in 2017, I was walking off the field with Adil and we were having a general chat about the difference in score. I was asked what I thought, and I replied, "I think they are 15 over par" which is a completely normal discussion and

comment. This was relayed to Andrew by Ian Dews (Coach) and Adam Lyth (Yorkshire & England Player), but it was taken out of context. Andrew then decided to question my selection in an aggressive and threatening manner, in front of everyone, before saying “why are you walking around saying they have 50 too many?” This was obviously not what I had said. I questioned who had told him this and wanted to address it so that we could clear the air. I didn’t want animosity. Andrew refused to give me further details or an opportunity to resolve the matter, which was the norm and would have been offered to anyone else. I left the ground with Adil in a car upset, humiliated and terrified about my position in the team. It felt like the smallest issue would cause Andrew to blow up at me, when I had watched him be patient and supportive to others (specifically white British players) who made mistakes or weren’t performing.

53. By way of comparison, throughout 2017, David Willey struggled with bowling which cost us important games, yet Andrew did nothing but encourage him and praise him in front of the group. Comparatively, for Adil and I, even a minor error and we were called out, dressed down and insulted. I was often left feeling humiliated (including in the incidents above). Andrew would say things like “we have spent hours side-arming you”, however, the truth was nowhere near as much practice time was given to me in comparison to the white British players. I shared my views with Adil and he agreed that we were being singled out and unfairly treated. Throughout the season, I also discussed this with my agent, Will Quinn, and told him how Andrew and Tim were bullying me and constantly making me feel inferior.

54. In 2018, my wife went through a very complicated and difficult pregnancy, which required a lot of medical intervention and ultimately resulted in my son dying in May 2018. It was an incredibly stressful time for me and for my wife, which made my already difficult situation at YCCC even worse. I felt completely unsupported by YCCC and by Andrew. I was criticised for seeking time off to manage with what was happening at home and felt that the club dismissed the seriousness of what I was going through and then penalised me for taking time away. For example, in the winter of 2018 (15 February 2018), when I got the call that my baby’s heartbeat could not be detected, we had an upcoming pre-season tour to South Africa (7 March 2018), and I really didn’t feel able to travel: we had a medical appointment the day after the team was due to travel and I needed to be there with my wife. Andrew’s response was, “everything will be fine, just get on the flight”. I recall saying to Andrew “do you realise I have had to rush home from 4 sessions because of an emergency?”. He

made me feel like I was making excuses to get out of playing cricket, which was not true. As it transpired, the matter was as serious as I had tried to convey to the club with my baby and we lost him. I had not been exaggerating. I should not have been pressured to attend games and travel given the complex and difficult situation I was dealing with at home. It seemed obvious to me that far more support was offered to other players, for example, Gary Balance received a lot of support through depression and anxiety and Johnny Bairstow in relation to the ongoing impact and trauma of his father's suicide.

Tim Bresnan

55. Tim Bresnan made his debut as a 16 year old in the era of Matthew Hoggard and Michael Vaughan. He was an understudy to Matthew Hoggard. In 2008 / 2009 when I started, Tim was a senior player and had played for England, so had a lot of influence at YCCC and over younger players. In 2016 when I came back to YCCC, he was a senior player who was declining. I noticed that his relationship with Jason Gillespie, our coach at that time, was difficult and I thought his behaviour towards Jason was disrespectful. Jason left the club at the end of 2016 and this is when life at YCCC got worse for me: Andrew became coach, and Gary and Tim were captains.
56. Tim was very powerful at YCCC: he had played for Yorkshire all his life, was captain and had played for England. It also is worth noting that Tim and Andrew Gale are related: Tim is Andrew's brother in-law. They always supported each other. In my experience, they were a double act: Tim would tag along and join in with Andrew's racist comments and they bounced off each other in terms of the bullying. As with Andrew, Tim frequently made racist comments and was unduly harsh towards me compared to white British players, which became so unbearable that I made a formal complaint against him in 2017 (see further below).
57. By way of brief overview, these are some examples of the treatment I received from Tim:
 - (i) Participation in and encouragement of racist comments: Tim would participate with and encourage Gary in the racist comments and jokes that were directed at me (for example, comments like "is that your uncle's shop?"), laughing along at such remarks. Tim was a senior player who had played for England. I believe that if Tim had pulled Gary up, rather than encouraging him, it would not have continued.

- (ii) Unduly harsh criticism of my performance and restricting my professional opportunities: In 2016 when I came back to YCCC, Yorkshire were at the bottom of the T20 league and struggling in one day cricket. However, on my return, Yorkshire made it to the finals and I was the lead wicket taker of the season. Despite this, in 2017-2018:
- (a) During warmups in 2017, Tim would come up to me and comment about my bowling and talk down to me, making me feel unwanted in the team. When we started playing in 2017, he stopped giving me opportunities to bowl. Given my performance in 2016, this did not make sense.
- (b) During the T20 v Derbyshire on 3 August 2017, I accidentally hit a stump with my leg, a no ball was given and the free hit went for a 6. It was a freak, one-off accident. At the end of the game, Tim singled me out in the dressing room, shouting abuse in front of my teammates, claiming that I had caused us to lose the game. Of course, that wasn't true: many factors that day had contributed to the loss, but I was blamed. I went home in tears (and later made a complaint - see below). By way of comparison, in the game before (against Lancashire on 15 July 2017), Adam Lyth made an error by running down the pitch getting caught when we were ahead on Duckworth Lewis and were about to come off the field at any moment because of rain, which literally cost us the game. In the dressing room, Tim and Andrew praised and encouraged Adam. There is a clear difference: Adam's error had cost us the win, my one-off freak accident had not. In any event, any number of things during any game contribute to the outcome. And yet, I was singled out and abused. It was this kind of obvious differential treatment between how white British players were treated and how I was treated (and the other Pakistani players, like Adil and Rana) that I noticed was a pattern.
- (iii) Belittling comments: Aside from belittling comments about my performance, Tim made comments that showed that no matter what I did, I was not valued. For example, in the winter of 2017, I was extremely excited to have been given the opportunity to travel to play in Hong Kong with a number of high-profile players, and where Brian Lara would be my mentor. A

teammate commented on this, saying how great it was but Tim responded with disdain and said in front of everyone, “it’s nothing, anyone can get a gig there (Hong Kong) it’s nothing”.

58. In light of Tim’s behaviour, I made numerous attempts to raise my concern:

(i) In 2017, prior to the T20 Durham match at Riverside on 4 August 2017, I went to Richard Pyrah (Assistant Coach) and told him how uncomfortable Tim was making me feel with his constant digs. Richard dismissed it and simply said “oh, you know what Bres is like, just try to ignore him”. (Richard, Tim and Andrew were drinking buddies so I didn’t have much hope that my complaint would come to anything).

(ii) I also took my concerns to my agent, Will Quinn, telling him he had to get me out of YCCC because of how Tim was treating me, to the point it was causing me to have suicidal thoughts, so I needed to get out. Will took my disclosure to Martyn Moxon (see my text messages with Will Quinn: PHB 364; 370-374). Martyn Moxon and Andrew Gale then spoke to me at Scarborough (6 August 2017) and I told them I felt isolated, that I was being picked on compared to people in similar situations who were not singled out like I was and I described the incidents outlined above. Martyn and Andrew admitted that Tim had issues and that they would be speaking to him about how he had treated me.

59. After the disclosure to Martyn Moxon, Tim later apologised to me, but it was lip service and didn’t change anything. In fact, after my disclosure it got even worse for me – I was getting left out of training and games and I believe my disclosure caused more problems for me and led to further targeting and bullying.

60. I note here that I was being treated as a problem and considered to be “difficult” for having an opinion and raising concerns and complaints, whereas white British players were able to raise concerns without facing the same consequences. For example, Alex Lees had raised issues with Tim Bresnan and suffered no consequences as a result of his complaint. I highlight this obvious difference in treatment in the text messages between Alex and I (PHB 378-382).

Martyn Moxon, Director of Cricket

61. During my time at YCCC, Martyn Moxon was Head Coach and then later, Director of Cricket. He is the boss and very powerful within the club. He had himself played for Yorkshire in the 1990s, during the period in which Ismail Dawood and Adil Ditta had played at the club and reported systemic institutional racism. My key concerns about Martyn were:
- (i) I faced racist and discriminatory treatment within the club and no action was taken to stop it: All of the incidents that I have described above involving other players making racist comments towards me and treating me unfairly happened on his watch. Many of the incidents even happened in front of him. He did nothing to stop it or take action on it – even after I raised complaints;
 - (ii) I was discriminated against and denied important professional opportunities within and outside of the club; and
 - (iii) I was discriminated against and not offered the support I needed and that I saw offered to other players.
62. Coming through as a young player, I did not have much to do with him personally. I first remember Martyn around the time of my debut. Darren Gough was my captain and he wanted me to play three weeks before I ultimately made my debut, but Martyn stopped that. I wasn't told why and never understood why, I just knew it came from Martyn. As set out above, I had to deal with media backlash after my debut because of the controversy that happened around my passport, Pakistani origin and eligibility. I was only 17 and had journalists coming to my house and accusing me of hiding my Pakistani origin. It was devastating. Martyn was, at that time, Head Coach and my direct line of contact, but he didn't reach out to me or offer me any help or support.
62. In 2012, I made my breakthrough into the first team so I started to see a lot more of Martyn. During our pre-season tour in 2013, I had a debate with the physio in Barbados. Andrew had shouted at me and given me a massive dressing down in front of everyone in a bar. Again, I was made to be the problem – club management seemed to be completely blind and insensitive to the socio-cultural context I faced within the club and how I was treated within this club culture.

63. Throughout my time at the club, I felt that I was discriminated against and faced unnecessarily harsh criticism over my performance and conduct and this was used to deny me important professional opportunities. This was my experience at the time, which has since been confirmed from what I have read in the disclosure material. By way of example:

(a) In 2014, I was released from the Club by Martyn Moxon over a phone call. He indicated to me that this was as a result of my performance. Although I had suffered from YIPS in 2013 (PHB218), this was not a reoccurring problem and Martyn himself had confirmed on 24 April 2014 that “I had got over the YIPS problem” (PHB221). It was during this time in 2012 that I had been drinking, together with Adil Rashid, to try and fit into the Club culture. In retrospect, the constant racist comments and “banter” was affecting my mental state and my performance, But I was not offered support from the club, even though people knew I was struggling. It was in this period I had my first suicidal thoughts – and was one night on the brink of suicide. Even though I had got over the YIPS problem, I was released from the Club. I left the Club disillusioned in 2014.

(b) I returned to the club in 2016, persuaded by Alex Lees and Jason Gillespie, and initially I thrived and performed better than ever before: I was lead wicket taker and helped Yorkshire get to the finals. 2017 should have seen me consolidate that and build on it, progressing my career towards England and the franchise leagues. But throughout 2017 and 2018, I struggled as a result of the bullying, targeting and racism I faced – to the point that, again, I had suicidal thoughts. Despite my disclosure Martyn to about this in August 2017, nothing was done. Soon after, I faced accusations of “faking injuries” and “ruling myself out” of selection by teammates, which meant that senior management (i.e. Martyn and others) were openly discussing my confidential medical records and their assessments of them. I was being left out of training and games. Despite having performed the best I had in my career in the white ball formats, I was being denied the second team red ball games, which – for a capped player – was unheard of. As Director of Cricket, Martyn was responsible for my professional development at the club. I felt very let down by him and felt I was not being provided the same opportunities and support as white British players.

- (c) In February 2018, Martyn then held me back from being able to participate in an Ice Cricket tournament. The tournament would have seen me play in televised matches alongside high profile, franchised players, assisting me with visibility to the leagues. It would have involved missing one day of training but Martyn refused to release me. At this point, I really felt that the club – and Martyn – were holding me back from opportunities and on a discriminatory basis: other white players were released for league cricket (for example, David Willy and Liam Plunkett were allowed to miss games to play for the IPL), but I was not offered the same opportunities, even though it meant missing less cricket.
64. By this time in 2018, I became depressed and suicidal. I felt that Martyn and the club were not supporting my career and were actively taking decisions which I felt were discriminatory and were limiting my opportunities. YCCC controlled my career and were not making decisions in my best interests.
65. When I returned to the Club after the bereavement period which was in or around June 2018, on the first day, Martyn Moxon pulled me into a room and started highlighting to me the problems that I had caused by not speaking to the coach (Andrew Gale) and the captain (Steve Patterson). I actually thought that he was asking to speak to me alone to ask how I was and how the family were after the trauma that we had endured, but his only concern was that the coach and captain had complained about me. I tried to explain the situation and how I had been assured I would play, which is why I had agreed to go and miss a critical medical appointment with my wife (which was critical in her pregnancy complications) but ended up with twelfth man duties instead. I reiterated that had he not done that and had I known I wasn't playing, I would have been with my wife at a crucial medical appointment. But Martyn showed me no sympathy and categorically stated that I was a problem (see further below). Martyn's behaviour confirmed to me that I was never going to get any support from the club no matter what I went through.
66. Throughout 2018, I had tried to continue with my cricket, but was struggling with the stress of what was happening at home. The failure of YCCC and Martyn, as Director of Cricket, to provide me with adequate understanding, pastoral support and care (which I had seen extended to other players during my time at the club, notably Gary Ballance, Johnny Bairstow and others) to assist me through this period made matters worse. I was not given adequate time off, I was pressured to continue playing, there was no understanding or sensitivity – in fact, numerous times the fact I had time off

and was affected by my family's personal tragedy, was held against me and it was made out as if I was exaggerating the extent of the problem (see further below). Martyn's conduct towards me after my bereavement and loss of my son was the last straw for me.

67. I repeatedly raised my concern with Martyn about the conduct of others at the club and how that was impacting upon me. He never took my concerns or my allegations about institutional racism seriously. In fact, after I was released from the club after making my disclosures to Martyn about racism (see Section E below), Martyn's family members made public comment on social media, including tweeting that any "insinuation of racism" was "laughable" and "unacceptable" (PHB 533-537). Martyn's family's apparent knowledge of my internal complaints of racism could only have come from Martyn sharing with them information about my disclosure to YCCC, which was confidential, and provides a pretty revealing insight into the attitude towards my efforts to raise concern about institutional racism.

Other Forms of Discriminatory Treatment at YCCC

68. Another example to demonstrate the discriminatory treatment I faced over the years is in disciplinary matters at YCCC. Compared to white British players, I received unduly harsh and unfair punishment.
69. By way of example, after the under 19 series in 2011, I was disciplined and suspended for a month. I had been out with the whole team one night, including my fellow teammate, Atif Sheikh. When we got back to the hotel, Atif, who had been drinking, got rowdy with the hotel staff, but I diffused the situation and sent Atif to bed. The next day, John Abraham and Andy Burrell, the coach and manager, sent me home without any investigation into the incident. I was completely innocent, but the club did nothing to defend me or look into the matter, and just presumed that I was in the wrong. Out of anger over the injustice of the situation, I sent a tweet, which I accept with hindsight was not the right thing to do. As a consequence, I was disciplined and fined by the ECB and banned from playing cricket for a month. YCCC also suspended me for a month. During my suspension, I was not prohibited from attending training sessions or watching matches at the ground. However, when I did attend, John Blaine (Yorkshire 2nd Team Coach), humiliated me by shouting at me in front of everyone and telling the umpire, "get him off the ground now". I remember being shocked

at the difference in the way John treated me, compared to how supportive he was of the white players in the team (Alex Lees, Gary Ballance, Joe Root and others) who had been suspended or had difficulties during their time at the club.

70. Looking back, I compare this to other incidents involving my white British teammates:

(i) In 2014, Andrew Gale was disciplined by the ECB for on field racist abuse directed at Ashwell Prince (“fuck off back to your own country you Kolpack fucker”). He was suspended by the ECB. Irrespective of his racist comment, YCCC fully supported him (YCCC Chair Robin Smith said he had the club’s “full support”, while Martyn said they would “help Andrew in any way possible” and “do what we can to help him clear his name”: PHB 511-515) and paid his legal fees. Even though he was suspended by ECB, YCCC refused to suspend him.

(ii) In 2019, Tom Kohler Cadmore was involved in a criminal court case and was suspended by ECB for their Lions Tour. But YCCC took no separate action.

(iii) In 2009, there had been an incident on the Winter tour in Bangladesh where Michael Bates had been seen with an escort going to his room. This violated the rules, but there was no reprimand for Bates by ECB.

(iv) Over the years, YCCC protected Gary Balance with respect to his drug and alcohol issues, allowing him to miss drug hair sample tests to avoid sanctions. When he failed a recreational drug test and was forced to miss some games, the club informed the public he was missing games because he was struggling with anxiety and mental health issues.

71. Each of these incidents were more serious than the case in which I faced sanction and suspension, but I faced more serious sanction. What I learned over the years was that incidents with white players are covered up and a positive media spin is put out to protect them, yet in the case of Pakistani players, we are criticised unfairly and everything is put on show for the media to attack us with no protection afforded by YCCC.

D. Events in 2017-2018 and Release from YCCC

72. I set out here the events that led to my release in 2018 to demonstrate how the turn of events, involving the escalation of racism, bullying and targeting affected my performance and my opportunities, how it escalated further after I made my disclosures, and how the lack of support I received in relation to both the racism and my personal family tragedy, contributed to my depression and ultimately led to me considering suicide. In short, I went from returning to the club in 2016 and giving my best performances ever in 2016 and 2017 – being lead wicket taker in the competition – to being released from the club and cricket absolutely broken and contemplating suicide in 2018.
73. After being released in 2014, I went away and re-grouped: I spent some time coaching in Dubai and then went to Pakistan and got married. When I returned to the UK, my performance was second to none – I was thriving and being noticed by a number of clubs. Alex Lees and Jason Gillespie were keen to have me back at YCCC and convinced me to re-join in 2016. At that time, YCCC had been struggling and at the bottom of the ladder, but I soon became the lead wicket taker and was instrumental in YCCC making the finals. I thrived working with our coach at that time, Jason Gillespie. Under his guidance I felt supported and encouraged. My performance was recognised in the Board Minutes in 2016, where I am described as having “energy, skill and sharp cricket brain, are and will continue to be, a massive asset to Yorkshire CCC moving forward” (PHB 224). Further, in 2017, the Board Minutes indicate “Azeem Rafiq had got an extension to 2018, he was a potential leader for the future” (PHB 226). My statistics for 2016 and 2017 show that I was the best in the country compared to my counterparts. However, after Jason Gillespie left the club, everything changed for me.
74. Throughout 2017, I faced intensified racism and bullying at the hands of Andrew Gale, Tim Bresnan, Gary Balance (as set out above). I was being treated differently to others and being denied opportunities, which made no sense given the performance I had given the year before. It began to seriously affect my morale. At various points during the season, I made disclosures to YCCC management, but nothing was done:
- (a) From the beginning of the 2017 season, I faced belittling comments from Tim Bresnan and was denied the opportunity to bowl, which made no sense based on my prior performance (see above paragraph 57);

- (b) At the Derbyshire match on 3 August 2017, Tim Bresnan singled me out, shouted at me and abused me in front of others, unfairly blaming me for losing the game (see above at paragraph 57). Before our match the next day, I went to our Assistant Coach, Richard Pyrah, to raise concern about Tim's conduct towards me Richard dismissed it and simply said "oh, you know what Bres is like, just try to ignore him" (see above paragraph 58);
- (c) After the Durham T20 match at Riverside on 4 August 2017, I was shouted at and abused by Andrew Gale and left the ground in tears (see above paragraph 52). I raised complaint with my agent, Will Quinn, and made clear to him that the treatment I was suffering was leading to suicidal thoughts so I needed to be taken out of YCCC. Will made disclosure to Martyn Moxon, which I understand included that I was suicidal (see above paragraph 58(ii));
- (d) On 6 August 2017 in Scarborough, Martyn Moxon and Andrew Gale spoke to me at about the concerns I had raised about Tim. I told them I felt isolated, that I was being picked on and singled out compared to people in similar situations. Martyn and Andrew admitted that Tim had issues and said it would be handled (see above paragraph (63b));
- (e) Leading up to and around the Warwickshire match (19 – 22 September 2017), I learned that my coach and captain were openly discussing my personal and confidential health reports in front of my teammates and comments were being made that I had "ruled myself out" of selection (Gary Balance) and that and that I had been "faking injury" (Andrew Gale) (see above paragraph 63); and
- (f) After an entire season of suffering this treatment, Adil Rashid and I raised our concerns with Hanif Malik at the Gala Dinner on 5 October 2017. Hanif Malik had introduced himself to us as the new Board Member to address diversity issues, and we told him about the dressing room environment at YCCC and what it was like as non-white players in the club. I also told him that I felt isolated and singled out Andrew Gale and Gary Balance on the grounds of race. Hanif Malik confirmed that he would raise these concerns with the Board, however, Adil Rashid insisted that he does not take any formal action at that stage.

75. At various points during the season, I raised concern with different people in management at the club. After these disclosures, nothing seemed to change. I was soldiering on in the hope that things would change, but it didn't – it just got worse. I was being left out of crucial games, such as versus Warwickshire (19 – 22 September 2017) and was not being given opportunities to play second team red ball cricket. This was affecting my performance and my morale. I finished the season in 2017 feeling very disillusioned. 2017 should have seen me consolidate and build on the success I had seen in 2016, progressing my career towards England and the franchise leagues. But instead, I felt I was being discriminated against, denied opportunities and bullied.
76. I went to Pakistan for the winter of 2017/2018. During the off-season in 2018, I raised my concern with Mark Arthur, Chief Executive of YCCC. I spoke to Mark Arthur about Andrew Gale's behaviour (shouting, swearing at me in public, keeping me from training, sending me away alone, racist comments), the underlying bullying and how I was being treated unfairly, which was causing me immense emotional harm. But Mark did nothing to investigate my allegations. I was not offered any support and the problem continued.
77. When I got back from Pakistan, again, I was left feeling isolated and ignored. On my return, I arranged a one-to-one coaching session with Ian Dews (Assistant Coach) who didn't bother turn up or even acknowledge why he didn't turn up. Andrew Gale continued to leave me out of training sessions and humiliated me in front of colleagues, which left me feeling extremely vulnerable, embarrassed and lonely. I was being left out of all red ball sessions. I was left out of batting. When I questioned this, the initial reply was "its not for you" and then after, on reflection, Gale stated "don't read too much into this". On occasions, he simply told me that he had forgotten to include me.
78. My wife developed complications in her pregnancy in or around 15 February 2018. I was extremely concerned about her welfare and that of our baby. During this time, I was at an all-time low and depressed because of the treatment I was getting from Andrew Gale, Tim Bresnan and Gary Balance. My family were very concerned about my wellbeing because I was going home in tears and adding to the stressful situation at home with my wife's pregnancy. During this time, my father made a call to Mark Arthur explaining to him exactly how serious the situation was with my wife's pregnancy and that the stressful environment at YCCC for me was not helping. Despite my father speaking to YCCC, no help or support was given to me to help me through this very difficult time.

79. It was also in February 2018 that my agent had put an opportunity to me to play the St Moritz Ice Cricket with some legendary cricketers (including Wasim Akram and Waqar Younas). It would have been an unbelievable experience and great for my career. We asked Martyn Moxon and Andrew Gale if I could go, but they both refused, even though it would have only meant missing a day or so of winter training. I was shocked at this discriminatory treatment: so many other white players were permitted to miss longer periods for other T20 leagues (for example Tom Kohler Cadmore (for the PSL final) and Liam Plunkett and David Willey (for the IPL)). This rejection of my request was a huge blow – and just another example of my career opportunities being limited by YCCC management.
80. During this period, I felt even more depressed and isolated. I felt hopeless. I felt like my career was doomed because my professional fate lay in the hands of people who were not acting in my best interests, were discriminating against me, in a club that was institutionally racist and had no interest in acknowledging or addressing the problem. It was in this period I had my second suicidal episode – again caused by the treatment I was facing at the club: one evening I went and stood on the balcony and was going to jump. The only thing that stopped me taking the plunge was how it would impact on my family.
81. We had a pre-season tour to South Africa coming up on 7 March 2018. My wife was continuing to have serious complications with her pregnancy. Both Martyn Moxon and Andrew Gale pressured me about going anyway, with Andrew going so far to assert that I shouldn't be so worried, it was common and would be ok (how Andrew was equipped to make this assessment of her health is beyond me), and I should just go on the tour (see above paragraph 54). It was very upsetting to me that Andrew minimised and dismissed the very serious medical situation my family was facing. I was not given any support or understanding during the difficult period of my wife's pregnancy – instead, I was being pressured to play. I had been accused of "faking injuries" in the season before and now it seemed they were suggesting that I was exaggerating the extent of my wife's medical issues to avoid having to go on tour and that I was not properly committed to my cricket. I felt completely unsupported.
82. After the season commenced, I continued to be denied opportunities to play – and importantly, in red ball cricket, where it was necessary to prove my performance to ensure I continued on contract. At the second XI v Lancashire Old Trafford game on 17 April 2018, Ian Dews (our Assistant Coach –

Second Team Coach) told the captain there was no need to bowl me in red ball cricket. This instruction could only have come from Andrew Gale and Martyn Moxon. During the warmup, I was hit on the hand and although I felt I was okay, Ian Dews forced me to go to the hospital and pulled me out of the batting line up. This was a friendly match, so when I returned from the hospital after my check-up, I asked if I could go back into the batting. Ian told me that I couldn't and that it had been the umpire's decision. Frustrated at the decision, I later queried this with the umpire myself, who said that he had not been asked to put me back in the line-up and that, if he had been asked, it would not have been a problem and I could have played. Ian Dews had lied to me. Again, it felt like I was being unfairly kept out of opportunities due to my race.

83. With hindsight, I can see that I was being kept from playing red ball cricket. If I had red ball cricket experience and performance behind me, they would find it very difficult not to give me a contract. It was easier therefore, to simply exclude me from all red ball cricket and not give me an opportunity to perform well and prove that I was just as good at red ball cricket as I was with white ball cricket.
84. The next game was in May 2018. I was pulled out of the red ball second team match, again with no communication. As a capped player, that was unheard of. I became concerned about retaining my contract because I was not being given the opportunities to demonstrate my performance. This fear was confirmed when I asked Martyn Moxon about where I stood with my contract. He indicated that if it was a white ball contract, he would give me that tomorrow, but he did not know where I stood with red ball, putting it down to the fact that I had not played red ball cricket. The problem was that I was not being given an opportunity to red ball cricket to show and illustrate my ability and performance.
85. Concerned about what was happening and how I was being left out of games, I spoke to Martyn again on 17 May 2018 about my future at YCCC and he assured me that the Club was not looking to get rid of me. He even went as far as to say that he saw me as captain of the team. This made me further question why I was being left out of games.
86. During the Durham match in the 50 over tournament in May 2018, complications with my wife's pregnancy were still continuing. I received no support or concern from the club. I had not had any contact for the last month to see how I was or how my wife was. I then randomly received a call,

which was a week or so before the match from Andrew Gale, saying that I needed to play in the match. While I was concerned about travelling for cricket and leaving my wife alone while she was suffering medical complications and had an important medical appointment, Andrew had assured me I would be playing the match and I knew the game was immensely important for my career, so I took the difficult decision to travel and play. However, when I arrived at Durham, Andrew had left me out. Here I was, trying to demonstrate my commitment to cricket despite my wife being so ill and needing me, to only turn up as requested and be told I would not be given the opportunity to play. As 12th man, I did all my duties carrying drinks, but I wasn't very sociable and didn't speak to Andrew. I was understandably upset about having been brought to Durham on the false promise of being able to play and was worried about the medical appointment my wife was having to attend on her own without me.

87. On 20 May 2018, while I was at the game after Durham against Warwickshire, I received the awful phone call to say that they couldn't detect a heartbeat for my son. The complications in the pregnancy were so far gone that the doctors could not save my child. I was absolutely devastated. I also felt guilty that my cricketing commitments, in particular the match at Durham, had unnecessarily taken me away from my wife at key moments through her medical complications and resulted in me not being able to attend important medical appointments with her.
88. I stayed home during the three days of mourning that are obligatory in my religion. I then wanted to get back to playing cricket as that was my passion and I hoped it would bring life back to some form or sense of normality for me.
89. Immediately upon my return (June 2018), I was called up by Martyn Moxon for a discussion. There was no expression of sympathy about the fact I had lost my son. Instead, I was called in to be reprimanded:
 - (a) Martyn gave me a dressing down for not speaking to the coach and the captain at the Durham match. He showed no understanding for the context or the personal issues I was going through or for the fact that I had been understandably upset about being asked to show up and leave my wife alone to deal with a difficult medical appointment on her own when I wasn't even given the opportunity to play. Again, I was the problem. Again, I compared this to the understanding Martyn and YCCC had shown white players for their conduct and

behaviour during periods of personal difficulty, where even if their cricket had suffered and they had behaved in a temperamental manner, a lot of support has been given to them and their anger and frustration has been put down to their personal issues, which they have tried to resolve (e.g. Gary Balance and Johnny Bairstow). But, again, when it came to me: I was the problem, I was “difficult”, I had a bad attitude, and so on.

- (b) Martyn also accused me of being the cause of Andrew Hodd’s retirement (“Hoddy”). This was a ridiculous accusation and one I couldn’t believe it was being made at all, let alone on the day I came back after my son’s death. It was common for players to talk amongst ourselves about the coaching decisions being made. Hoddy had asked me why I was being played in a certain batting order, so I told him honestly what I had been told: I had been told there were concerns with his batting. Martyn alleged that because I had told Hoddy about their concerns, Hoddy had taken the decision to retire rather than wait to get dropped. To me, it was a case of shooting the messenger – I wasn’t to blame. Again, I was made to be the problem.
90. I told Martyn straight: “I don’t think you are understanding what I have just been through. I feel like you are just blaming everything on me”. I told him that I feel like I am being pushed out of the team due to my absence from cricket, which was because I was at home supporting my family through a traumatic time. At this point, I began to feel that nothing was going to change at YCCC. The behaviour of the club and lack of support I received was a turning point for me.
91. No one at the club seemed to care about my bereavement, nor were people at the club informed about it in order to (i) understand my absences; or (ii) be able to treat me with the sensitivity that the situation deserved. In early June 2018, I was at a club event (ironically, the ECB South Asian Action Plan launch), and Steven Dennison – who was then Chair of the Board – approached me with a tray of champagne glasses, offering it to me and said "he must be keeping you up at night" in reference to my son, presuming my wife had in fact had the baby. I was really taken aback by his insensitive comment – and that the Chair of the club had apparently not been informed about my son’s death, about what had happened or the medical complications in my wife’s pregnancy that had led up to it. It made me wonder what the Board was being told about my performance that year if he was not aware about the personal difficulties that had caused by absences that season.

92. It then seemed that my absences related to my wife's health and my son's death was used against me. On my return, Andrew Gale told me that Karl Carver had been travelling in my place, so it would be unfair to leave him out to bring me back into the team (he didn't seem to care as much about the unfairness towards me). As a result of my bereavement absence, I was left out of the first team. Even my teammates noticed it: Steve Patterson told me that that Andrew was using my absence from cricket because of my son's death against me.
93. At the same time, I was being told internally that I did not have enough cricket behind me. I was also being hammered on social media about the fact I wasn't playing games.
94. Frustrated by the decisions being made, I had a conversation with Andrew Gale on 13 August 2018, both on the telephone and text messages about his decision to leave me out (PHB 356-357). I also rang Mark Arthur and requested a meeting (which took place on 23 August – see Section E below).
95. When I went to training the next day, 14 August 2018, Andrew Gale and Martyn Moxon asked me to join them. Martyn began by telling me that he was not happy about my communication with Andrew and that Andrew had it "tough". I made it clear to Martyn that no one seemed to care about what I have been through. I specifically raised my concern that it appeared to me that everyone has got it in for me since the time that I spoke about Tim Bresnan. Andrew started shouting at me and throwing accusations at me about Gary Ballance's captancy. I asked him to elaborate and explain himself, which he refused to do. Martyn Moxon told me to leave and go home and miss my training. I sought to challenge this decision as I could see no purpose for being sent home. I asked if I was being suspended, to which Martyn said that he was not suspending me, he was just sending me home. I disagreed with his decision but had no choice but to leave.
96. Again, I compare my treatment here to that given to white British players who raised concern with our captain and their decisions. In my text message to Andrew, I had said, "you have used everything I have gone through to make life harder and more difficult so you could get the end result you wanted...that's to get me out", "as my head coach, have you asked me once how I am or how my wife is? Apart from over a text?". By comparison, I had seen white British players have arguments where they had actually sworn at the coaches in an aggressive manner, but they were never sent home from training. In 2017, Steven Patterson was left out of a couple of matches and he confronted Andrew about this, saying categorically that he thought Andrew had no idea what

he was doing – and in front of other players – and then refused to speak to Andrew. At no point was Steven ever sent home. It seemed obvious to me that, again, I was being treated more harshly than white British players.

97. I continued to face blowback after making my various disclosures about Tim Bresnan and Andrew Gale. I was being excluded from games, I felt like I was being shunned, that everyone was avoiding me and that there was a hostile environment created to encourage me to leave and/or to set me up and create reasons not to renew my contract. I think it was easier to get rid of me than to address the issues I was trying to raise about the culture of the club. For example, at the start of the T20 in August 2018, Andrew Gale's first conversation with me was "I trust what happens on the field, all I want is a good bloke off the field even when Rash comes back, and you're left out". It was clear to me that he was saying there was no room in this squad for anyone to hold an opinion and that my decision to raise my concerns about how I was being treated meant I was not going to get to play. I was subsequently left out of the T20 games. I admit that my performance wasn't as it had been in 2016, but it certainly wasn't so bad that it otherwise justified me being dropped, and I just wasn't being given opportunities.
98. During this period, in or around August 2018, I exchanged messages with Hanif Malik, the Head of Diversity, to discuss the issues of racism and bullying that I faced. I met with Hanif Malik at his house on 22 August 2018 – specifically raising my complaints about racial discrimination – and I made further disclosures to Martyn Moxon and Mark Arthur the next day on 23 August 2018. But nothing was done to investigate the complaints – all that happened was that I was released.
99. After the further complaints I raised about the discrimination and racism I had faced at the club, I was released on 5 September 2018. I set out below the disclosures I made, which I believe led to my release from the club.

E. Disclosures and Aftermath

100. Throughout my time at the club, I made numerous disclosures to club management to raise concern about the discriminatory and racist conduct I was facing. I set these efforts out here. Nothing was done and, in fact, I felt I was further targeted because of the disclosures I made and I believe I was

released because of it. Ultimately, I made disclosures to the media about the institutional racism I experienced – and it was only after those disclosures that the club took any action.

Hanif Malik (2016 & 2017)

101. On or around 8 December 2016, I was introduced to Hanif Malik at the Hamara Dinner, which is a charity that Hanif Malik is part of. I was aware that Hanif was soon to become a Board Member at YCCC. The second contact I had with Hanif was at the Gala Dinner in or around 5 October 2017. It was at this event that both Adil and I had a conversation with Hanif after he came over to introduce himself as the Head of Diversity and the new Board Member of YCCC. Both Adil and I spoke openly to him about the racism that we experienced and that was prevalent at YCCC and what the dressing room environment was like for us, as non-white players. I specifically told Hanif about Andrew Gale’s conduct towards me at the Durham match which had left me in tears (see above at paragraph 52) and how this compared to how he treated white players like Adam Lyth. I also told him about the crude, racist remarks from Gary Ballance and how everyone joined in the banter with him. Hanif told Adil and I that he was aware of the historic issues relating to Andrew, his treatment of Adil in 2013 and his racist remarks which were in the public domain. Adil and I discussed in detail the hostility within the camp since Andrew Gale, Tim Bresnan and Gary Ballance had taken over as coach, vice-captain and captain. We both confirmed that we felt isolated and excluded by them.
102. Hanif asked both Adil and I if we wanted him to take the matters we were discussing to the Board. Adil indicated that he would like to see how the season pans out and only if and when things did not change, did he want matters to be brought up more formally. I immediately made the point that it was me that had to deal with a lot of the flack because Adil was off playing for England, so he was not in the dressing room and coping it as much as I was. But it was left that Hanif would not discuss our disclosures with the Board at this stage. Hanif ended the conversation by informing Adil and I that we had his contact details and any time we wanted to escalate matters, we should contact him. (I note that the notes from Robin Smith from August 2018, which were only just disclosed to me in these proceedings, confirm that Hanif told YCCC that Adil and I had both raised concern with racism with him in 2017.)

Richard Pyrah (2017)

103. As set out above at paragraph 58, I raised my concern about Tim’s conduct towards me and the fact I was being bullied and targeted by him – and on the grounds of race. Richard Pyrah dismissed my concerns and told me to ignore it on the basis that “everyone knows what Bres is like”. In or around

3 August 2017, during the Derbyshire T20 match, when Tim Bresnan singled me out shouting abuse at me in front of the entire team, accusing me of having lost the game for the team, I made this formal complaint to Richard Pyrah.

Andrew Gale and Martyn Moxon (August 2017)

104. As set out above in paragraph 58, I discussed the targeting and bullying I was facing with my agent Will, who in turn took it up with Martyn. My agent Will had also made clear to Martyn that I was so affected by what was happening that I had suicidal thoughts (paragraph 58). While Tim apologised, nothing changed, and I felt I was further targeted after this.
105. Following the T20 Durham match at Riverside, I made a further disclosure to Martyn and Andrew at Scarborough (6 August 2017) where I informed them that I was feeling isolated, I was being picked on by Tim and I described the incidents set out in paragraph 57 above. Martyn and Andrew admitted that Tim had issues and that they would be speaking to him about how he treated me. Although Tim apologised to me after my disclosure to Martyn, it was simply lip service and did not change anything. In fact, after this disclosure, things became worse. I was being left out of training and games.

Hanif Malik (August 2018)

106. As things got worse, I decided to contact Hanif to raise a formal complaint about the racism and discrimination that I was facing (see text messages of 18 August 2018, PHB 358-362) and made a detailed disclosure of bullying and racism to him on 22 August 2018 at a meeting at his house.
107. The conversation with Hanif was difficult. It came at a point of time when I was at my lowest – and I opened up to him about my suicidal thoughts, poured my heart out to him about everything and cried as I explained everything. I outlined for him all of the incidents described above (which I also raised the next day to Mark and Martyn – see below). I spoke at length about racism at the club and the discrimination myself and other South Asian players faced. I told him:
- (i) I felt like my personal loss had been used against me, when I had seen white players get so much more support if there has been a family bereavement or tragedy in their life;
 - (ii) Gary Ballance was openly racist, calls us all “Kevin” and reminded him of Andrew’s public racist remarks and the sorts of racist comments made towards me;

- (iii) I was petrified of Andrew Gale and that he treated me like I am something attached to the bottom of his foot, which I believe was because of my race. I explained that Andrew had been the same with Adil, but because Adil was in a more powerful position and playing for England, it was all taken out on me;
- (iv) I felt my situation had become worse after speaking out about bullying at the club;
- (v) I asked why I had been treated differently to white players and queried whether there was any humanity left at the club, particularly after the treatment I faced after the loss of my son;
- (vi) I had made disclosures to how Mark Arthur (Chief Executive) and that my father had also called Mark to raise concern, but nothing was done (see above paragraph 78);
- (vii) I had heard Mark Arthur be disrespectful to Sarfraz (a Pakistani player), calling him “a disgrace” and said he had a “shit attitude”, that I had not seen Mark speak in this way about white players and that I felt this was because of his Pakistani origin;
- (viii) I told him about the incident with the Chairman, Steven Dennison (see above paragraph 91), just after my son had died. I raised concern about how insensitive this was, how he had not apologised, and my concern about how insensitive YCCC had been about my son’s passing;
- (ix) I had been bombarded on social media everywhere with questions about why I was missing games and not being selected. I raised concern about why YCCC had not put out a press release – as they had for other players who had been through difficulties – to explain the personal trauma I had been dealing with; and
- (x) I explained that Adil had been spoken about a lot behind his back about is “bad attitude” and about faking injuries and now the same things were being said about me. I told him I believed this was because of our race.

108. Hanif listened attentively and assured me that he would take it up. He told me that he was not surprised that Adil did not want to play and said that he was aware that Adil couldn’t stand the sight of Andrew Gale and would do anything to avoid having to play for YCCC because of Andrew and the way he had been treated. He said, “put it this way, Adil Rashid hates it that much that he is turning down playing test cricket because they made it compulsory to play for the county, so he retired”. He also told me that he had heard from a few people that Andrew Gale, Bresnan and Gary Ballance are racist and he assured me that he would raise it with Mark Arthur, get to the bottom of it and fight my corner. He even told me that if it was not sorted, he didn’t need the role that he was in,

that he was not going to be a “yes man”, and that he would not be part of an organisation that was racist.

109. Hanif also explained to me how the Board Meetings worked and the lack of interaction and input he had as Head of Diversity. He told me that Martyn attended meetings to give reports, which were never challenged and were simply nodded through.
110. Hanif did later raise my complaints with the Board. In an email from Hanif to the Board on 27 August 2018 (PHB 301), he states that he had met with me and that I had “elaborated” on allegations of racism and bullying. The Board was therefore aware that I was making serious allegations of racism.

Mark Arthur & Martyn Moxon (23 August 2018)

111. I rang Mark Arthur on 13 August 2018 and asked for a further meeting to raise concerns about my treatment at the club. The meeting took place on 23 August 2018 with Mark Arthur (Chief Executive), Martyn Moxon and a representative from PCA called Matthew Wood (former Yorkshire Player). I had insisted on bringing Ritchie Fiddes, a club sponsor and friend, for moral support and to ensure the meeting was conducted fairly. Mark and Martyn both demonstrated a hostile attitude towards Ritchie, which I found intimidating but I was determined to push on and explain my concerns. At PHB 229-233 are my handwritten notes that I took into the meeting, which set out in detail what was said and discussed, showing that I outlined numerous incidents of racism and bullying and discriminatory treatment I faced. These incidents were:
 - (a) The incident at Durham T20 away 2017 when Andrew Gale had, in front of everyone, questioned my selection in a very aggressive and threatening manner and shouted at me, leaving me in tears as I left the field, and how I had complained to Will Quinn, who had reported it to Martyn (see above paragraph 58 and my text messages with Will Quinn at PHB 370-374);
 - (b) The accusations I faced about faking injuries (see above at paragraphs 63(b). In response to this, Martyn said in the meeting, “well the physio report did not show anything”. I responded, saying how that made it appropriate to discuss it with teammates or for anyone to suggest I was faking injuries. It was clear to me that Martyn didn’t think this was a problem in respect of

me, but I had never seen accusation or criticism directed at white British players. It reminded me again of the stereotypes directed at Asian players of being “lazy”;

- (c) How I felt ignored when I came back from Pakistan in 2017 and Ian Dews had not bothered to show up to my coaching session, which I believed showed a lack of respect which would not have been shown to white players;
- (d) How I had been left out of red ball session in the winter training, Andrew Gale’s unsatisfactory response and that I had told Mark Arthur over this period that Andrew had been making my life hell, that my father had also raised concern about my family issues with my wife’s pregnancy and the fact no support was offered (see paragraph 78) – despite support being offered to white players when they faced personal difficulties;
- (e) The pressure that was placed on me to travel on the pre-season tour, despite what was happening at home, and the comments made by Andrew Gale which were dismissive of the seriousness of my wife’s condition and what I was doing through and suggested I was exaggerating the situation to get out of cricket (above paragraph 81);
- (f) The incident at Second XI Old Trafford in 2018, when I was prevented from batting and lied to about the reasons for it by Ian Dews and my concerns that I was being prevented from developing my red ball cricket (above paragraph 82). I also raised concern about being pulled from the red ball match at Durham and that Martyn had been made clear to me that my contract was at risk because I wasn’t playing red ball cricket, when in fact I wasn’t being given opportunities to play red ball cricket;
- (g) The incident at Durham, where I had been called up by Andrew Gale and told I needed to play and was assured I would play, but was then left out. I expressed frustration that I had been asked to play, despite ongoing complications with my wife’s pregnancy and an important medical appointment at this time, and felt I had to play to demonstrate my commitment to cricket, but should have been left to tend to my wife (above paragraph 86);
- (h) How I felt that I had the absences due to my wife’s illness, the loss of our son and our bereavement held against me, and that I was dropped because of those absences (above

paragraph 89) and preference was given to a white player who had filled in for me, rather than me coming back from leave for bereavement;

- (i) I explained my frustration at the lack of support and sympathy I received from the club, in particular from Martyn, who did not check in on my mental health and instead had reprimanded me my first day back and made unfair accusation and that, despite my personal tragedy with the loss of my son, I was not cut the same slack that white player were when they were dealing with personal issues (including personal issues that were of their own making, like drug and alcohol abuse);
 - (j) How it had been made clear to me by Andrew Gale, at the start of the T20 in 2018, that I would not be getting played if I raised concern with him off the field (“I trust what happens on the field. All I want is a good bloke off the field, even when Rash comes back and you are left out”) (above paragraph 97);
 - (k) I explained how I was intimidated by Andrew Gale over the last 18 months and no one had tried to help me in this situation, leaving me to fend for myself despite the vulnerable mental state of mind that I was in;
 - (l) I explained how I was denied professional opportunities that seemed to be allowed for others (i.e. white British players) to enhance their careers, referring to the fact I was not permitted to go to the Ice Tournament (see above paragraph 63);
112. I explained to them that these incidents were not isolated and that there were many more, which had left me contemplating suicide. I explained how difficult it had been to manage with my wife’s illness and how disappointed I was to not have had the support and understanding of the club. But I also explained that I felt that I had received discriminatory treatment because of my race – I had been treated differently to white British players – and that this made me feel like I didn’t belong and wasn’t welcome. I explained that I felt that I wasn’t extended the same level of support that other players (i.e. white British players had received), which made me feel even more isolated and unwelcome. I even told them that I felt like there was no humanity at the club and I asked why I had been treated differently to other white players who had had their own struggles.

113. I also explained that I felt that if I had not spoken out about Tim being racist towards me, that things may have been different and that things changed after I had raised my concerns.
114. I tried to point to examples of racist behaviour where Adil Rashid and I had faced different treatment to white players. Mark Arthur, at this point, tried to shut this conversation down by saying “where are we going with this?” in a very aggressive manner. I said I am pouring out my heart and crying out for help and support to make sure that this stops and no one else has to go through what I have been through because of my race. Mark then asked Ritchie at this point “Ritchie you owned and ran a successful business, how should we deal with this?”. Ritchie indicated to Mark and Martyn that as an employer, they owed a duty of care with such serious allegations being raised that they should carry out a full investigation.
115. I explained how the treatment towards me compared to my white British counterparts was very different, I was always left feeling isolated, singled out and picked on because of my race. I explained how this treatment of me was affecting my mental health and had left me feeling suicidal on more than one occasion.
116. I was looking down for the majority of the time while I was speaking, given how emotional and difficult it was to describe all of my experiences, however, I did, on occasion, look up in the hope that Mark and Martyn might offer some sympathy, but they didn’t. There was a defensive attitude and body language, a lot of shrugging of the shoulders, tutting, rolling of the eyes and staring at the clock behind me waiting for the meeting to end. Their behaviour was rude and unsympathetic, but I shouldn’t have been surprised: it was in line with how they had behaved before and showed to me again how and why the institutional culture of racism was able to continue. I was opening up about issues of racism, mental health and suicide, yet there was no concern. Martyn threw in a remark that they had passed me to the PCA and what more did I expect of them and shrugged his shoulders.
117. Ritchie responded saying that, as employers that have known me for over 10 years, there is a duty of care to do something, not simply to pass the buck on matters as serious as this. Mark Arthur then asked, “where are we going with this?”. I didn’t want to go down the legal route and hadn’t even thought about that – I just wanted help. I was reaching out to them at the lowest point of my life wanting my club, coaches and players to support me and to be the shoulder I needed to get me

through the most difficult time of my life, which had been caused by what I went through at the club.

118. Mark Arthur asked my friend, Ritchie, how he would deal with the allegations of racism, to which Ritchie stated, “there needs to be a full investigation in what has been said and then, and only then, can decisions be made”.
119. At no point during the meeting was a decision made or communicated to me about my future with the club or what was happening with my contract.
120. At the meeting, it was agreed the following would happen:
 - a. Mark would explain to the squad what was happening and how I was feeling; and
 - b. The club would immediately publish a statement written by me which would explain my absences from cricket, the difficulties I had experienced with the death of my son and how this had affected my performance. This was to be sent to the press and published on the website.
121. The club failed to deliver on both of these promises. I later heard from my fellow teammate Andrew Hodd that Mark had spoken to the squad to find out how they were feeling and if they needed support, but had not said anything about me, how I was feeling or about the concerns I had raised. As is clear from my email to Mark after this on 24 August 2018 (PHB 284), I write to find out what he had said and to make clear that I did not want the matters that I had raised with him to be “brushed under the carpet”. I said this because I knew how the club had handled my earlier allegations and allegations of racism made by others in the past (see above Section A).
122. In relation to the statement, I went ahead and prepared a draft and sent it by email. The club delayed and delayed, and ultimately did not send it to the press or publish it on the website as we had agreed they would.
123. Instead, they only published it later as part of the news of my release and departure from the club. I later discovered, only through the documents I received after the subject access request I made to the club, that the club decided not to publish it because of concerns about how it would reflect on YCCC (PHB 287-290). The correspondence shows that they were aware of the difficulties I had

been having and were more concerned about how that would reflect on YCCC than they were about trying to give me the support I needed to succeed at the club. See, for example, at PHB 288 and in the email trail from Mark Arthur and others (PHB 287-290), where discussing my statement, Liz Neto (human resources officer at YCCC) writes "...if we go with this he just gets to claim emotional stress, possible mental health...and we will get the blame. He has already left a trail w. Hanif to say he is worried about his future...".

YCCC Response and Release

124. After this, I had to continue to chase Hanif about what was happening and what was being done. Hanif and I had some further text message correspondence in which he confirms he had met with Mark Arthur and offers to call me to discuss it (PHB 358-362) and we spoke on 29 August 2018. Hanif's view was that any formal process would lead to more hostility towards me and inevitably could have an impact on my career. He suggested that an informal, amicable solution would be better for all parties, but he made clear that, if I remained dissatisfied with the informal procedure, I could always later opt for a formal process. I agreed with his suggestion but made clear that I wanted the issues to be dealt with and investigated, and that I did not want matters being brushed under the carpet. I have since seen, through disclosure, an email that Hanif sent to Robin Smith and Mark Arthur that same evening confirming that he had spoken to me, that I had agreed to trying to attempt to resolve matters amicably rather than have a formal investigation (PHB 300). Hanif suggests a meeting with Mark, him and I to look at next steps.
125. My mental state at this point was very low. I had understood from my conversations with Hanif that the matter would be dealt with informally, but that it would be investigated, and if it could not be resolved, a formal process would take place. But there was no investigation process – informal or formal.
126. I continued to chase Hanif for a response, but from 30 August 2018 onwards, I notice his tone change and he simply replies saying that he has no answers from the Board and that he had no updates for me (PHB 359). On 3 September 2018, I messaged Hanif again asking when my future with the club would be decided and he did not respond (PHB 359-360).

127. The next communication I received was from Martyn Moxon on 5 September 2018 – when I was released. Martyn said that cricket was going in another direction and I didn't fit in and there wasn't a budget for me.
128. Given that the club hadn't put out the statement I had provided to them about my son's death and the difficulties my wife and I had faced, I released it myself on social media on 7 September 2018 (PHB 538-540; see also Ritchie's account at PHB 405-460).
129. After the conversation in which I was notified of my release, Martyn wrote to me, stating that he wanted to "reiterate that both the Club and myself are committed to giving you all the support you may need in a personal and professional regard" (PHB 349). Again, these were empty words: I didn't receive any support and they didn't bother to investigate my allegations of racism until I made my disclosure to the media in August 2020.
130. Worse than that, in the days that followed, Martyn's family made public comment on Twitter about my release on 7 and 8 September (PHB 533-537). Susan Moxon liked a Tweet in response to my allegations stating "Rafiq clearly is not good enough. Just classic negativity". Mrs Moxon then tweets, in response to someone questioning what happened, that anyone questioning Martyn's decision are "idiots". Louise Moxon's daughter tweeted that "insinuating racism" (in relation to my release), was "unacceptable" and "laughable". At that time, nothing in what I had said publicly had referenced my allegations about racism. It was concerning to me that Martyn's family members felt it was appropriate to comment about my release and my racism allegations in public and in such a dismissive way. But even more concerning to me was that Martyn's family apparently had information from Martyn about confidential meetings about my position at YCCC and my allegations. It was a pretty revealing insight into what Martyn actually thought about my disclosures.
131. The next time I saw Hanif was at Adil Rashid's charity dinner on 18 October 2019 and, again, he was extremely apologetic, repeating that he was unable to assist because he is just one voice on the Board. He told me he had taken my complaints to the Board, but they had not taken the matter seriously.
132. YCCC's continuing failure to investigate my complaint was, to me, a continuation of the institutional racism I had suffered. Their failure to engage with and consider my complaints continued to cause

me distress, contributing to my feelings of worthlessness, and my ongoing mental health issues after leaving YCCC. It was only after my disclosures to the media in 2020 and the media pressure that followed that YCCC announced it would investigate my allegations.

133. Given that I had heard nothing further from YCCC about the allegations of racism I had made until late 2020 after my disclosures to the media, I was surprised to subsequently learn from disclosure in this case that:

(i) As late as 26 October 2018 (more than 6 weeks after my release from the club), the Board Minutes stated that the issue of “Azeem Rafiq still needed to be resolved” (see PHB 240). No one came back to me in or around that time to discuss this matter further or inform me of any investigation process; and

(ii) On 29 August 2018, YCCC management had a meeting at which it was agreed that I would be given an opportunity to write a statement providing my account of the discrimination I had suffered and that there would be an inquiry at the end of the season (2018) into my allegations. This was never communicated to me, nor was I ever given that opportunity. I only discovered this from the disclosure from the Respondent in the past 4 weeks (more than 6 months after the investigation into my allegations was commenced) in the form of handwritten notes from Robin Smith (PHX 766-768). The fact that such an important meeting, about as serious an issue as racism allegations was not properly minuted or documented, the notes were lost and the action was never followed up on, further underlines the inadequacy of YCCC’s response to my disclosures and why I have no confidence in the club’s ability to properly handle my complaints without the oversight and due process afforded by this Tribunal.

Disclosures to the Media

134. For a long time, I struggled to come to terms with that had happened at YCCC and the circumstances of my departure from the club. I was demoralised and not just because of the discrimination I had faced but also because of the club’s failure to engage with or recognise the concerns I raised. After the BLM movement in the wake of the death of George Floyd and due to my frustration at the club’s

failure to take necessary action to investigate my complaints and address the problem of institutional racism, I decided I had to speak out about what had happened.

135. In August 2020, I gave an interview to Wisden (wisden.com), which then published on 17 August 2020 an account of my allegations that I had raised with Hanif Malik, Mark Arthur and Martyn Moxon in August 2018. I believed it was in the public interest to do so given my experiences at the club. I did not do this or any subsequent interview for the purposes of personal gain and my overriding motivation was to ensure future ethnic minority cricketers are treated fairly and equally. YCCC did not comment (PHB 572-575).
136. In the following weeks, I gave further interviews to the Cricket Badger podcast, to ESPN Cric Info and to Sky Sports, where I provide a more detailed account of the racism I had suffered, how it had left me on the brink of suicide and state that I believe YCCC is institutionally racist (PHB 576-580). The story received widespread coverage in the national press, including The Guardian, The Times, The Daily Mail, The Telegraph, and BBC Sports Online (see, for example, PHB 601-610).
137. My family only became aware of how close I had come to suicide after my Sky interview, which was really difficult for them to handle. My father cried after watching the interview and hugged me saying "I have seen my blood in pain". My family were very upset and concerned for me as this was the first time that they had found out about the real extent of the damage and understood why I was always crying when they saw me.
138. On 26 August 2020, Hanif Malik got in touch with me about my disclosures to the media and we had the following text message exchange (PHB 358-362):

HM – "Asalaam Azeem hope you are well. I am away at the moment but when I get back next week, can we have a quick chat about the Wisden article?"

AR – "Walaikum salam. No problem. Is that on an official capacity?"

HM – "We can do an initial chat informally but if it needs escalating I can do it in an official capacity. I am happy with whatever you would prefer."

AR – "Just want to know are you doing it off your bank or something you been asked to do by the club and then they can say we have made contact that's all?"

HM – “Yes that’s understandable. Let me call you when I get back next Monday insh,allah and we can discuss it further”.

AR – “No problem. You know everything and how everything happened as I came to you mid season in my last year. No one put their neck on the line for me but I am prepared to put my neck on line for the future generations”.

139. However, despite the assurance given by Hanif, the Respondent then wrongly indicated to the media that they were offering me support in an official capacity. This was simply false: I had not been contacted by anyone from the club in an official capacity to either acknowledge my disclosures or offer direct support. I highlight this and raise my concern about this with Hanif on 2 September:

HM – “I was hesitatnt to respond to your message and concerned during our one subsequent conversation that the likes of Mark Arthur would lie again and say you have been in regular contact with me, which is exactly what has happened. Whilst still contracted to Yorkshire I told you everything I had been through and experienced and no action was taken. I also did the same with Mark Arthur and Martyn Moxon, again no action was taken”.

140. Hanif responds to this saying, “that’s a fair response Azeem” (PHB 362).

141. I consider the false and misleading description of the contact and support offered to me by the club to be a further detriment to me, occasioned out of my protected act/ disclosure to the media on 17 August 2020. It was a misrepresentation of the position and the purpose and/or effect of the detriment was to create a false impression that YCCC were supporting me in an official capacity when this was not the truth, it was the lack of support by YCCC which led me to speak to the media in the first place.

142. After my disclosure to the media, I also suffered significant blowback and attacks – on social media and in commentary.

143. For example, on 4 September 2020, Mr Roger Pugh, Chairman of the Yorkshire South Premier League, published a blog referring to my allegations and describing me as “discourteous and disrespectful” (PHB 584-588). His comments were also broadcast on Sky Sports news, which I found strange because the Yorkshire South Premier League’s blog wasn’t typically monitored or reported by Sky Sports, and suggested to me that it must have been specifically sent to the media.

144. Pugh’s comment raised significant concern from many – and rightly so. For example, former coach at YCCC (2012-2016), Jason Gillespie wrote an article condemning Pugh’s comments and stated, “I

think that was a personal attack...he was almost excusing the issue at hand, this racism issue, because Azeem was a difficult character on the field in some games of cricket” (PHB 629-631).

145. The blog which has since been removed and Roger Pugh has since resigned.
146. It is worth noting that the Yorkshire South Premier League (the organisation Mr Pugh chaired at the time of he wrote the blog commenting on my allegations about YCCC), sits within a pyramid structure over which YCCC presides (the “Premiere League Pyramid”), which was created by Mark Arthur and YCCC (PHB 516-518) and in which Mark has described as allowing YCCC ultimate control as principle and the leagues are their agents in carrying out their vision (see also PHB 522-525 about how this led to my selection to play for YCCC). Mark Arthur, in addition to his role at YCCC, also served on the YCB Board of Directors and the Yorkshire Cricket League Management Board (PHB 742-765). The YCB, YCCC and YCF were all part of the Yorkshire Cricket. It is obvious, therefore, that the lead pyramid structure was borne out of the Yorkshire County Cricket Club Board and the Chief Executive continued to hold overall control within the league system.
147. Everyone in cricket is aware that YCCC presides over the league structure and that it has been borne out of Mark Arthur’s vision from YCCC, to benefit YCCC. This is reinforced by the fact that he, as Chief Executive of YCCC, also sits on the Pyramid Management Board. I believe YCCC would have been instrumental in the publication of the blog by Mr Pugh and were at least instrumental in having it removed. It is inconceivable that anyone with an official position within the Yorkshire cricket management – particularly someone as senior as Mr Pugh – would have said anything without approval and sanction of Mark Arthur, the Chief Executive of YCCC, particularly about something so high profile and sensitive as giving public comment about a former player who had made such serious allegations.
148. After the controversy and media discussion of my allegations against YCCC, myself and my legal team received threats and abuse online abuse (PHB 768 - 769).
149. All of this – together with my continuing efforts for justice and accountability and the ongoing delays from YCCC with their internal investigation – has caused me further distress and compounded my ongoing mental health issues caused by my time at YCCC (ref to medical report).

F. Considerations Applicable to Extension of Time

150. Many people have asked why it took me until late 2020 to speak about my experiences and the institutional racism of YCCC. I think anyone who has experienced racism in this way, and the mental health issues it causes, can understand how hard it is to acknowledge what has happened and how difficult it is to relive the trauma of that time, and how difficult it has been to process it for myself, let alone share that with others. It has been particularly difficult for me to cope with and come to terms with my mental health issues as a result of my time at the club. I hadn't even told my family about the fact I had considered suicide before I made my disclosures to the press: this is how hard it was for me to get to a point where I could talk about it.
151. There are three main reasons why I did not submit my claim in time. The first was the fact I was suffering from significant mental health issues as a result of my time at the club, which left me feeling hopeless. It took time for me to even contemplate taking action against the club or to feel well enough or strong enough to take on that battle. The second was the difficulty I felt about speaking out about YCCC, a powerful institution, particularly in light of the complete failure to investigate or take my claims seriously. It was only after the Black Lives Matter ("BLM") Movement took hold, that I felt compelled – and able – to speak out and take up the fight again. The third reason was the fact that I lacked sufficient financial means to enable legal representation and it was only after my disclosures to the media that I received assistance. For these reasons, I respectfully request the Employment Tribunal to extend time and recognise the reality of how difficult it is for victim of racism to process what we go through and act.

Mental Health Issues

152. After YCCC released me, I was at the lowest point and both physically and mentally drained and exhausted. I was in a very bad place mentally. I had to take counselling sessions, and continue to do so to this date to deal with the trauma that I endured during my time at YCCC.
153. In the months immediately after I was released, I was in no fit state to make any logical decisions, I just wanted to run away from everything associated with cricket. Against my parents' advice, and as noted, I left the UK with my wife in September 2018 and stayed in Pakistan for 7 months. I lost all hope of justice, my faith in humanity had been shattered after the club showed so little concern about the fact I was being discriminated against and on the verge of suicide as a result of the racism

and bullying I suffered at YCCC. YCCC's failure to act on my complaints of racism, investigate or otherwise acknowledge the serious allegations of racism I had made compounded the situation and made me feel worthless. I felt I had lost everything I had ever worked for with no hope for any kind of future. If I had remained in the UK after my release, without a doubt I believe I would have against considered suicide as a result of the mental strain. Even in Pakistan, I continued to take the anti-depressants and saw a psychiatrist for my anxiety and depression. But I was determined to try to get well to be able to support my wife, who was struggling after the loss of our child.

154. I eventually moved back to the UK with my wife when she fell pregnant again. The trauma of losing our son in the first pregnancy made this a very difficult time for both of us. I had double the anxiety during this period because of the pregnancy, and the fact that I had no career and was, as a result, struggling financially. I had to keep going and fight my demons for the sake of my family and my unborn child. It was a relief when we were eventually blessed with a healthy little boy in July 2019.
155. Throughout this period, I tried to get on with my cricket (playing for Cleckheaton CC and Lincolnshire minor counties and undertaking a coaching course) to find ways to provide for my family, but I struggled with ongoing mental health issues. In or around February 2020, contacted PCA to arrange counselling sessions and these have been ongoing since. I include a letter from PGM Therapy at PHB 842 confirming my counselling sessions and reiterating that my current wellbeing and state of mind is a continuing concern. Even to this date, I am undergoing therapy to help me process what I endured at YCCC and what has caused my future in cricket to come to an end.
156. These mental health issues prevented me from fully appreciating what had happened to me for some time and prevented me from being able to speak out about and take action against what had happened at YCCC. This is apparently common among those who, like me, have suffered from racism. As the psychiatric report prepared by Professor S.P. Shashidharan sets out (PHB 854-870):
- (i) The "cumulative stress of repeated and long-term racism and the failure by his colleagues and employer to acknowledge, understand and address his difficulties significantly contributed to Mr Rafiq developing a psychiatric condition" (PHB 866);
 - (ii) After I was released from the club in September 2018, I was at the lowest point, both physically and mentally drained and exhausted, and the mental illness I have been suffering from meant I was unable to speak about my experience: " "I believe he was mentally ill

during this period...it is common for people who have experienced significant trauma to be unable to speak about it...until a much later date, often in response to public events” (PHB 869-869).

(iii) My “experience of racism over several years at YCCC compromised his mental health. The psychological impact of this was long term and enduring...for various reasons, was unable to confide in others or disclose his experiences” and “[t]his is not unusual in people who experience racism” (para 60, PHB 868); and

(iv) I remain prone to prominent anxiety symptoms and ongoing mental health difficulties as a result of the bullying and racism I faced at YCCC (para 63, PHB 869).

157. I am aware that as part of the YCCC’s disclosure, Dr Mark Nestie has said in his psychology report (PHB 214-216) that “Azeem was clearly struggling mentally with performance related issues, his relationships with others...and was facing very difficult issues in his home life...I advised that he seek clinical psychology support...Azeem expressed a reluctance to pursue this type of service”. I do not recall any conversation with Dr Nestie where I expressed reluctance to accept support for my mental state of mind. My wife was struggling herself after the loss of our son, the club were aware that she had attempted suicide. My dad had personally phoned Mark Arthur and told him as a family that they were struggling with how to deal with the situation to the point that I was coming home in tears and very emotional, adding to the already stressful pregnancy situation. It is clear from emails between Dr Nestie and the PCA in which a recommendation is made by Dr Nestie to the PCA that I would benefit from clinical psychology input that the club was aware of my need for help (PHB 291-292. Matthew Wood, in his email, confirms that I have taken up the support offered on a confidential basis. Therefore, it is incorrect of Dr Nestie to suggest that I was in any way reluctant to seek help that was being offered. I was in fact desperate for help and support – and I made that need clear to YCCC management. I went through every channel to complain and draw to everyone’s attention internally that I was suffering because of the racism, the differentiation of treatment towards me, the effect this was all having on my mental state of mind, and how this had resulted in me having suicidal thoughts. It seems as if everything that I said within the organisation fell on deaf ears.

158. While I still struggle with mental health issues as a result of my time at YCCC, it has been a combination of the counselling I have received since my release from the club, the support of my

family, and the strength I felt watching others stand up as part of the BLM movement – seeing people of colour from across society and different professions and sports speak out about institutional racism, I finally found the strength to take on this battle and to try to hold YCCC to account.

Black Lives Matter

159. I really struggled with the confidence to take YCCC after their failure to engage with my disclosures and my release.
160. But when the BLM movement started after George Floyd's death around May 2020, two things happened. First, my anxiety levels increased considerably as I relived my trauma about the racism I had suffered at YCCC. I suddenly wanted to shout out about my experience. But second, I watched the courage of others standing up against racism and I could see around the world the solidarity and the momentum against racism, and the appetite for change – even in institutions that had been in denial about racism before now and were resistant to change. It was this that encouraged me to speak up, knowing it would hurt my loved ones to hear for the first time of my suicide attempts.
161. However, I felt I had to do it to bring about the wider change for our generations to come. I had decided I could not be silent any longer, I was angry at what I had been put through and YCCC's failure to even investigate the allegations I had made and it was, yet again, further evidence of their institutionally discriminatory approach to dealing with allegations of race discrimination. I felt it was my duty to call this out.

Financial hardship

Another reason for my delay in bringing these proceedings was the financial hardship I faced after my release from YCCC. I just didn't have the means to seek assistance.

162. I had limited income from the time that I was released from the club and given my mental health issues, my earning capacity during this period was heavily affected.

Public Interest

163. Finally, I invite the Tribunal to please consider the strong public interest in my claim as well as the little prejudice that would be caused to YCCC if the Tribunal accepts jurisdiction over my claim. During the preparation of my case for the investigation, it became apparent that although there had been a passage of time, YCCC were now conducting an investigation into issues raised in this Claim and so given that they would have evidence as to what occurred I felt that there would be little or no prejudice to an Employment Tribunal Claim notwithstanding the fact that some of the allegations I have raised are outside of the primary time limit for bring such claims.
164. It may be said against me that I did not immediately launch into a Claim, even in 2020, but it must be remembered that I was preparing a lengthy statement and evidence for the investigatory panel between September and October 2020 and I had my interview with the investigatory panel in November 2020. Therefore, the earliest opportunity I had to prepare and file a Claim against YCCC in the Employment Tribunal was December 2020, once I had completed my interview with the investigatory panel. I also feel that it is most definitely in the public interest that a Tribunal / Court of Law examines what has happened in this case in an unbiased, judicial capacity, whether or not the Tribunal finds in my favour I would like a Judge and Panel members to hear my claim and determine it after having heard all of the evidence in this matter, it is the only way for me to get justice and closure and I urge the Tribunal not to prematurely dismiss my case on a technicality concerning time limits.

Conclusion

165. For me, the club's culture of institutional racism cost me my confidence, happiness, my sense of security and almost my life. The club and those in charge wanted the supporters to think that it was my performance and budget issues that had led to my release. However, this was not the case. In 2006, I was named BBC Young Sports Personality of the Year for Yorkshire, I continued to rise through the ranks at the county, made my senior T20 debut in 2008 and first class debut in 2009. In 2012, my leadership credentials were recognised on a senior level as I captained Yorkshire's T20 side, becoming the first cricketer of Pakistani ethnic origin to lead the county. I was lead wicket

taker in 2017 and the club itself recognised me as the future of the club. I was forced to leave, my professional development and progression was made impossible by those that were in control of the decision making. I could do nothing about my fate: it was in the hands of those who had decided I had no future with the club. Unfortunately, their decision-making bias was because my face did not fit because of my race and my complaints of racism – it had nothing to do with my ability.

166. Today, Adil Rashid is the only British Pakistani cricketer left at Yorkshire. In a county where 60%-70% recreational cricket is played by people of South Asian origin, it is striking that there is only one remaining Asian British cricketer at YCCC. The PCA sent a survey to 600 current and former professionals and received just 173 responses, of which 38% of BAME cricketers had faced racist abuse while playing in England. The ECB have announced measures to tackle discrimination by forming an equality commission and a new equality code, but in my view, this is just not enough. I strongly believe that we have got to the stage that, before we can move forward, we have to hold people to account so that others know the consequences of their behaviour.
167. Since making my disclosure, it has been really heart breaking to read the messages I have received from children as young as 15 years old and their parents, hearing them in tears, telling me about their experiences at YCCC. It has been heartbreaking to hear the stories of cricketers who have suffered because of Yorkshire's institutional racism over the past 30 years. Among the stories that affected me the most is that of Kyme Tahirkheli (see witness statement: PHB 464-469). Receiving Instagram messages from a young Academy player at YCCC who reached out to me to confirm he was experiencing everything I had described only reinforced why I have to keep going – to help him and kids like him coming through after me. Despite the threats my legal team and I have received, I will continue (PHB 353-355).
168. The institutional culture of Yorkshire is strong and fiercely preserved. High profile players are implicated in racist behaviours – either by actively participating in it or allowing it to fester on their watch. Racism is normalised: this is how the institutional culture of racism at YCCC continues. Club management failed to acknowledge or engage with my disclosures, and that continuing failure has allowed this culture to continue. There needs to be an overhaul – and a break in the culture – for

there to be change and for trust to be built among the community of British Pakistanis in Yorkshire and for Asian (Pakistani) cricketers.

169. I hope the Tribunal will consider my claim and make the recommendations that need to be made to ensure that YCCC becomes an inclusive and welcoming place for kids like me: who love cricket, who want to succeed and win for Yorkshire – irrespective of the colour of their skin, their religion or their ethnic origin.

Statement of Truth

I, Azeem Rafiq, believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of Court may be brought against anyone who makes or causes to be made, a false statement in a document verified by a Statement of Truth without an honest belief in its truth.

Signed

Azeem Rafiq

Dated this day of 2021