

**IN THE MATTER OF PROCEEDINGS BROUGHT
UNDER THE ICC ANTI-CORRUPTION CODE**

Between:

THE INTERNATIONAL CRICKET COUNCIL

and

MR SHAKIB AL HASAN

Decision pursuant to Article 5.1.12 of the ICC Anti-Corruption Code

Introduction

1. The International Cricket Council (the "ICC") is the international governing body for the game of cricket and as such is responsible for the development, co-ordination, regulation and integrity of cricket worldwide.
2. As part of its continuing efforts to maintain the integrity, public image and popularity of cricket, the ICC has adopted and implemented the ICC Anti-Corruption Code for Participants (the "Code"), which sets out a framework of rules designed to provide: (a) an effective means to deter any Participant from engaging in any form of Corrupt Conduct; and (b) a robust disciplinary procedure pursuant to which all matters of Corrupt Conduct can be dealt with fairly, efficiently, and expeditiously.¹
3. Shakib Al Hasan is a cricketer who has represented Bangladesh in over 300 international matches, including 56 Test Matches and 206 One Day Internationals, having made his international debut in August 2006.

Status as a Participant bound by the Code

4. At all material times, as a result of his selection in International Matches for the Bangladesh Cricket Board, Mr Al Hasan constituted a Participant for the purposes of the Code. As such, he was automatically bound by the Code and agreed, among other things, (i) to comply with the Code; (ii) not to engage in conduct that would constitute a breach of the Code; and (iii) to submit to the jurisdiction of the ICC to investigate apparent or suspected Corrupt Conduct that would amount to a violation of the Code.

¹ Unless otherwise indicated in this decision, capitalized terms are defined terms and their respective definitions are set out in the Code.

5. Throughout his professional career, Mr Al Hasan has attended numerous anti-corruption education sessions conducted on behalf of the ICC. These sessions contained reminders of the obligations of Participants under the Code, including the duty of Participants to report, without unnecessary delay, full details of the ACU of any approaches or invitations received to engage in corrupt activity.
6. In 2008 or 2009, being fully aware of his duty to report approaches, Mr Al Hasan reported an approach he had received to engage in corrupt conduct under the then existing anti-corruption rules to an anti-corruption official.

Summary of relevant background facts

7. Mr Al Hasan was interviewed by the ACU in Bangladesh on 23 January 2019 and 27 August 2019 in relation to an ongoing investigation into potential corrupt conduct under the Code, including but not limited to the activities of an individual known to the ACU and suspected of involvement in corruption in cricket, Deepak Aggarwal.
8. During these interviews, Mr Al Hasan was cautioned that the answers and information provided by him could be used as evidence to support a charge or charges in relation to a breach of the Code, if they revealed that Mr Al Hasan might have breached the Code, either by acting corruptly himself or by failing to report corrupt approaches or corrupt actions by others. After receiving these cautions, Mr Al Hasan admitted various failures to report approaches made to him to provide Inside Information to Mr Aggarwal.
9. In his interviews, Mr Al Hasan admitted that he was aware of his obligations under the Code, including, in particular, his obligation to report to the ACU any approaches or invitations he received to engage in Corrupt Conduct.
10. Mr Al Hasan further confirmed that he was aware that failing to report to the ACU an approach or invitation to engage in Corrupt Conduct was itself a breach of the Code.
11. In the course of his interviews with the ACU, Mr Al Hasan confirmed the following:
 - 11.1. In November 2017, he was a member of the Dhaka Dynamites team, a team which participated in the Bangladesh Premier League, played between 4 November and 12 December 2017.
 - 11.2. He was aware that his telephone number had been provided to Mr Aggarwal by another person who was known to Mr Al Hasan. Mr Aggarwal had asked this other person to provide him with contacts for players playing in the Bangladesh Premier League.
 - 11.3. In mid-November 2017, at the instigation of Mr Aggarwal, he exchanged various WhatsApp messages with Mr Aggarwal in which Mr Aggarwal sought to meet him.

- 11.4. In January 2018, he was selected as part of the Bangladesh team participating in a Tri-Series between Bangladesh, Sri Lanka and Zimbabwe. During this series, he and Mr Aggarwal engaged in further WhatsApp conversations.
- 11.5. On 19 January 2018, he received a WhatsApp message from Mr Aggarwal congratulating him for being named man of the match in that day's game. Mr Aggarwal followed this message with a message saying "*do we work in this or I wait til the IPL*".
- 11.6. The reference to "*work*" in this message was a reference to him providing Inside Information to Mr Aggarwal.
- 11.7. He did not report this contact from Mr Aggarwal to the ACU or any other anti-corruption authority.
- 11.8. On 23 January 2018, he received another WhatsApp message from Mr Aggarwal in which Mr Aggarwal made another approach to him to provide him with Inside Information, saying "*Bro anything in this series?*"
- 11.9. He confirmed that this message related to Mr Aggarwal's request to him to provide Mr Aggarwal with Inside Information in relation to the ongoing Tri-Series.
- 11.10. He did not report this request for Inside Information from Mr Aggarwal to the ACU or any other anti-corruption authority.
- 11.11. On 26 April 2018, he played for the Sunrisers Hyderabad team in its IPL match against Kings XI Punjab.
- 11.12. He received a WhatsApp message from Mr Aggarwal that day asking him whether a particular player was going to be playing in the game that day, i.e. again asking for Inside Information.
- 11.13. Mr Aggarwal continued this conversation with him by talking about bitcoins, dollar accounts and asked him for his dollar account details. During this conversation, he told Mr Aggarwal that he wanted to meet him "*first*".
- 11.14. These messages on 26 April 2018 included a number of deleted messages. He confirmed that these deleted messages contained requests from Mr Aggarwal for Inside Information.
- 11.15. He confirmed that he had concerns over Mr Aggarwal, feeling he was a bit "*dodgy*", and that, following their conversations, he had the feeling that Mr Aggarwal was a bookie.
- 11.16. He did not report any of the contact and approaches received from Mr Aggarwal on 26 April 2018 to the ACU or any other anti-corruption authority.
12. Mr Al Hasan told the ACU that he did not accept or act upon any of the approaches he received from Mr Aggarwal, in particular, he did not provide him with any of the information requested,

nor did he accept or receive any money or other reward from Mr Aggarwal. However, he did not at any time report any of the approaches to the ACU or any other relevant authority

Relevant Provisions of the Code

13. Code Article 2.4.4 makes the following an offence:

“failing to disclose to the ACU (without unnecessary delay) full details or any approaches or invitations received by the Participant to engage in Corrupt Conduct under the Anti-Corruption Code.”

14. The explanatory note to Code Article 2.4.4 provides:

“It is acknowledged that the fight against corruption requires prompt reporting of all such approaches and any unnecessary delay in doing so may undermine the effectiveness with which the ACU and other relevant anti-corruption bodies can protect the integrity of the sport. It is acknowledged that the assessment of whether there had been ‘unnecessary delay’ in each case will depend on its own circumstances, but it is always unacceptable (and will therefore constitute ‘unnecessary delay’) for a Participant to wait until after the match in respect of which he/she was invited to engage in Corrupt Conduct before reporting that approach to the ACU... .”

15. Code Article 1.7.3 addresses the question of which body has jurisdiction to take action in respect of Corrupt Conduct where that Corrupt Conduct amounts to a violation of the ICC Code and one or more of the anti-corruption rules of any National Cricket Federation, or two or more of the anti-corruption rules of any National Cricket Federation.
16. The admissions that Mr Al Hasan has made relate to admissions of failing to report approaches received in relation to both International Matches (namely the January 2018 Tri-Series) and Domestic Matches (namely the 2018 edition of the IPL).
17. In accordance with Code Article 1.7.3.3, the ICC and the BCCI (being the National Cricket Federation under whose jurisdiction the IPL is played) agreed that the ICC would take action in respect of all of Mr Al Hasan’s admissions. Consequently, pursuant to Code Article 1.8, any reference to International Matches in the Code is deemed to be extended to include the relevant IPL 2018 matches to which the charges relate.

Disciplinary Proceedings

18. On the basis of the admissions made by Mr Al Hasan to the ACU and set out in paragraph 11 above, on 29 October 2019, the ICC charged Mr Al Hasan with three separate breaches of Code Article 2.4.4, on the basis of his failure to disclose to the ACU, without unnecessary delay, the three approaches made to him by Mr Aggarwal to provide him with Inside Information for betting purposes (namely on 19 January 2018, on 23 January 2018 and on 26 April 2018).

19. By way of a letter agreement dated 29 October 2019, Mr Al Hasan formally admitted that he had breached Code Article 2.4.4 on three separate occasions by failing to report the approaches and/or invitations made to him by Mr Aggarwal, and waived his right to a hearing before the Anti-Corruption Tribunal.
20. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC, and accepted by Mr Al Hasan, for his admitted breaches of Code Article 2.4.4.

Agreed Sanction

21. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Article 2.4.4 is a period of Ineligibility of a minimum of six (6) months and a maximum of five (5) years.
22. Code Article 6.1 sets out the relevant factors that the Anti-Corruption Tribunal would be required to consider in determining the relative seriousness of the offence and thereby arriving at an appropriate sanction within that range.
23. It is acknowledged by the ICC that any sanction imposed must be proportionate. In considering what is proportionate, the ICC is entitled to weigh against the impact of a ban on Mr Al Hasan the importance of the objectives underlying the Code, the seriousness of the particular breach of the Code by Mr Al Hasan, the need to deter others from similar wrongdoing, the need to protect the image of sport, and (above all else) the need to maintain public confidence in the determination of the sport of cricket to stamp out corruption.
24. The ICC notes that in order to seek to adequately and effectively protect the sport of cricket against the threat of corruption, it is of paramount importance that Participants promptly report any approaches to engage in corrupt activity to the ACU without any unnecessary delay. It is for this reason that the non-reporting of such an approach is itself a serious offence under Code Article 2.4.
25. Relevant aggravating factors in Mr Al Hasan's case including the following:
 - 25.1. Mr Al Hasan's failure to report not one but three approaches from Mr Aggarwal to provide him with Inside Information for betting purposes.
 - 25.2. The approaches by Mr Aggarwal were not an isolated incident but were instead made (and Mr Al Hasan's failures occurred) over a period of several months.
 - 25.3. The approaches made to Mr Al Hasan were clear in their content and intent; it was clear to Mr Al Hasan that Mr Aggarwal's intention was to obtain Inside Information to use for betting purposes.
 - 25.4. Mr Al Hasan is an experienced international cricketer who, having participated in several anti-corruption education sessions, was fully aware of his responsibilities under the Code.

- 25.5. Mr Al Hasan holds a position of responsibility as captain of the Bangladesh national side.
26. Relevant mitigating factors in Mr Al Hasan's case include the following:
- 26.1. Mr Al Hasan's voluntary admission and cooperation during his interviews with the ACU;
- 26.2. Mr Al Hasan's prompt admission of his breaches following receipt of the Notice of Charge;
- 26.3. Mr Al Hasan's remorse and contrition as expressed to the ACU;
- 26.4. Mr Al Hasan's previous good disciplinary record;
- 26.5. The fact that the offences did not substantially damage the commercial value and/or public interest in the relevant matches; and
- 26.6. The fact that the offences did not affect the outcome of the relevant matches.
27. The ICC has considered all of the circumstances of this case, including giving Mr Al Hasan credit for agreeing an outcome that avoids the need for a hearing and so saves considerable time and money for use elsewhere in the fight against corruption, and has considered relevant precedents. The ICC therefore considers that a period of ineligibility of two (2) years, of which twelve (12) months is suspended, is reasonable and proportionate.
28. In order to avoid the twelve (12) month suspended part of the sanction coming into effect, Mr Al Hasan must comply, in full, with the following conditions during the period of the initial 12-month period of suspension:
- 28.1. He must not commit any offence under the Code (or the anti-corruption rules of any National Cricket Federation) during the initial period of suspension.
- 28.2. He must participate promptly and fully in any anti-corruption education and/or rehabilitation programmes as specified by the ICC.
29. Mr Al Hasan has agreed to this sanction. As such, a period of ineligibility of two (2) years, of which twelve (12) months is suspended, is imposed.
30. In accordance with Code Article 6.4, Mr Al Hasan's period of ineligibility shall commence on the date of this decision.
31. During his period of ineligibility, Mr Al Hasan's status is as set out in Code Article 6.5 of the Code. This provides:

"No Participant who has been declared Ineligible may, during the period of Ineligibility, play, coach, officiate or otherwise participate or be involved in any capacity in any capacity

in any Match or any other kind of function, event or activity (other than authorized anti-corruption education or rehabilitation programs) that is authorized, organized, sanctioned, recognized or supported in any way by the ICC, a National Cricket Federation, or any member under the jurisdiction of a National Cricket Federation, or receive accreditation to provide media or other services at an official venue or Match. National Cricket Federations shall take all reasonable steps within their powers to give effect to this Article 6.5 to the extent that they have the jurisdiction, power or ability to do so.”

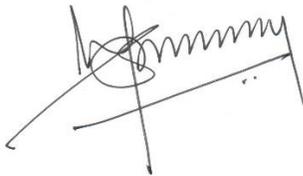
32. In accordance with Code Article 7.2 neither Mr Al Hasan nor the ICC shall have any right of appeal against this decision.

Conclusion

33. To summarise:

- 33.1. Mr Al Hasan admits that he has committed three separate breaches of Code Article 2.4.4, in that he failed to disclose to the ACU, without unnecessary delay, approaches and/or invitations received by him to engage in Corrupt Conduct under the Code.
- 33.2. A period of Ineligibility of two (2) years, of which twelve (12) months is suspended, is imposed pursuant to Code Article 6.2, commencing on the date of this decision.
- 33.3. Mr Al Hasan’s status during the period of Ineligibility is as set out in Code Article 6.5.
- 33.4. This decision constitutes the final decision of the ICC in this matter. In accordance with Code Article 8.2, this decision will be disclosed publicly, including on the ICC’s website.
- 33.5. There is no need for any further hearing in these proceedings, which are hereby terminated.

Dubai, 29 October 2019



**Manu Sawhney
Chief Executive
International Cricket Council**