

APPENDIX 4 TO THE ICC ANTI-CORRUPTION CODE FOR PARTICIPANTS

PROCEDURAL RULES

of

BANGLADESH CRICKET BOARD (BCB)

Introduction

In circumstances where the Bangladesh Cricket Board (“BCB”) acts as the Prosecuting Authority under the ICC’s Anti-Corruption Code for Participants (the “Code”), effective from 01 June 2024, this document sets out the Procedural Rules that will apply and will be followed by the BCB when carrying out its role under the Code. References to Code Articles are to Articles of the Code unless otherwise stated.

- **Governing Framework:**

1. These Procedural Rules are supplemental to and shall be read together with, the ICC Anti-Corruption Code for Participants (the “Code”).
2. In the event of any inconsistency between these Rules and the Code, the provisions of the Code shall prevail.

- **Procedural Rules:**

(a) Investigations and Notices of Charge

1. For the purpose of Code Article 4.1, any and all alleged breaches of the Code (in whatever form they arrive) must be referred to the BCB Integrity Unit (BCBIU) which is overseen by the Independent Chair, who may also function as the Designated Anti-Corruption Officer. The Designated Anti-Corruption Officer shall have sole discretion as to whether to launch a formal investigation into the allegations and the conduct of that investigation. The Designated Anti-Corruption Officer and BCBIU shall maintain confidentiality and not comment on live investigations or name suspects, prior to charge. At the conclusion of an investigation, the Head of BCBIU shall present the findings of the investigation to the Independent Chair of BCBIU. The Designated Anti-Corruption Officer shall act independently in the conduct of investigations in accordance with the Code.
2. For the purposes of Article 4.6 of the Code, the decision of whether a Participant has a case to answer and should be issued with a Notice of Charge shall be taken by the General Counsel of BCBIU or by any other person appointed by BCB for this purpose, in consultation with President of BCB, Chief Executive Officer (CEO) of BCB, the Independent Chair of the BCBIU. The CEO of BCB or Independent Chair of the BCBIU shall, acting on such decision, exercise the function of the Prosecuting Authority and issue the Notice of Charge.
3. For the purposes of Article 4.7.1 of the Code, the decision on whether to impose a Provisional Suspension on a Participant shall be taken by the General Counsel of BCBIU or by any other person appointed by BCB for this purpose, in consultation with President of BCB, CEO of BCB and the Independent Chair of the BCBIU. The CEO of BCB or Independent Chair of the BCBIU shall, acting on such decision, exercise the function of the Prosecuting Authority and give effect to the Provisional Suspension.
4. Any decision to impose or maintain a Provisional Suspension shall be subject to the requirements of fairness under the Code, and the Participant shall be afforded a prompt opportunity to challenge such suspension in accordance with Code Article 4.7.

5. For the purposes of Code Articles 4.7.2 and 4.7.3, any application by a Participant to lift their Provisional Suspension will be heard and determined by the Chairman of the Disciplinary Panel.
6. For the purposes of Code Article 4.8.1, the responsibility for determining whether a Participant's deadline to respond to the Notice of Charge can be extended lies with the General Counsel of BCBIU who may consult with the Independent Chair of the BCBIU before such determination.

(b) Disciplinary Procedure:

For the purposes of Article 5 of the Code, the disciplinary process for hearings falling within the jurisdiction of the BCB as Prosecuting Authority is as set out below:

5.1 Hearings under the Anti-Corruption Code

- 5.1.1** Where BCB alleges that a Participant has committed an offence under the Anti-Corruption Code, and the Participant submits the response required under Article 4.6.6 by the specified deadline, disputing the charge and/or the sanctions to be imposed for such offence under this Anti-Corruption Code, the matter shall be referred to the Chairman of the Disciplinary Panel.
- 5.1.2** The Chairman of the Disciplinary Panel shall appoint three members of the Disciplinary Panel to form an Anti-Corruption Tribunal to hear each case. One member of the Anti-Corruption Tribunal, who shall be a retired Justice of the Supreme court of Bangladesh or a retired District Judge and may be the Chairman of the Disciplinary Panel, shall sit as the Convenor of the Anti-Corruption Tribunal. One member of the Anti-Corruption Tribunal shall be selected from the persons having expertise in cricket, and the final member shall be a senior lawyer or selected from socially well recognized citizen. The appointed members shall be independent of the parties and shall have had no prior involvement with the case. The Anti-Corruption Tribunal constitutes the Adjudicatory Body for the purposes of the Code. The members of the Anti-Corruption Tribunal shall act independently and impartially, and no person who has had prior involvement in the investigation or prosecution of the matter shall participate in the adjudication of the case.
- 5.1.3** The Convenor of the Anti-Corruption Tribunal shall convene a preliminary hearing with the Designated Anti-Corruption Official and his/her legal representatives (if any), together with the relevant Participant and his/her legal representatives (if any). The Convenor of the Anti-Corruption Tribunal, prior to the preliminary hearing, may require both the parties to submit their evidence in written form, vide email or hard copy, which shall be then considered by the Anti-Corruption Tribunal at the preliminary hearing. The preliminary hearing should take place as soon as reasonably practicable and be by telephone conference call or virtual meeting unless the Convenor of the Anti-Corruption Tribunal determines otherwise. The non-participation of the Participant or his/her representative at the preliminary hearing, after service of notice of the preliminary hearing, shall not prevent the Convenor of the Anti-Corruption Tribunal from proceeding with any such preliminary hearing, whether or not any written submissions are made on behalf of the Participant. The Convenor shall ensure that both parties are afforded a reasonable opportunity to prepare and present their respective cases.
- 5.1.4** The purpose of any preliminary hearing shall be to allow the Convenor of the Anti-Corruption Tribunal to address any issues that need to be resolved prior to the hearing date. Whether or not a preliminary hearing is held, the Convenor of the Anti-Corruption Tribunal shall:
 - 5.1.4.1** determine the date(s) upon which the full hearing shall be held. Save where the Convenor of the Anti-Corruption Tribunal in his discretion orders otherwise, the full hearing should ordinarily take place no more than forty (40) days after the date of the preliminary hearing;

- 5.1.4.2** establish dates reasonably in advance of the date of the full hearing by which:
- (a) The BCB shall submit an opening brief with argument on all issues that the BCB wishes to raise at the hearing and a written statement from each witness that the BCB intends to call at the hearing, setting out his/her direct evidence, and enclosing copy of the documents that the BCB intends to rely on at the hearing;
 - (b) the Participant shall submit an answering brief, addressing the arguments of the BCB and setting out argument on the issues that he/she wishes to raise at the hearing, as well as a written statement from each witness that he/she intends to call at the hearing, setting out that witness's direct evidence, and enclosing copy of the documents that he/she intends to rely on at the hearing; and
 - (c) the BCB may (at its discretion) submit a reply brief, responding to the answer brief of the Participant and providing a witness statement from each rebuttal witness that the BCB intends to call at the hearing, setting out his/her direct evidence, and enclosing copies of any further documents that BCB intends to rely on at the hearing; and
- 5.1.4.3** order such consolidation with other case(s) as the Convenor of the Anti-Corruption Tribunal shall deem appropriate. For example, where two or more Participants are alleged to have committed offences under this Anti-Corruption Code, they may both be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents; and
- 5.1.4.4** make such order as the Convenor of the Anti-Corruption Tribunal shall deem appropriate (subject to any principles of applicable national law) in relation to the production of relevant documents and/or other materials between the parties.
- 5.1.5** The Participant shall be required to raise at the preliminary hearing (or, if no preliminary hearing is held, within 72 hours of receiving notice of the identities of the members of the Anti-Corruption Tribunal) any legitimate objection that he/she may have to any of the members of the Anti-Corruption Tribunal convened to hear his/her case. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Convenor of the Anti-Corruption Tribunal shall rule on its legitimacy (or, if the objection relates to the Convenor of the Anti-Corruption Tribunal, the Chairman of the Disciplinary Panel shall rule on its legitimacy).
- 5.1.6** If, because of a legitimate objection or for any other reason, a member of the Anti-Corruption Tribunal is, or becomes, unwilling or unable to hear the case, then the Chairman of the Disciplinary Panel may, at his/her absolute discretion: (a) appoint a replacement member of the Anti-Corruption Tribunal from the Disciplinary Panel; or (b) authorise the remaining members of the Anti-Corruption Tribunal to hear the case on their own.
- 5.1.7** Subject to the discretion of the Convenor of the Anti-Corruption Tribunal to order otherwise for good cause shown by either party (for example, and notwithstanding clause 5.1.8, where, having due regard to the seriousness of the alleged offence, the costs of attending any hearing are disproportionate to the Participant's means and therefore prohibit him/her from having a fair opportunity to present his/her case), or unless otherwise agreed between the parties, hearings before the Anti-Corruption Tribunal shall

(a) take place at the BCB Office, Navana Tower (5th Floor), Gulshan 1, Dhaka and (b) be conducted on a confidential basis.

- 5.1.8** Both BCB and the Participant shall have the right to be present and to be heard at the hearing and (at his/her or its own expense) to be represented at the hearing by legal counsel of his/her or its own choosing. Where there is compelling justification for the non-attendance by any party or representative at the hearing, then such party or representative shall be given the opportunity to participate in the hearing by telephone or video conference (if available).
- 5.1.9** Without prejudice to Code Article 3.2.2, the Participant may choose not to appear in person at the hearing, but instead may file a written submission for consideration by the Anti-Corruption Tribunal, in which case the Anti-Corruption Tribunal shall consider the submission in its deliberations. However, the non-attendance of the Participant or his/her representative at the hearing, without compelling justification, after proper notice of the hearing has been provided, shall not prevent the Anti-Corruption Tribunal from proceeding with the hearing in his/her absence, whether or not any written submissions are made on his/her behalf.
- 5.1.10** The procedure to be followed at the hearing (including whether to convene a hearing or, alternatively, to determine the matter (or any part thereof) by way of written submissions alone and the language in which the hearing is to be conducted and whether translations of evidence and/or interpreters are required) shall be at the discretion of the Convenor of the Anti-Corruption Tribunal, provided that the hearing is conducted in a manner which affords the Participant a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the Anti-Corruption Tribunal, and present his/her case. The burden of proof shall lie on the BCB as the Prosecuting Authority and the standard of proof shall be whether the Anti-Corruption Tribunal is comfortably satisfied that the alleged offence has been committed, in accordance with the Code.
- 5.1.11** Save where the Convenor of the Anti-Corruption Tribunal orders otherwise for good cause shown by either party, the hearing shall be in English, evidence shall be given in English (with the cost of any necessary translation borne by the party offering the evidence), and certified English translations shall be submitted of any non-English documents put before the Anti-Corruption Tribunal (with the cost of the translation borne by the party offering the documents). If required by the Convenor, BCB shall make arrangements to have the hearing recorded and/or transcribed (save for the private deliberations of the Anti-Corruption Tribunal). The costs of recording and/or transcription shall be paid by the BCB, subject to any costs-shifting order that the Anti-Corruption Tribunal may make further to Article 5.2.4.
- 5.1.12** Notwithstanding any of the other provisions of this Anti-Corruption Code, at any time during the proceedings it shall be open to a Participant charged with breach of this Anti-Corruption Code to admit the breach charged, whether or not in exchange for an agreement with BCB on the appropriate sanction to be imposed upon him/her in order to avoid the need for a hearing before the Anti-Corruption Tribunal. Any such discussions shall take place between the Participant and BCB on a “without prejudice” basis and in such a manner that they shall not delay or in any other way interfere with the proceedings. The decision on whether to accept a Participant’s plea and decide on an appropriate sanction to be imposed upon him/her shall be made by the General Counsel of BCBIU or by any other person appointed by BCB for this purpose, in consultation with the President of BCB, CEO of BCB, the Independent Chair of BCBIU. Any resulting agreement shall be evidenced in writing, signed by both BCB’s CEO or Independent Chair of the BCBIU and the Participant, and shall set out the sanction imposed on the Participant for his/her breach of this Anti-Corruption Code (the “Agreed Sanction”). In determining the Agreed Sanction BCB will have due regard to the range of

sanctions set out in Article 6.2 for the offence(s) in question, but it shall not be bound to impose a sanction within that range where it reasonably considers (at its absolute discretion) that there is good reason to depart therefrom. Upon receipt of notice of the Agreed Sanction, the Anti-Corruption Tribunal shall discontinue the proceedings on the terms thereof without the need for any further hearing. Instead, BCB's Chief Executive Officer (or or his/her designee) shall promptly issue a public decision confirming the Participant's admission of the offence(s) charged and the imposition of the Agreed Sanction. Before issuing the public decision, BCB will provide notice of it to the ICC and where applicable, to the National Cricket Federation to which the Participant is affiliated.

5.2 Decisions of the Anti-Corruption Tribunal

5.2.1 The Anti-Corruption Tribunal shall announce its decision in writing, with reasons, as soon as reasonably practicable after, and, in any event, within thirty (30) days of, the conclusion of the hearing. That written decision will set out and explain:

5.2.1.1 with reasons, the Anti-Corruption Tribunal's findings as to whether any offence(s) under this Anti-Corruption Code has/have been committed;

5.2.1.2 with reasons, the Anti-Corruption Tribunal's findings as to what sanctions, if any, are to be imposed (including any fine and/or period of Ineligibility);

5.2.1.3 with reasons, the date that such period of Ineligibility shall commence pursuant to Article 6.4; and

5.2.1.4 the rights of appeal described in Code Article 7.

5.2.2 The BCB will provide the ICC and, where applicable, the National Cricket Federation to which the Participant is affiliated, with a full written copy of the findings and decisions of the Anti-Corruption Tribunal (including any sanctions imposed by the Anti-Corruption Tribunal) at the same time as such decision is provided to the Participant and prior to publicly announcing such decision.

5.2.3 The Anti-Corruption Tribunal shall have discretion to announce the substance of its decision to the parties (and the ICC) prior to the issue of the written reasoned decision referred to in Article 5.2.1 in cases where a Provisional Suspension has been imposed or where it otherwise deems appropriate. For the avoidance of doubt, however: (a) the Anti-Corruption Tribunal shall still be required to issue a written, reasoned decision in accordance with Article 5.2.1; and (b) the time to appeal pursuant to Code Article 7 shall not run until receipt of that written, reasoned decision. Notice of such decision will be provided by the BCB to the ICC and, where applicable, the National Cricket Federation to which the Participant is affiliated, without unnecessary delay following its announcement.

5.2.4 The Anti-Corruption Tribunal shall have the power to make a costs order against any party to the hearing in respect of the costs of convening the Anti-Corruption Tribunal and of staging the hearing and/or in respect of the costs (legal, expert, travel, accommodation, translation or otherwise) incurred by the parties in relation to the proceedings where it deems fit (for example, but without limitation, where it considers that such party has acted spuriously, frivolously or otherwise in bad faith). If it does not exercise that power, BCB shall pay the costs of convening the Anti-Corruption Tribunal and of staging the hearing, and each party shall bear its own costs (legal, expert, travel, accommodation, translation or otherwise).

5.2.5 Subject only to the rights of appeal under Code Article 7, the Anti-Corruption Tribunal's decision shall be the full, final and complete disposition of the matter and will be binding on all parties.

(c) Appeals

6. For the purposes of Code Article 7, the Appeal Body, in cases where BCB is the Prosecuting Authority, shall be the Chairman of the Disciplinary Panel (however, if the Chairman of the Disciplinary Panel was involved in the original proceeding, then a different person shall be appointed from the Disciplinary Panel to act as the Appeal Body)
7. The Appeal Body, shall hear and determine all issues arising from any matter which is appealed to it pursuant to the Code and conduct appeal proceedings in accordance with BCB procedural rules for appeals set out below:
 - a) A party who wishes to appeal a decision pursuant to Code Article 7.1 must lodge a notice of the appeal with the Appeals Body specifying the grounds of the appeal.
 - b) Where required in order to do justice (for example to cure procedural errors at the first instance hearing), the appeal shall take the form of a re-hearing de novo of the issues raised by the case i.e., the Appeals Body shall hear the matter all over again from the beginning, without being bound in any way by the decision being appealed.
 - c) In all other cases, the appeal shall not take the form of a de novo hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.
 - d) The parties to the appeal shall be advised by the Appeals Body (or his/her designee) that an appeal has been lodged and shall be asked if they have any legitimate objection to the Appeals Body hearing and determining the appeal. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If such objection is made, the Board of Directors of *BCB* shall appoint a retired Judge of the Supreme Court of Bangladesh to rule on its legitimacy.
 - e) If, because of a legitimate objection or for any other reason, the Appeals Body is, or becomes, unwilling or unable to hear the appeal, then the Board of Directors of *BCB* shall appoint a retired Judge of the Supreme Court of Bangladesh to hear (or to continue to hear) the appeal.
 - f) The governing law shall be laws of Bangladesh and the appeal shall be conducted in English, unless the parties agree otherwise.
 - g) Hearing of the appeal(s) shall be completed expeditiously. Save where all parties or the Appeals Body agree otherwise, or in exceptional circumstances or where fairness requires otherwise, the hearing of appeal(s) shall be commenced no later than fifteen (15) days after the receipt of the notice of appeal.
 - h) The procedure to be followed at the hearing shall be at the discretion of the Appeals Body, provided that the hearing is conducted in a manner that complies with this instant Procedural Rules.
 - i) The Appeals Body shall announce his/her decision in writing, with reasons, as soon as reasonably practicable after the conclusion of the hearing. Any such written decision (with reasons) shall be provided to the Participant, the *BCB* and the *ICC*.
 - j) The Appeals Body shall have the power to make a costs order against any party to the hearing (but not, for the avoidance of doubt, the *ICC*) in respect of the costs of convening and staging the appeal hearing and/or in respect of the costs (legal, expert, travel, accommodation or otherwise) incurred by the parties in relation to the proceedings if it considers that such party has acted spuriously, frivolously or otherwise in bad faith. If the Appeals Body does not exercise that power, *BCB* shall pay the costs of convening and staging the hearing, and each party shall bear its own costs (legal, expert, travel, accommodation or otherwise).
8. The decision of the Appeals Body is final and binding on all parties, and no right of appeal shall lie from the decision of the Appeals Body.

DEFINITIONS

Code. the ICC Anti-Corruption Code for Participants, effective 1 June 2024, as amended from time to time.

Anti-Corruption Tribunal. A panel of three persons (subject to Article 5.1.6) appointed by the Chairman of the Disciplinary Panel, to perform the functions assigned to the Anti-Corruption Tribunal under this Anti- Corruption Code. Each member of the Anti-Corruption Tribunal shall be a member of the Disciplinary Panel and the BCB may provide reasonable compensation and reimbursement of expenses to such members..

General Counsel of BCBIU. Appointed Legal Advisor of BCB and BCBIU responsible for providing independent legal advice and support to the BCB and BCBIU in relation to integrity, anti-corruption, investigations, disciplinary proceedings, enforcement actions, charging decisions and procedural oversight under the Code.

BCB Integrity Unit (BCBIU). A department of BCB responsible for safeguarding the integrity of domestic cricket by addressing corruption, doping, betting-related offences, match-fixing and any other offence as per ICC Anti-Corruption Code for Participants and also taking appropriate steps to create awareness against corruption, doping, betting-related offences, match-fixing and any other offence amongst the players participating in cricket nationally and nternationally.

Chairman of the Disciplinary Panel. The person appointed from time to time by the Board of Directors of the BCB to act as the Chairman of the Disciplinary Panel who shall be a retired Justice of the Supreme Court of Bangladesh.

Designated Anti-Corruption Official (DACO). The person appointed by BCB to fulfill the duties set out in the Anti-Corruption Code (or their designee) assigned to the Designated Anti-Corruption Official.

Disciplinary Panel. The Disciplinary Panel of the Bangladesh Cricket Board shall be appointed by the BCB in consultation with the Chairman of the Disciplinary Panel.

Head of BCB Integrity Unit. The head official, working under the instructions and reporting to the Independent Chair of BCBIU.

Independent Chair of BCBIU. The Independent Chair of BCBIU who currently also serves the Designated Anti-Corruption Officer (DACO), responsible for receiving reports, initiating and coordinating invistagtions and taking required relevant decisions on integrity matters.