

**IN THE MATTER OF PROCEEDINGS BROUGHT
UNDER THE BCB ANTI-DOPING RULES**

Between:

THE BANGLADESH CRICKET BOARD

and

MR KAZI ANIK ISLAM

Decision pursuant to Article 8.3 of the BCB Anti-Doping Rules

Introduction

1. The Bangladesh Cricket Board (the "BCB") is the national governing body for the game of cricket in Bangladesh and as such is responsible for the development, co-ordination, regulation and integrity of cricket within Bangladesh.
2. As part of its continuing efforts to maintain the integrity, public image and popularity of cricket, the BCB has adopted and implemented the BCB Anti-Doping Rules (the "Rules") in accordance with the mandatory provisions of the World Anti-Doping Code, which sets out a framework of rules designed to: (a) maintain the integrity of the sport of cricket; (b) protect the health and rights of all participants in the sport of cricket; and (c) keep the sport of cricket free from doping.¹
3. Kazi Anik Islam is a young cricketer (born in March 1998) who has represented Bangladesh in the under-19 ICC Cricket World Cup and who plays domestic cricket within Bangladesh in Dhaka Premiere league for Abahani Club Ltd (2018) and National Cricket League (2019).

Status as a Participant bound by the Rules

4. At all material times, as a result of his participation in cricket matches under the jurisdiction of the BCB, Mr Anik constituted a Cricketer for the purposes of the Rules. As such, he was automatically bound by the Rules and agreed, among other things, (i) to comply with the Rules; and (ii) to submit to the authority of the BCB and/or the NADO to apply, police and enforce the Rules.

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

Summary of relevant facts

5. On 6 November 2018, Mr Anik provided an in-competition urine sample, sample 4300885, after playing for Dhaka Metro in the match against Chattagram Division at the Sk. Kamal Intl. Cricket Stadium, at Cox's Bazar.
6. Sample 4300885 was sent for analysis at the National Dope Testing Laboratory, the WADA-accredited anti-doping laboratory in New Delhi, India.
7. On 20 December 2018, the BCB was notified by the ICC that the National Dope Testing Laboratory had reported an Adverse Analytical Finding for sample 4300885, with the sample testing positive for Methamphetamine (d-), a stimulant prohibited under section S6a of the 2018 WADA Prohibited List.
8. On 8 February 2019, the BCB contacted Mr Anik by telephone and advised him of the AAF in his sample. During this telephone call, the BCB advised Mr Anik of his right to have his B sample analysed, and that he should not participate in any capacity in any cricket activity pending the outcome of his case.
9. Mr Anik indicated that he would not challenge the AAF and therefore advised the BCB that he did not require his B sample to be analysed.
10. On 26 February 2019, the BCB received the full documentation package from the Laboratory for sample A4300885 confirming the AAF.
11. In accordance with the results management procedures set out in Article 7.2 of the Rules, the BCB referred the file to its Review Board, which reviewed the file to determine whether (a) there was any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the AAF, or (b) the AAF was consistent with any applicable TUE that had been granted or that might be granted in accordance with the International Standard for Therapeutic Use Exemptions. The Review Board reported that no such departures could be identified, nor that there was any applicable TUE.

Relevant Provisions of the Rules

12. Article 2.1 makes the following an offence:

"The presence of a Prohibited Substance or its Metabolites or Markers in a Cricketer's Sample."

13. Further, Article 2.1.2 provides, in relevant part, that:

"Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following (unless the Cricketer establishes that such presence is consistent with a Therapeutic Use Exemption granted in accordance with Article 4.4): (a) the presence of a Prohibited Substance or its Metabolites or Markers in the Cricketer's A Sample, where the Cricketer waives analysis of the B Sample and the B Sample is not analysed; ..."

Disciplinary Proceedings

14. On 1st December 2019, the BCB sent Mr Anik written notice that he had a case to answer for a breach of Article 2.1 of the Rules in light of the AAF reported for sample 4300885.
15. By way of a letter agreement dated 5 March 2020, Mr Anik formally admitted that he had breached Article 2.1, and waived his right to a hearing before the Anti-Doping Tribunal.
16. This decision is issued pursuant to Article 8.3 and sets out the sanction proposed by the BCB, and accepted by Mr Anik, for his admitted breach of Article 2.1.

Agreed Sanction

17. Article 10.2.1 stipulates that the period of Ineligibility for a violation of Article 2.1 that is a first offence and that is classified as a non-Specified Substance is 4 years as a starting-point. Article 10.2 also provides that the 4-year period of Ineligibility may be eliminated or reduced if the conditions of Articles 10.5 or 10.6 are met.
18. Article 10.6.3 provides that a Cricketer who is potentially subject to a 4-year sanction under Article 10.2.1 may reduce the otherwise applicable period of Ineligibility by promptly admitting the asserted anti-doping rule violation after being confronted by the BCB and may receive a reduction in the period of Ineligibility down to a minimum of 2 years, depending on the seriousness of the violation and the Cricketer's degree of Fault.
19. It is acknowledged by the BCB that any sanction imposed must be proportionate. In considering what is proportionate, the BCB is entitled to weigh against the impact of a ban on Mr Anik the importance of the objectives underlying the Rules, the seriousness of the particular breach of the Rules by Mr Anik, 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 maintain its integrity.
20. In Mr Anik's case in considering his level of Fault, the BCB has considered his youth and relative inexperience, the fact that he did not ingest the Prohibited Substance in an effort to enhance his sport performance, his limited anti-doping education and his prompt admission of the anti-doping rule violation when first notified to him (namely in February 2019 and again immediately after receiving a copy of the Notice of Charge). In addition to this, in considering the appropriate sanction, the BCB is giving him 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 doping. In light of all of this, the BCB considers that a period of Ineligibility of two (2) years is reasonable and proportionate in respect of Mr Anik's case.
21. In accordance with Article 10.10.3, Mr Anik is entitled to receive full credit for the period of voluntarily accepted Provisional Suspension he has served since 8 February 2019 which period shall be credited against the total period of Ineligibility to be served.

22. In addition, in accordance with Article 10.10.1, where there are substantial delays in the hearing process which were not attributable to Mr Anik, the BCB has discretion to back-date the start Mr Anik's period of Ineligibility to, at the earliest, the date of sample collection. In Mr Anik's case, while the BCB were first notified of the AAF in early February 2019, the Notice of Charge was not issued to Mr Anik until 1 December 2019. Both the BCB and Mr Anik have accepted that these delays in the hearing process were not attributable to Mr Anik.
23. Further, in accordance with Article 10.10.2, the BCB has discretion to back-date the period of Ineligibility to, at the earliest, the date of sample collection, where he promptly admits the anti-doping rule violation after being confronted with it, provided that he must actually serve at least one-half of the period of Ineligibility.
24. On the basis of Articles 10.10.1, 10.10.2 and 10.10.3 and the particular circumstances of Mr Anik's case, the start date of Mr Anik's two-year period of ineligibility is set at 8 February 2019. As such, Mr Anik will be re-eligible to participate in cricket and cricket activities at midnight on 7 February 2021.
25. Mr Anik has agreed to this sanction and the terms set out herein. As such, a period of ineligibility of two (2) years is imposed pursuant to Article 8.3 of the Rules.
26. During his period of ineligibility, Mr Anik's status is as set out in Article 10.11 of the Rules. This provides:

"10.11.1.1 No Cricketer or Cricketer Support Personnel who has been declared Ineligible may, during the period of Ineligibility, play, coach or otherwise participate or be involved in any capacity in: (a) a Match or any other function, event or activity (other than authorised anti-doping education or rehabilitation programs) authorised, organised, sanctioned, recognised or supported in any way by the National Cricket Federation or by any body that is a member of, or affiliated to, or licensed by the National Cricket Federation; or (b) any Match or any other function, event or activity authorised or organised by any professional league or any international or national level tournament/event organiser (whether or not the party authorising or organising the Match or event in question is a Signatory, any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation). or (c) any elite or national-level sporting activity funded by a government agency. Without prejudice to the generality of the foregoing, such Cricketer or Cricketer Support Personnel shall not, during any period of Ineligibility, be given accreditation for, or otherwise granted access to, any Match, function, event or activity of the type referred to in this Article and any such accreditation previously issued shall be withdrawn. In addition, the National Cricket Federation shall take all steps within its power to have the period of Ineligibility recognised and enforced by all other relevant parties, including all other Signatories pursuant to Article 15.4 of the World Anti-Doping Code.

...10.11.2 Return to Training

As an exception to Article 10.11.1, a Cricketer may return to train with a team or to use the facilities of a club or other member organisation of a Signatory's member organisation during the shorter of: (i) the last two months of the Cricketer's period of Ineligibility; or (ii) the last one-quarter of the period of Ineligibility imposed."

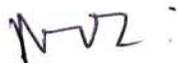
27. In addition, in accordance with Article 9, all individual results obtained by Mr Anik during the Match are Disqualified, and any individual medals or other prizes awarded to him based on those results are forfeited. In addition, pursuant to Article 10.8 of the Rules, all individual results obtained by Mr Anik from the date of sample collection up until his voluntarily accepted Provisional Suspension on 8 February 2019 are also Disqualified, and any individual medals or other prizes awarded to him based on those results are forfeited.

Conclusion

28. To summarise:

- 28.1. Mr Anik admits that he has committed a breach of Article 2.1 of the Rules in that a Prohibited Substance, namely Methamphetamine (d-) was present in his sample, sample 4300885.
- 28.2. A period of Ineligibility of two (2) years is imposed commencing on 8 February 2019.
- 28.3. Mr Anik's status during the period of Ineligibility is as set out in Article 10.11 of the Rules.
- 28.4. This decision constitutes the final decision of the BCB in this matter. In accordance with Article 8.3 of the Rules, this decision will be disclosed publicly, including on the BCB's website.
- 28.5. There is no need for any further hearing in these proceedings, which are hereby discontinued.
- 28.6. As per Article 13 of the Rules, each of the ICC, WADA and the South Asia RADO has a right to appeal this decision. In accordance with Article 8.3 of the Rules, Mr Anik has agreed to waive his right of appeal against this Agreed Sanction.

Dhaka, 14 July, 2020



Nizam Uddin Chowdhary
Chief Executive
Bangladesh Cricket Board

Date & Place 14.07.2020



Mr Kazi Anik Islam
Bangladesh Cricketer