

DECISION 2021/02

OF THE

BADMINTON WORLD FEDERATION

INDEPENDENT HEARING PANEL

DEFENDANTS: Mr. Zhu Jun Hao (BWF ID 78554)
Mr. Zhang Bin Rong (BWF ID 99940)

PANEL: Ms. Sylvia Schenk (Chair)
Dr. Ghada M. Darwish Karbon
Mr. Enric Ripoll

DATE: 11 August 2021

Regarding alleged violations of the:

2017 Code of Conduct in Relation to Betting, Wagering and Irregular Match Results

A. PRELIMINARY MATTERS

Introduction

1. On 30 March 2021, Mr. James Kitching, the Chair of the Badminton World Federation (“**BWF**”) Independent Hearing Panel (“**IHP**”), appointed the following members to a hearing panel in accordance with Article 18 of the BWF Judicial Procedures (edition: 22 November 2020 - “**Procedures**”):
 - 1.1. Ms. Sylvia Schenk as Chair (“**Chair**”); and
 - 1.2. Dr. Ghada M. Darwish Karbon and Mr. Enric Ripoll as Members (“**Members**”), (collectively, the “**Panel**”).
2. The Panel was appointed to decide a case involving breaches of the 2017 BWF Code of Conduct in Relation to Betting, Wagering and Irregular Match Results (“**2017 Code**”), allegedly committed by the following two Chinese badminton players:
 - 2.1. Mr. Zhu Jun Hao (BWF ID 78554) (“**Jun Hao**”); and
 - 2.2. Mr. Zhang Bin Rong (BWF ID 99940) (“**Bin Rong**”).(collectively, the "**Players**")

Parties

3. The parties to these matters are:
 - 3.1. BWF, the international governing body for the sport of Badminton, recognised by the International Olympic Committee (“**IOC**”);
 - 3.2. Jun Hao (born 30.9.1998) and Bin Rong (born 16.1.2001), Chinese Badminton players,(collectively, the "**Parties**")

Procedural Chronology

4. This section provides an outline of the key communications and procedural rulings which occurred prior to the decision. Not all communications are recorded for reasons of relevance.

Initial Report

5. On 20 March 2019, ESSA (a Sports Betting Monitoring Company that represents a number of betting operators), notified the BWF by email that a sports betting company (the "**Betting Company**") had identified abnormal activity on three betting accounts

regarding the Mixed Doubles match on 19 March 2019 at the Orléans Masters 2019 in France between Jun Hao and his partner Hua Xiao Bei ("Xiao Bei") against Daniel Hess and Stine Küspert ("the Match").

6. The report linked one betting account to Jun Hao, one to Bin Rong and one to someone named Ming Liu.
7. Following the report, the BWF opened an investigation into the matter.

The Interviews

8. On 17 June 2019 the BWF interviewed Jun Hao, and on 12 December 2019 Jun Hao and Bin Rong, each separately, at the Hilton Beijing Capital Airport, Beijing, China, as part of an investigation into potential breaches of the 2017 Code (the "Interviews").
9. At the beginning of each interview the BWF representatives pointed out, *inter alia*, that, in accordance with Article 6 of the 2017 Code, the respective player had a right to:
 - 9.1. have a legal representative present;
 - 9.2. obtain a digital recording of the interview;
 - 9.3. request to have an interpreter present; and
 - 9.4. be provided a copy of the interview transcript.
10. It was also set out, *inter alia*, that the player had an obligation in accordance with Article 6 of the 2016 Code to:
 - 10.1. fully cooperate with any investigation; and
 - 10.2. furnish any information regarding alleged corruption offences.
11. The interviews with the Players were conducted by BWF Integrity Unit Manager, Mr. Andy Hines-Randle ("Hines-Randle"), and the BWF investigator Mr. Paul Scotney ("Scotney"). An interpreter and a representative of the Chinese Badminton Association ("CBA") were present.
12. At the end of the interview on 17 June 2019, the BWF representatives requested Jun Hao to provide his mobile phone for examination. He complied with the request and a downloading from the phone took place.
13. On 7 June 2019, Hines-Randle and Scotney interviewed Daniel Hess and Stine Küspert separately at the Mercure Hotel, Saarbrücken City, Saarbrücken, Germany. An interpreter and the sports director of the German Badminton Federation were present.
14. The testimony provided in the Interviews and evidence obtained from the mobile phone are set out below in **Part C**.

Request to Referral Officer

15. On 22 February 2021, the BWF Secretary General referred the case to the BWF Referral Officer, Mr. Alexander McLin, for review in accordance with Article 15.4 of the Procedures.
The purpose of a referral under the Procedures is for the Referral Officer, an independent party, to review the evidence and decide whether to refer the case to an Independent Hearing Panel.
16. On 24 March 2021, the Referral Officer confirmed that he had decided to refer the case against Jun Hao and Bin Rong to an Independent Hearing Panel.

Charges

17. With a letter dated 6 April 2021, the BWF notified the Players that they were charged with breaches of the 2017 Code, in particular
 - 17.1. Jun Hao for contriving the outcome of the Match, placing a bet on the Match, as well as using and passing on inside information with regard to the Match;
 - 17.2. Bin Rong for betting on Badminton events including the Match and events he participated in, using inside information, and for being responsible for corruption offences committed by Jun Hao.
18. All the communication with the Players has been conducted by Stuart Borrie ("Borrie", who, on behalf of BWF, serves as the administrator of the Panel and contact point for the Parties) via the CBA according to Clause 2.3 of the 2017 Code.
19. Both charge notices enclosed a 'Case Summary', charges, exhibits, the 2017 Code and an acknowledgment slip for each player to sign and return.
20. The 'Case Summary' is discussed in further detail below at **Part C**.

Filing of defences and pre-hearing matters

21. On 19 April 2021, CBA sent to Borrie the signed acknowledgment slips of the Players provided with the letter dated 6 April 2021.
22. On 3 May 2021, CBA sent to Borrie written submissions for the Players (one page each, not dated and signed).
23. On 10 May 2021, on behalf of the Panel, Borrie followed up with CBA asking for written submissions signed by the players, and the names of Players' representatives.
24. On 13 May 2021, both Players in separate emails sent their respective signed written submission to Borrie.
25. On 25 May 2021, CBA sent Powers of Attorney for both Players to Borrie. Jun Hao is represented by Jang Kunrong and Bin Rong by Ma Huijie and Liu Jie.

26. From this day onwards, Borrie communicated directly with the lawyers representing the Players.
27. On 24 June 2021, Borrie requested

27.1. Jun Hao's representative to

- *"Re-confirm that you are representing Mr ZHU Junhao."*
- *"Re-confirm that the attached signed statement in English is in fact from Mr ZHU Junhao."*
- *"Confirm that this is a final statement and that Mr ZHU Junhao has nothing more to add."*
- *"Re-confirm that Mr ZHU Junhao agrees to the hearing being conducted by written submission."*

And to note

- *"that CBAFA confirmed this to BWF in writing. Mr ZHU Junhao has the right to attend an in-person hearing via video if he wishes."*

26.2 Bin Rong's representatives to

- *"Re-confirm that you are representing Mr Zhang Binrong."*
- *"Re-confirm that the attached signed statement in English is in fact from Mr Zhang Binrong."*
- *"Confirm that this is a final statement and that Mr Zhang Binrong has nothing more to add."*
- *"Re-confirm that Mr Zhang Binrong agrees to the hearing being conducted by written submission."*

And to note

- *"that CBAFA confirmed this to BWF in writing. Mr Zhang has the right to attend an in-person hearing via video if he wishes."*

28. On 5 July 2021, after a follow-up email dated 2 July 2021 to the Players' representatives, Borrie received an email from Jun Hao's lawyer in Chinese that he translated as follows:

"I am Yang Kunrong, a lawyer from Hubei Huajun Law Firm. I confirm that Zhu Junhao has entrusted me to deal with the alleged violations of the regulations that you mentioned. The materials I received all came from Mr. Zhu Junhao, and I confirmed that he represented the case for him."

29. Borrie followed up with Jun Hao's lawyer Yang Kunrong the same day, sending him the

signed written submission by Jun Hao and asking him to confirm

- *"That the attached statement from Mr ZHU Junhao is the final statement and he has nothing more to add to the statement."*
- *"Re-confirm that Mr ZHU Junhao agrees to the hearing being conducted by written submission."*

30. On 5 July 2021, Yang Kunrong answered with another email in Chinese. Borrie sent the translation to him like follows:

"Hello! I confirm that the statement submitted by Zhu Junhao is the final opinion, and I agree that we will participate in the hearing in writing."

And told him:

"I will pass on the information to the three-person hearing panel. Please send me any questions you have about the process."

31. On 13 July 2021, Borrie sent another follow-up email to Bin Rong's representatives repeating the request for confirmation already sent on 24 June 2021 (numbered 1 – 4), and informing them as follows:

"Hearing Panel – Meeting 27 July 2021

I wish to inform you that the Hearing Panel (see members below), will meet on Tuesday 27 July at 3:00 PM Central European Time to discuss the case.

Please respond to the emails below.

If you wish to make any further submissions or further statements on the allocation to what you have submitted already.

Please also inform me if you wish to present your case in person by video link on 27 July."

32. On 13 July 2021, Borrie informed Jun Hao's representative as follows:

"I wish to inform you and ZHU Junhao that the Hearing Panel (see members below), will meet on Tuesday 27 July at 3:00 PM Central European Time to discuss the case.

If you wish to make any further submissions or further statements on your case to what you have submitted already, please let me know.

Please also inform me if you wish to present your case in person by video link on 27 July."

33. On 26 July 2021, Bin Rong's representatives answered the email dated 13 July 2021 with regard to the required confirmation as follows:

*"1.confirm
2.confirm
3.confirm*

4.confirm"

34. On 26 July 2021, Borrie sent an email to Thomas Delaye, BWF Head of Legal and Governance ("Delaye"), informing him that the Panel will meet on 27 July 2021.
35. In the morning of 27 July 2021 (CET), Delaye sent an email to Borrie with the following request:

"Following your email dated 26/07/2021, we understand that the Panel will take a decision imminently in the case of these two players.

Should the Panel find that the players are guilty, the BWF would ask for the opportunity to make submissions in relation to the applicable sanctions."

36. In the afternoon of 27 July 2021 (CET), the Panel held a video-conference and decided the following:

1. *The Parties are requested to inform the Panel until Monday, August 9, 2021, whether the Athletes have been provisionally suspended. If yes - how long, and if not – have they competed since the investigation started?*

2. *The Parties are granted the opportunity for a final submission if any, until Monday, August 9, 2021. Any submission shall be duly signed by the Athletes and/or his representatives and notified to the BWF before 11.59pm CET on August 9, 2021. In case the BWF does not receive any final submission by the parties, it will be understood that all confirm they agree with the procedures and how they have been conducted, considering all their rights respected in particular, their right to be heard.*

3. *The Panel will decide the case on Wednesday, August 11, 2021.*

37. On 29 July 2021, Borrie sent a letter with the Panel's decision to the Parties.
38. On 5 August 2021, the BWF provided its final submission, including submission on the sanction to be imposed on the players.
39. A reminder regarding the deadline set by the Panel was sent to the Parties by Borrie in the morning of 9 August 2021. No additional submission on behalf of or by the Players has been submitted.

Charges

40. The charges against Jun Hao state:

"Charge 1

That on 19 March 2019, Zhu Jun Hao contrived the outcome of the Match by agreeing prior to the Match to lose the first game and then losing the first game, before going on to win the second and third games and the Match in breach of paragraph 3.1.17 of the Code.

Charge 2

That on or before 19 March 2019, Zhu Jun Hao

*Bet on the Match in breach of paragraph 3.1.3 and 3.1.6 of the Code,
Used inside information, specifically his knowledge of his own performance in the
Match, to bet on the Match in breach of paragraph 3.1.11 of the Code, and/or
Passed information for the purposes of betting to Zhang Bin Rong and/or a person
identified as Liu Ming, in breach of paragraph 3.1.13 of the Code."*

41. The charges against Bin Rong state:

"Charge 3

That on or before 19 March 2019, Zhang Bin Rong:

Bet on the Match in breach of paragraph 3.1.3 of the Code,

*Used inside information, specifically his knowledge of Zhu Jun Hao's performance in
the Match, to bet on the Match in breach of paragraph 3.1.11 of the Code, and/or
Is responsible with Zhu Jun Hao for the Corruption Offences committed by Zhu Jun
Hao by effect of paragraph 4.1 of the Code.*

Charge 4

That between 13 March 2019 and 19 March 2019, Zhang Bin Rong:

Bet on Badminton Events in breach of paragraph 3.1.3 of the Code, and/or

Bet on Events in which he was participating in breach of paragraph 3.1.6 of the Code."

B. APPLICABLE LAW

Jurisdiction

42. Article 31 of the BWF Constitution recognises the Independent Hearing Panel as a judicial body of the BWF.
- 42.1. As a form of "Disciplinary Committee", it is authorised by Article 29 of the BWF Constitution to "penalise a Member, player, coach, competition official, or other person for infringement of the Statutes, for misconduct during competition, or for actions that bring the game of Badminton or the Federation into disrepute."
43. In accordance with Article 6.1 of the Procedures, the Independent Hearing Panel has jurisdiction to deal with matters regarding alleged breaches of the "Betting, Wagering, and Irregular Match Results Code of Conduct" (i.e. the 2017 Code).
- 43.1. The definition of "Covered Person" in 1.1.6 of the 2017 Code incorporates a "player", which is defined as "any player who enters or participates in any badminton competition, Event or activity organised or sanctioned by the BWF or any governing body."
- 43.2. The definition of "Covered Person" within the Procedures incorporates a "player", which is defined as "any player who enters or participates in any badminton competition, Event or activity organised or sanctioned by the BWF, a Member or any other governing body accepted by the BWF."
- 43.3. Neither Jun Hao nor Bin Rong disputed that they were a "Covered Person" pursuant to the 2017 Code, or Procedures.

44. Pursuant to Article 15.4 of the Procedures, the case against Jun Hao and Bin Rong was referred to an Independent Hearing Panel following consideration of the evidence by the Referral Officer.
45. As such, the Panel has jurisdiction to hear these matters.
 - 45.1. Neither Jun Hao nor Bin Rong disputed the jurisdiction of the Panel to adjudicate the regulatory violations alleged by the BWF.

Right to be Heard

46. The Panel notes that, after request from the Panel, the Players have signed their written statements, which had been submitted earlier without signature.
47. They have instructed legal representatives and Borrie, administrator and contact person for the case, communicated accordingly with the Players and their lawyers.
48. The Players, i.e. their representatives, expressively confirmed the case to be decided based on the written submissions and did not send any further submission.
49. After the Players were given another opportunity to submit further arguments by the Panel's letter dated 29 July 2021, the Panel is confident that the right to be heard has been observed.

Burden of proof and standard of proof

50. Clause 32 of the Procedures reads:

"STANDARD AND BURDEN OF PROOF

32.1 The standard of proof in all matters under these Procedures shall be the balance of probabilities and a matter will be found proved if it is more likely to have occurred than not.

32.2 The burden of proof regarding an allegation of breach rests on the Investigating Party."

51. Pursuant to this clause BWF has the burden of establishing that a violation has been committed on the balance of probabilities, a standard that implies that on the preponderance of the evidence before the Panel, it is more likely than not that a breach of the 2017 Code has occurred.

Procedural Rules

52. The following procedural rules within the Procedures and 2017 Code are extracted in full insofar as they are relevant to the reasons set out at **Part D**.

Procedures

26. FORMAT OF HEARING

Hearings shall be held in person unless the Chair of the hearing panel, after consulting the other hearing panel members and the parties decides to render a decision only on the basis of the written submissions and evidence served on the hearing panel or of submissions made by any means of remote communication.

2017 Code

- 6.1 *The BWF or their appointed investigators and agents shall have the right to conduct an initial interview and follow-up interviews, if necessary as determined solely by the BWF, with any Covered Person in furtherance of investigating the possibility of a commission of a Corruption Offence.*
- ...
- 6.1.2 *The Covered Person shall have the right to have counsel attend the interview(s).*
- ...
- 6.1.4 *The Covered Person shall have the right to request an interpreter, and the cost shall be borne by the BWF.*
- ...
- 6.1.6 *All Covered Persons must cooperate fully with investigations conducted by the BWF or their appointed investigators and agents including answering any reasonable question when being interviewed and giving evidence at hearings, if requested.*
- ...
- 6.1.9 *If the BWF believes that a Covered Person may have committed a Corruption Offence, the BWF may make a Demand to any Covered Person to furnish to the BWF any information or equipment or device holding such information regarding the alleged Corruption Offence, including, without limitation,*
- 6.1.9.1 records relating to the alleged Corruption Offence (including, without limitation, itemized telephone billing statements, text of SMS messages received and sent, Facebook, Twitter and other social media accounts, banking statements, betting records, internet service records, mobile devices and tablets, computers, hard drives and other electronic information storage devices), and*
- 6.1.9.2 a written statement setting forth the facts and circumstances with respect to the alleged Corruption Offence. The Covered Person shall furnish such information within seven (7) business days of the making of such Demand, or within such other time as may be set by the BWF.*

Offences

53. The offences which Jun Hao and Bin Rong were charged with are set out in full:

2017 Code

- 3.1 *The following are considered offences under this Code:*

- ...
- 3.1.2. *Any Player not using one's best efforts to win a match.*

3.1.3. No Player who is registered on the most recent BWF World Ranking list shall, directly or indirectly, Bet, Wager or attempt to Bet or Wager on the outcome or any other aspect of any Events or any other international badminton competition irrespective of the Player participating in the Event or not.

For the avoidance of doubt this means that no such Player is allowed to participate in any Betting or Wagering activities in badminton.

...

3.1.6. No Covered Person shall, directly or indirectly, Bet, Wager or attempt to Bet or Wager on the outcome or any other aspect of any Event or any other international badminton competition at which they are participating or involved in in any capacity. The period of the Event shall be from the time of when the draw for the competition is made until the completion of the last match of the competition for that Event.

3.1.7. No Covered Person shall, directly or indirectly, solicit or facilitate any other person to Bet or Wager on the outcome or any other aspect of any Event or any other badminton competition.

3.1.8. No Covered Person shall, directly or indirectly, solicit or facilitate any Player to not use his or her best efforts in any Event.

...

3.1.11. No Covered Person shall directly or indirectly use inside information to Bet or Wager on the outcome or any other aspect of any Event or any other international badminton competition irrespective of the Player participating in the Event or not.

3.1.12. No Covered Person shall directly or indirectly provide any other person with inside information for the purposes of Betting, or Wagering on the outcome or any other aspect of any Event or any other international badminton competition irrespective of whether the Bet or Wager is actually placed.

3.1.13. No Covered Person shall, directly or indirectly, solicit or accept any money, benefit or Consideration, for the provision of any Inside Information.

...

3.1.17. No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event.

...

4.1. Each Player shall be responsible for any Corruption Offence committed by any Covered Person if such Player either (i) had knowledge of a Corruption Offence and failed to report such knowledge pursuant to the reporting obligations set forth in this Code or (ii) assisted the commission of a Corruption Offence. In such event, the disciplinary panel shall have the right to impose sanctions on the Player to the same extent as if the Player had committed the Corruption Offence. For a Corruption Offence to be committed, it is sufficient that an offer or solicitation was made, regardless of whether any money, benefit or Consideration was actually paid or received.

C. EVIDENCE AND POSITIONS OF THE PARTIES

54. Below is a summary of the relevant facts and allegations based on the Parties' written submissions and evidence. Additional facts and allegations found in the written submissions and evidence may be set out, where relevant, in connection with the findings at **Part D**.

Evidence

55. The evidence provided as part of the charge notices, stemming from the Betting Company, the Interviews and the analysis of Jun Hao's mobile phone, is summarised below.
56. In March 2019 shortly before the Match, the following betting accounts were opened with the Betting Company.
57. On 13 March 2019, a betting account was opened in the name of Birong Zhang (the "**Bin Rong account**"), the account is accepted by Bin Rong to be his betting account.
58. On 15 March 2019, a betting account was opened in the name of Zhu Jun Hao (the "**yonexzhu account**"), the account details were:
- 58.1. Username – [REDACTED]
 - 58.2. The account was opened in Wuhan, Hubei.
 - 58.3. The email address was [REDACTED]
 - 58.4. The phone number was [REDACTED]
 - 58.5. Date of birth [REDACTED]
59. The person who opened the yonexzhu account provided details of Jun Hao's identity card to the betting company.
60. On 19 March 2019, a betting account was opened in the name of Ming Liu (the "**yonexliu account**"), the account details were:
- 60.1. Username – [REDACTED]
 - 60.2. The account was opened in Wuhan, Hubei.
 - 60.3. The email address was [REDACTED]
 - 60.4. The phone number was [REDACTED]
 - 60.5. Date of birth [REDACTED]
61. The Match took place on 19 March 2019 with the result of Jun Hao and Xiao Bei losing the first game 21-19, but going on to win the next two games 14-21 and 11-21. The total Match points were therefore 107; the winning games, games 2 and 3, for Jun Hao and Xiao Bei totaled just 67 points.
62. On 20 March 2019, ESSA notified the BWF by email that the Betting Company had identified abnormal activity on the accounts:
- 62.1. In respect of the Bin Rong account, the yonexzhu account and the yonexliu account it was reported that:
- 62.1.1. The yonexzhu account placed their first ever bets on the Match, but the

- Bin Rong account had been betting from 13.3.2019 when bets were placed on the China Masters.
- 62.1.2. All three accounts placed bets that the first game (i.e. set) of the Match would be won by Hess and Küspert.
 - 62.1.3. Additionally, the yonexzhu account placed two bets, the first bet was that Jun Hao and Xiao Bei would win the Match and the second bet was there would be over 77.5 total match points in the Match.
 - 62.1.4. Additionally, the yonexliu account placed a separate bet that there would be over 77.5 total match points in the Match.
- 62.2. In respect of the Bin Rong account it was reported that the account requested more than the maximum stake for Hess and Küspert to win the first game.
63. Those betting positions identify:
- 63.1. The operators of all three accounts expected Hess and Küspert to win the first game,
 - 63.2. The Match to last more than 2 games (a total Match points of over 77.5 requires normally a third game),
 - 63.3. The Bin Rong account also bet on Jun Hao and Xiao Bei winning the Match overall.
64. Scotney, during the second interview with Jun Hao on 12 December 2019 (page 49 of the Exhibits), stated: "The betting company was so suspicious of these bets that they blocked the bets and didn't allow them."
65. The Bin Rong account shows 36 bets placed between 13 and 19 March 2019 on matches at the China Masters at Lingshui, the Swiss Open and the Orléans Masters.
66. Bin Rong in the interview denied to have bet on other Badminton matches between March 13 and March 19, 2019.
67. The translation of a screenshot of a conversation from Jun Hao's phone between him and Ming Liu is as follows:

"Older Brother" Ming	
	(if) they are trading, I'll follow (not shown)
	We have all figured out/ negotiated
Haha, alright, so is there one tonight?	
	Yes there should be, if there is I'll let you know, and then I'll "fool" around during the match
Alright, ok	
Are you "fooling" the second round	
	"Fooling" depends on the situations
	I'll analyse

Alright, just call me which round you are “fooling”	
	Alright.
<names> (Xiaodong Sheng v Michal Rogalski)	
You ask, alright, whether stable or not	

BWF Case against Jun Hao and Bin Rong

68. In summary, the BWF case against Jun Hao and Bin Rong is that:
- 68.1. Prior to the Match, Jun Hao agreed with Bin Rong and a third person named Ming Liu that Jun Hao and his partner Xiao Bei would lose the first game in the Match, and
 - 68.2. Bin Rong, Ming Liu and Jun Hao opened betting accounts to bet on that outcome, and
 - 68.3. Bin Rong, Ming Liu and Jun Hao bet on that outcome, and
 - 68.4. Jun Hao agreed to secure that outcome, and
 - 68.5. Jun Hao and Xiao Bei then lost the first game of the match 19-21, but went on to win the next two games 21-14 and 21-11.
69. BWF finds that those three accounts bet on the same specific outcome, so shortly after having been opened is of itself remarkable. There were plainly many thousands of different betting opportunities around the world between the opening of yonexzhu and yonexliu accounts and the Match upon which those accounts and the Bin Rong account bet.
70. According to BWF, the coincidence is however explained by its investigation, which in short establishes that:
- 70.1. Jun Hao is the operator of yonexzhu account,
 - 70.2. Ming Liu is the operator of the yonexliu account,
 - 70.3. Jun Hao, Bin Rong and Ming Liu are connected persons and were in communication before the Match, and that their betting activity was not independent of each other, but in fact connected and because Jun Hao was playing in the March was secured on his inside information and/or agreement to lose the first game. That is shown directly in this case by Ming Liu and Jun Hao communicating about ‘trading’ and ‘fooling’ in relation to Badminton at the time of the Match.
71. BWF alleges that Jun Hao is shown to be the operator of the yonexzhu account by these matters:
- 71.1. The account uses his name and his date of birth and his original address all of which he admits in his first interview and his identity number as he admits in his second interview.
 - 71.2. Jun Hao in the Interviews suggested these matters did not show him to be the operator of the account, and asserted the account was that of his parents and in particular his mother's. The BWF rejects the position Jun Hao took in his

interview that the account was his parents' and that the address for the account was his mother's, the telephone number was his mother's, :

- 71.2.1. Jun Hao accepted that in order to open the account they would have had access to his identity card number, asserting that she did.
- 71.2.2. He could give no explanation as to why his mother might open a betting account in his name and suggested he had left his bank card at her address.
- 71.2.3. The analysis of the IP data provided from the Betting Company shows that the account was accessed from an IP address in Lingshui on 16 March 2019, having previously been accessed on 15 March 2019 in Wuhan, from the analysis of IP addresses.
- 71.2.4. On 16 March 2019, Jun Hao was in Lingshui playing in a tournament (as he admits).
- 71.2.5. Jun Hao denied seeing his mother on 16 March 2019 and so was later forced into the bizarre position of suggesting his mother had come to Lingshui and not seen him.

72. BWF sees Jun Hao connected to Bin Rong and Ming Liu as follows:

- 72.1. As to Bin Rong:
 - 72.1.1. In the week before the Match Jun Hao and Bin Rong were both playing in a tournament in Lingshui, Jun Hao admits that and says he was in Lingshui between 12 and 16 March before travelling to Orléans via Beijing and that Bin Rong was there too.
 - 72.1.2. Bin Rong also admits he was in Lingshui with Jun Hao, before travelling to Auckland (which is the location where his betting account was accessed from).
- 72.2. As to Ming Liu:
 - 72.2.1. Analysis of Jun Hao's mobile phone, following its contents being downloaded by Hines-Randle, found a message on that phone between Jun Hao and Ming Liu. The latter according to that message used the name 'yonexliu' for an ID on the chat site WeChat; which is the same name used for the yonexliu account, there is therefore no doubt that Ming Liu on the Jun Hao phone is the Ming Liu who bet on the Match.
 - 72.2.2. By that same evidence, Ming Liu is established to be the operator of the yonexliu account because the coincidence of name and username is otherwise inexplicable.
 - 72.2.3. Further, the message found on the Jun Hao phone between him and Ming Liu establishes the nature of their contact and communication and that the purpose of it was to discuss betting on Badminton and match manipulation at the time of the Orléans tournament, as follows:
 - 72.2.4. The message (translated to English) shows that Jun Hao and Ming Liu were discussing 'fooling' in the second round of a tournament. That follows a discussion about 'trading'. It is submitted that it is clear that the true meaning of this conversation is whether or not Jun Hao would fix a game in a match.
 - 72.2.5. The timing of the message can be established to be after 0831 CET on 19 March 2019, when the photograph was taken, and that day is the only time the players named in the screenshot, Xiaodong Sheng (CHN) and Michal Rogalski (CAN) have ever played against each other.

73. BWF finds further support for its case and conclusion in these matters:
- 73.1. Jun Hao lied in his interview saying he did not know Ming Liu or Lui Ming and ended up with the suggestion s/he was probably his mother's friend.
 - 73.2. Whilst Jun Hao denied being friends with and/or talking to Bin Rong and Bin Rong said he rarely spoke to him, yet both bet on the same outcome.
 - 73.3. Bin Rong lied saying he did not have a betting account but then went on to admit:
 - 73.3.1. Betting on Badminton whilst he was in Auckland, on events involving people he knew
 - 73.3.2. That when he tried to place bets, he was refused the amount as there was a maximum bet, which suggests he was confident in the particular outcome.
 - 73.4. Bin Rong claimed to have made the bet from analysis of Jun Hao's training, but would not know the details of that without conversation or contact with Jun Hao.
74. BWF acknowledges to Bin Rong's credit that he admitted knowing that betting on Badminton was a breach of the BWF Rules and that he had bet on matches at Lingshui.
75. Jun Hao in his interview offered his explanation for why people might have thought he would lose the first game was that it was the first time he had played with Xiao Bei and that they had started to play with the new service rule. The BWF rejects that explanation as fanciful because:
- 75.1. The three accounts were opened shortly before the Match and used for it, the account holders were not able to make the same analysis for other players,
 - 75.2. The account does not explain the conversation with Ming Liu or the lies about knowing Ming Liu,
 - 75.3. The new service rule had been in place for over a year in practice and formally since December 2018.
76. Bin Rong's explanation for the bet on the Match was his observation of Jun Hao's training. The BWF rejects that explanation as fanciful because:
- 76.1. It does not explain the need to bet on points in the match,
 - 76.2. It does not explain why he bet in the same way as the yonexliu and younexuszhu account,
 - 76.3. It is too unlikely a coincidence that three accounts would open shortly before the Match and bet in the same way when the player Jun Hao was discussing 'fooling' about with Ming Liu.

Conclusion – 2017 Code violations

77. In respect of the alleged 2017 Code violations, the BWF concluded:
- 77.1. That Jun Hao had agreed to contrive the outcome of the Match. The BWF's case is made out by two pieces of evidence:
 - 77.1.1. First, the communication by messages between Jun Hao and Ming Liu

in which Jun Hao identifies and agrees with Ming Liu that he would fool around in relation to matches which would be traded. That shows a willingness to contrive the outcome of the Match.

- 77.1.2. Second, the fact that before the Match, the three accounts were able to predict the outcome of the Match establishes that it was contrived. The accounts not only predicted the first game outcome, but also the Match outcome and likely total points score. On the balance of probabilities, it is more likely than not that Jun Hao involved himself in contriving the outcome, rather than each of the accounts predicting the position correctly, and that conclusion is fortified by the fact that Bin Rong was seeking to exceed the maximum stake amount on the outcomes.
- 77.2. That Jun Hao has bet on the Match and communicated inside information to Bin Rong and Ming Liu and himself using that information.
- 77.3. That Bin Rong is charged with all matters relating to Jun Hao where he knew of and did not report them.
- 77.4. That Bin Rong had bet on Badminton as shown in the Bin Rong account. That betting divides into:
- 77.4.1. Bets on the China Masters at Lingshui which is a breach of both paragraph 3.1.3 and 3.1.6 of the Code because Bin Rong was playing in that event,
 - 77.4.2. Bets on the Swiss Open which is a breach of paragraph 3.1.3 of the Code,
 - 77.4.3. Bets on the Orléans Masters (other than on the Match) which is a breach of 3.1.3 of the Code.

Jun Hao Defence

78. Jun Hao's written submission is the following:

"Letter of Statement

In March 2019, I was paired with Hua Xiaobei to participate in the mixed doubles competition of the French Open 100 on behalf of the Chinese Badminton Team. In June 2019, the Badminton World Federation (BWF) called the Chinese Badminton Association (CBA), saying that Hua Xiaobei and I had engaged in gambling in the first round of the mixed doubles match, which was won by a score of 2-1. I solemnly state the incident as follows.

1: I have never participated in any gambling activity, either alone or jointly with Hua Xiaobei. As a professional athlete, I am deeply aware that gambling in competition is not only a major violation of the regulations of the Chinese Badminton Association and the International Badminton Federation, but also a criminal violation of the laws of China. I will not ruin my career for this. Badminton is not only a job and a hobby, but also a career I strive for as my life.

2: The world badminton federation says <https://████████.com> █████ has my name and the registration of the bank card account. I have no knowledge of this thing, and in order to prove it, I also provided my mobile phone to check. According to the results, I've never been involved in any facts related to that gambling. My bank statements in the past two years

have not revealed any suspected gambling transactions. After verification with my family members, I found that my mother did not understand the code of conduct, so she registered the account with my ID number and bank card. With the purpose of paying attention to my competition, she invested a small amount of money for the purpose of entertainment and carried out the violation. I am deeply sorry that this has caused such a serious incident and caused so much trouble to all parties, and I hereby promise that my relatives will not commit any further violations."

Bin Rong Defence

79. Bin Rong's written submission is the following:

"The Written Submission of ZHANG Bin Rong

Materials 1

On 10 March 2019, Zhang Binrong went to Lingshui to join Lingshui Masters and he arrived in Lingshui on the same day. During the tournament, his parents used his identity information to register a betting account and took part in betting. Zhang Binrong agreed to register account, but he was unwitting for other issues of betting. He did not mention the betting with parents during this period. On 19 March 2019, Zhang Binrong left for Auckland, New Zealand to attend North Harbour International after Lingshui Masters. During the tournament, Zhang suffered insomnia due to jet lag, so he made a video call home and chatted about badminton with others. Then he found that Zhu Junhao's match would be started shortly. as a result of curiosity, he asked his family how to make a bet through the account and the relevant steps, and he made one and only bet. After that Zhang Binrong made no bet any more.

Material 2

In December 2019 BWF informed Zhang Binrong to go to the Hilton Hotels in Beijing Capital International Airport, Beijing for an interview. Zhang was very nervous because he had never attended such an interview and did not know exactly what would happen in it. After the interview began, two BWF staff put up some inquiries. One of the BWF staff informed Zhang that if he lied or did not answer truthfully, the consequence would be serious with great responsibility on his side. He was confused by hearing this. What was worse, he didn't understand English at all so he became even more nervous and flustered. As a result, he too afraid to make the statement clearly. BWF staff then turned on the projector, showed the data from the computer, which included Zhang's only one bet during the North Harbour International and account registration information during Lingshui Masters. Zhang admitted his betting in New Zealand immediately as he involved once during the North Harbour International. He also admitted the issue of betting account registration for fear of implicating family members. However, please be noted that Zhang Binrong himself did not participate the registration and other operations except his betting in North Harbour International.

Material 3

Zhang Bingrong and Zhu Junhao once participated in the training together. Out of training hours, there was no friend relation between them but fierce competitor relation. There was no conversation or personal contact between the two players during the tournament, and there was no possibility of he receiving any so-called hot-tips. He betting was made by the analysis of ZJH and his partner's individual competition level in the training match, so as to predict the result of the match they bet. There is no

planning or manipulation of the match results, and he did not know any so-called hot-tips."

BWF Response

80. In response to Jun Hao's written statement BWF in a final submission sent on 5 August 2021 states that Jun Hao:
 - 80.1. Stands by his suggestion that it was his parents who placed the bets.
 - 80.2. He refers to mobile and phone and banking records which he has not produced.
81. The BWF rejects that explanation because:
 - 81.1. As with Bin Rong it is implausible that Jun Hao's parents would set up a betting account within 4 days of the Bin Rong account and the yonexliu account being set up and operated, and it is yet more implausible that Jun Hao's parents would then bet in the same way as Bin Rong and Ming Liu (as described in the Case Summary) without them being in communication, when as is clear Jin Hao was in communication with both Bin Rong and Ming Liu.
 - 81.2. There is no explanation for the type of betting or the IP addresses from which the bets were placed. There is no explanation for the contact with Ming Liu, the terms of the discussion between them and there is no explanation for the payments to the betting account matching those to an e wallet.
 - 81.3. The statement does not otherwise address the detail of the case or provide any support for the denial.
82. In response to Bin Rong's written statement BWF in a final submission sent on 5 August 2021 states that
 - 82.1. Bin Rong appears to suggest that his parents set up the betting account but that he used it once in New Zealand only.
 - 82.2. He was confused in his interview.
 - 82.3. His betting was based on training information.
83. The BWF reject that explanation because:
 - 83.1. It is implausible that Bin Rong's parents would set up a betting account within 4 days of the yonzexzhu account and the yonexliu account being set up and operated, and it is yet more implausible that Bin Rong's parents would then bet in the same way as Jin Hao and Ming Liu (as described in the Case Summary) without them being in communication. Far more likely is that Bin Rong - was as the BWF submit - the operator of the account.
 - 83.2. In his interview he was represented by Li Wankun and there was an interpreter. There was no confusion or linguistic misunderstanding.
 - 83.3. 'Training information' does not justify the size of bets or the types of bets which all hinged on the specific outcome that obtained in the Match.
 - 83.4. The statement does not otherwise address the detail of the case or provide any support for the denial.

Format of the Hearing

84. The Parties agreed to the hearing being conducted by written submission. Thus the condition of Clause 26.1 of the Procedures were met and no hearing to be held.

Submissions on sanction

BWF

85. The BWF refers to a number of former decisions on match-fixing cases by its Ethic Hearing Panel/Independent Hearing Panel and the Court of Arbitration for Sport ("CAS") and submits

86. *"In respect of ZJH:*

- 86.1. *ZJH's involvement is in actual match fixing and manipulation. It is the most serious form of corruption.*
- 86.2. *His involvement was pre-planned and pre-meditated and coordinated with others involved in the corrupt activity.*
- 86.3. *He would appear to have been a prime mover in the agreement and was not lulled or drawn into it.*
- 86.4. *He has made no admissions and cannot contend for any credit by his attempts to blame his family for the betting.*
- 86.5. *His sanction should be at least as severe a suspension as that imposed on Sekartaji Putri of 12 years, Mia Mawarti of 10 years, Fadilla Afni of 10 years, If the Panel accepts, as the BWF submits, that he was a prime mover in the corruption a more severe sanction is justified.*
- 86.6. *There was plainly a financial gain from the betting and the corrupt plan, and the Panel is invited to impose a fine of between \$10,000 and \$15,000 in addition to the suspension."*

87. *"In respect of ZBR*

- 87.1. *ZBR's involvement is in arranging to and betting upon a known corrupt outcome, and betting on badminton.*
- 87.2. *His involvement was pre-planned and pre-meditated and coordinated with others involved in the corrupt activity.*
- 87.3. *He would appear to have been a prime mover in the agreement and was not lulled or drawn into it.*

- 87.4. *He has made no admissions and cannot contend for any credit by his attempts to blame his family for the betting.*
- 87.5. *His sanction should be at least as severe a suspension as that imposed on Agrippina Putra Putri of 6 years. If the Panel accepts, as the BWF submits, that he was a prime mover in the corruption a more severe sanction is justified.*
- 87.6. *There was plainly a financial gain from the betting and the corrupt plan and the Panel is invited to impose a fine of between \$6,000 and \$8,000 in addition to the suspension."*

D. FINDINGS

- 88. While the Panel has carefully considered all the facts, evidence, allegations and arguments submitted in writing, the Panel refers in these findings only to the submissions and evidence it considers necessary to explain its reasoning.
- 89. The Panel noted that no direct evidence is before the Panel. However, a lack of direct evidence does not necessarily equate to no misconduct occurring.
- 90. In cases of performance manipulation, especially one's own, and/or corrupt deals between individuals to benefit from such manipulation, there often is no direct evidence as long as there is no whistle-blower.
- 91. So the Panel has to examine whether the indirect evidence laid out in the file supports the charges brought against the Players.

Charges

- 92. First of all, the Panel states that
 - 92.1. Betting is illegal in China;
 - 92.2. The Players know about this and as well that betting is a violation of CBA and BWF rules
- 93. In detail, the charges against the Players and the evidence relating to these charges are laid down below.

Jun Hao

- 94. The charges against Jun Hao allege that he
 - 94.1. On 19 March 2019, contrived the outcome of the Match by agreeing prior to the Match to lose the first game and then losing the first game, before going on to win the second and third games and the Match.
 - 94.2. On or before 19 March 2019,

- 94.2.1. Bet on the Match
 - 94.2.2. Used inside information, specifically his knowledge of his own performance in the Match, to bet on the Match and/or
 - 94.2.3. Passed information for the purposes of betting to Zhang Bin Rong and/or a person identified as Ming Liu
95. This conduct is alleged to have breached
- 95.1. Article 3.1.17 of the 2017 Code on 19 March 2019
 - 95.2. The following Articles of the 2017 Code on or before 19 March 2019
 - 95.2.1. 3.1.3 and 3.1.6
 - 95.2.2. 3.1.11
 - 95.2.3. 3.1.12

Breach of Article 3.1.17 of the 2017 Code

96. The BWF bases its allegation that Jun Hao contrived or attempted to contrive the Match mainly on
- 96.1. The details of the opening and betting history of the yonexzhu account;
 - 96.2. The fact that identical bets were placed on the Match by the yonexzhu account, the yonexliu account, and the Bin Rong account;
 - 96.3. The final outcome of the Match that mirrors the expectations of the bets;
 - 96.4. The connection between Jun Hao and Bin Rong at the tournament in Lingshui;
 - 96.5. The screenshot of Jun Hao's conversation with Ming Liu.
97. Jun Hao's explanation that his mother opened the yonexzhu account on 15 March 2019, using his ID card details and phone number, and then placed the bet on the concrete outcome of the Match, completely lacks credibility.
98. Thus, the Panel is convinced that it was Jun Hao himself who registered and used the yonexzhu account for betting on the Match.
99. The Panel also follows BWF in the conclusion, that the identical bets placed by the three betting accounts, all opened shortly before the Match, and the final outcome of the Match can hardly be seen as a coincidence.
100. That Jun Hao and Bin Rong were in Lingshui at the same time, as well as the documented conversation between Jun Hao and someone named Ming Liu, a name obviously connected to the yonexliu account, on the morning of 19 March 2019, additionally support this conclusion.
101. Accordingly, the Panel is satisfied on the balance of probabilities, that Jun Hao contrived or attempted to contrive the Match, thus breaching Article 3.1.17 of the 2017 Code.

Breach of Articles 3.1.3, 3.1.6, 3.1.11 and 3.1.13 of the 2017 Code

- a) Articles 3.1.3 and 3.1.6 of the 2017 Code
 - 102. First of all, the Panel notes that a player "registered on the most recent BWF World Ranking list" automatically breaches not only Article 3.1.3 of the 2017 Code but also Article 3.1.6 if he bets on his own match.
 - 103. Nevertheless, this does not constitute two different breaches, as 3.1.6 is aiming at Covered Persons, i.e. as far as players are concerned those not registered on the BWF World Ranking list.
 - 104. As Jun Hao has played internationally in 2019, the Panel assumes that he was registered on the BWF World Ranking list, so only Article 3.1.3 of the 2017 Code applies.
 - 105. As shown above (# 97), Jun Hao's explanation that his mother opened the yonexzhu account on 15 March 2019, using his ID card details and phone number, and then placed the bet on the concrete outcome of the Match, completely lacks credibility.
 - 106. Accordingly, the Panel is satisfied on the balance of probabilities, that Jun Hao registered the yonexzhu account and placed a bet on his own match, thus breaching Article 3.1.3 of the 2017 Code.
- b) Article 3.1.11 of the 2017 Code
 - 107. The Panel notes, that a player betting on his/her own match always disposes of all inside information available regarding his own performance. In so far, betting on one's own match goes hand in hand with a breach of Article 3.1.17 of the 2017 Code.
 - 108. Accordingly, the Panel is satisfied on the balance of probabilities, that Jun Hao used inside information when placing the bet on the Match, thus breaching Article 3.1.11 of the 2017 Code.
- c) Article 3.1.12 of the 2017 Code
 - 109. First of all, with regard to inside information, the Panel notes that there seems to be a typo in the BWF's Charges when quoting the wording of Article 3.1.12 of the 2017 Code but naming it Article 3.1.13.
 - 110. BWF does not allege that Jun Hao "*directly or indirectly, solicit or accept any money, benefit or Consideration, for the provision of any Inside Information*".
 - 111. So instead, the Panel has to judge whether Jun Hao provided inside information "*for the purposes of Betting, or Wagering on the outcome or any other aspect*" of the Match to Bin Rong and/or Ming Liu.

Jun Hao's Connection to Bin Rong

- 112. Regarding Jun Hao's connection to Bin Rong, the Panel held that
 - 112.1. They both participated in the tournament in Lingshiu;
 - 112.2. No details on any contact between the two is submitted, especially not after they

- left Lingshiu;
- 112.3. Especially no details regarding the inside information allegedly provided or the agreement allegedly made is submitted;
 - 112.4. The Players denied having any closer relationship, and to have talked about the Match;
113. This leaves open whether the identical bets have been placed based on the detailed knowledge that and how Jun Hao will manipulate the Match, passed on by him to Bin Rong, or just on the latter's personal expectation that Jun Hao will use the first opportunity of playing internationally outside Asia to manipulate, after just having opened an own betting account.
114. To lose the first game but to go on and win the match, which usually results in more than 77.5 points, is obviously an easy way to manipulate while raising as little attention as possible and, with regard to the player involved, still reaching the sportive aim to win.
115. The identical bets therefore are not as inexplicable as BWF submits. Bin Rong could assume that if Jun Hao would manipulate the Match it would probably be by losing the first game and winning the Match, which would lead to more than 77.5 points.
116. Bin Rong's betting record shows a high risk affinity. He started placing bets immediately after opening the account and there are quite high losses documented.
117. This is typically for young men in competitive sport, with studies showing that they are at high risk of problem gambling, assuming they can predict an outcome based on their expertise in their own sport (known as "control illusion").
118. That the Bin Rong account was the only one of the three accounts involved requiring more than the maximum stake for Hess and Küspert to win the first game (see #62.2), underlines the risk affinity, especially compared to Jun Hao.
119. The Panel notes, that Jun Hao's and Bin Rong's statements do not sound credible in many aspects, as the Players changed their positions step by step during the interviews when confronted with additional evidence and/or inconsistency of their arguments.
120. But in dealing with indirect proof only (see #89), the Panel has to be careful not to make conclusions that are as speculative as the opposite would be, i.e. weigh differently the possibilities that detailed information has been given or that just an overall discussion has induced Bin Rong to take a specific risk.
121. It cannot be excluded that while a more general discussion and/or exchange between Jun Hao and Bin Rong about how to manipulate a match for betting purposes had taken place, finally no concrete information has been passed on.
122. Especially, BWF's allegation "That Jun Hao had agreed to contrive the outcome of the Match" (see # 77.1) is not based on any fact or indirect evidence.
123. So it is as probable that Bin Rong took a risk not knowing whether Jun Hao would indeed manipulate any match and especially the Match as it is probable that Bin Rong knew or could guess from former general discussions with Jun Hao that the latter would do it.

124. To weigh the indirect evidence differently would overstretch the definition of inside information as contained in the 2017 Code - "*information about the likely participation or likely performance of a Player in an Event or concerning any other aspect of an Event which is known by a Covered Person and is not information in the public domain.*".
125. To sanction any assumption that a player might be manipulating due to former considerations could otherwise lead to a sanction even when the respective player abstains from the idea and never manipulates any match.
126. Accordingly, the Panel is not satisfied on the balance of probabilities, that Jun Hao passed inside information, i.e. his knowledge on his performance and/or intention to manipulate the Match, for the purpose of betting on to Bin Rong.
127. Regarding Jun Hao's connection to Ming Liu, the Panel held that
 - 127.1. There are no details known about Ming Liu and his kind of involvement in Badminton and/or contact to Jun Hao;
 - 127.2. Ming Liu's betting account was opened on 19 March 2019 in Wuhan and also the bets were placed in Wuhan, Jun Hao's home town where his family lives.
 - 127.3. Jun Hao's and Ming Liu's betting accounts chose similar usernames.
 - 127.4. Ming Liu, like Jun Hao, only bet on the Match.
 - 127.5. The only way to interpret the conversation between Jun Hao and Ming Liu on 19 March 2019 is that Jun Hao considers "fooling" probably "tonight", and it "depends on the situation".
 - 127.6. This can be seen as readiness to contrive a match, most probably the Match as this was the only one in Orléans Jun Hao was going to play.
 - 127.7. Details on Jun Hao finally informing Ming Liu of "which round" he will be "fooling" or on an agreement have not been found by BWF when analysing Jun Hao's phone.
128. The Panel finds the content of the conversation between Jun Hao and Ming Liu on the day of the Match sufficiently clear to be seen as an information on intended manipulation thus fulfilling the definition of inside information being passed on, even without any final confirmation by Jun Hao that he will manipulate the Match.
129. This is supported by indirect evidence insofar as the betting accounts show significant similarities regarding usernames and bets placed. Additionally, the fact that the Ming Liu account was opened and used in Wuhan points to someone close to Jun Hao.
130. Under these circumstances it is more probable than not that Jun Hao is linked to Ming Liu in a specific way, and involved this individual to increase the financial gain from betting on the Match.
131. Accordingly, the Panel is satisfied on the balance of probabilities, that Jun Hao passed inside information for the purpose of betting on to Ming Liu.
132. Thus a breach of Article 3.1.12 of the 2017 Code by Jun Hao has been established.

Bin Rong

133. The charges against Bin Rong allege that he

133.1. On or before 19 March 2019

133.1.1. Bet on the Match

133.1.2. Used inside information to bet on the Match and/or

133.1.3. Is responsible with Jun Hao for the Corruption Offences committed by Jun Hao

133.2. Between 13 March 2019 and 19 March 2019

133.2.1. Bet on Badminton events

133.2.2. Bet on events in which he was participating

134. This conduct is alleged to have breached

134.1. The following Articles of the 2017 Code on or before 19 March 2019

134.1.1. 3.1.3

134.1.2. 3.1.11

134.1.3. 4.1

134.2. The following Articles of the 2017 Code between 13 March 2019 and 19 March 2019

134.2.1. 3.1.3 and/or

134.2.2. 3.1.6

Breach of Article 3.1.3 of the 2017 Code on or before 19 March 2019

135. Bin Rong has admitted having bet on the Match.

136. Albeit obviously not being part of the national team like Jun Hao when competing in Orléans, Bin Rong has played internationally at Lingshui and Auckland and not contested to be ranked in the BWF World Ranking list. Thus Article 3.1.3 of the 2017 Code applies.

137. Accordingly, the Panel is satisfied that Bin Rong breached Article 3.1.3 of the 2017 Code.

Breach of Article 3.1.11 of the 2017 Code on or before 19 March 2019

138. As laid down above (#112 – #126), the Panel is not satisfied on the balance of probabilities, that Jun Hao passed inside information, i.e. his knowledge on his performance in the Match, for the purpose of betting on to Bin Rong.

139. The fact that Bin Rong tried to bet more than the limit does not lead to a different view. Taking a risk gives a kick, it is part of the attraction of gambling, especially for young men in sport (see # 116 – 118).

140. Nothing is known about any exchange between Jun Hao and Bin Rong. So one can only

speculate whether Bin Rong had detailed knowledge that Jun Hao will manipulate the Match or just guessed that this might happen without having any certainty.

141. The Panel rejects to broaden the scope of what constitutes "inside information" to a mere overall notion that a certain player may manipulate under specific circumstances (see #119 – 124).
142. Accordingly, the Panel is not satisfied on the balance of probabilities that Bin Rong used inside information regarding the Match for betting purposes.
143. Thus a breach of Article 3.1.11 of the 2017 Code has not been established.

Breach of Article 4.1 of the 2017 Code on or before 19 March 2019

144. The Panel notes that it is not quite clear what kind of action violates Article 4.1 of the 2017 Code for the following reasons:
 - 144.1. Article 1.1.5 of the 2017 Code defines Corruption Offence as "*any offence described in Clauses 3*".
 - 144.2. The first paragraph of Article 4.1. of the 2017 Code refers to "*any Corruption Offence committed by any Covered Person*", i.e. to all offences of Article 3.
 - 144.3. The second paragraph of Article 4.1. of the 2017 Code sets the condition for "*a Corruption Offence to be committed*" defining that "*it is sufficient that an offer or solicitation was made, regardless of whether any money, benefit or Consideration was actually paid or received*".
 - 144.4. This obviously only refers to offences that involve any offer or solicitation, for example Article 3.1.7, but not to for example Article 3.1.6 of the 2017 Code.
145. In the case at hand, BWF just submits that Bin Rong "*Is responsible with Jun Hao for the Corruption Offences committed by Jun Hao*". No details on how Bin Rong is connected to which offence by Jun Hao, thus making Bin Rong responsible, are submitted.
146. With regard to Jun Hao's performance in and his bet on the Match, the Panel cannot see any fact or indirect evidence that could lead to Bin Rong being responsible.
147. Besides, the allegation of inside information being passed on, and used in itself constitutes an offence by the person allegedly receiving and using the information. Thus Article 4.1 of the 2017 Code does not constitute another rule violation.
148. Additionally, as laid down above (# 126), the Panel is not satisfied on the balance of probabilities, that Jun Hao passed inside information, i.e. his knowledge on his performance in the Match, for the purpose of betting on to Bin Rong.

Thus a breach of Article 4.1 of the 2017 Code has not been established.

Breach of Article 3.1.3 and/or Article 3.1.6 of the 2017 Code between 13 March 2019 and 19 March 2019

149. In his written submission, Bin Rong denies having placed any other bet between 13 March and 19 March 2019.

150. The Panel notes that by the Bin Rong account 36 bets have been placed on matches at the China Masters at Lingshui, the Swiss Open and the Orléans Masters (beside the bet placed on the Match) between 13 and 19 March 2019.
151. The Panel held that Bin Rong's submission, that his parents opened the account and placed the bets with the exemption of the bet on the Match lacks any credibility.
152. Accordingly, the Panel is satisfied on the balance of probabilities that Bin Rong placed 36 bets on matches at the China Masters at Lingshui (where he was participating himself), the Swiss Open and the Orléans Masters.
153. Nevertheless, placing a bet on a match at an Event where a player participates himself does not constitute two different breaches, as 3.1.6 is aiming at Covered Persons, i.e. as far as players are concerned those not registered on the BWF World Ranking list.
154. Thus 36 breaches of Article 3.1.3 of the 2017 Code at the China Masters in Lingshui, the Swiss Open and the Orléans Masters have been established.

Sanction

155. The 2017 Code does not prescribe exact sanctions for the violations charged by the BWF. Rather, it makes generic, broad-based references to sanctioning principles to be applied by disciplinary bodies.
156. The Procedures prescribe the Types of Sanctions for violations of the BWF rules in Clause 41:

"The following sanctions may be imposed by BWF hearing panels on Covered Persons:

*41.1.1 Reprimand;
41.1.2 Suspension;
41.1.3 Dismissal;
41.1.4 Disqualification;
41.1.5 Forfeiture of rewards;
41.1.6 Venue Exclusion Order;
41.1.7 Fine; and
41.1.8 Administrative Sanctions."*

157. Clause 43.1 of the Procedures states:

"The hearing panel deciding upon the sanction shall determine the type and extent of any sanction, its scope and duration, considering all relevant mitigating and aggravating factors in a case and the degree of guilt of the party when imposing a sanction. The hearing panel shall be bound to impose a proportionate sanction."

158. Aggravating and mitigating factors according to Clause 43.2 of the Procedures could be as follows:

"In determining a sanction, at least the following factors shall be taken into consideration where applicable:

43.2.1 The number of breaches of the Statutes found, the duration of the breaches, the extent of the breaches and the circumstances of the breaches including but not limited to

the financial consequences and intentions surrounding the breaches;

43.2.2 Any timely admission of guilt, the degree of culpability, the display of remorse, the planning, purpose, and extent of effort invested when committing the breach;

43.2.3 Whether the breaches took place in circumstances of choice or under some or any compulsion;

43.2.4 The youth and experience of the person concerned;

43.2.5 Ignorance or insufficient understanding about the rules;

43.2.6 Any substantial assistance and cooperation provided by the person concerned during the investigation;

43.2.7 Any previous offences committed and the disciplinary record of the person concerned;

43.2.8 The context and motivations including personal relationships, financial situation, medical conditions, and other specific personal circumstances; and

43.2.9 The consequences of any breaches on the course or result of a competition and the overall integrity of the competition and of the sport of badminton and of any other person."

159. According to the Findings, the Players have to be sanctioned

159.1. Jun Hao for breaches of

159.1.1. Article 3.1.17 of the 2017 Code by contriving the outcome of the Match

159.1.2. Articles 3.1.3 and 3.1.11 of the 2017 Code by betting on the Match while contriving it

159.1.3. Article 3.1.12 for passing on inside information to Ming Liu

159.2. Bin Rong for 36 breaches of Article 3.1.3 of the 2017 Code by betting on matches at the China Masters in Lingshui, the Swiss Open and the Orléans Masters (including bets on the Match)

160. As far as aggravating and mitigating factors are concerned, the Panel held with regard to

160.1. Jun Hao that

160.1.1. He contrived the outcome of the Match and placed bets on the outcome, which constitutes two connected breaches;

160.1.2. He only opened the betting account shortly before the Match and did not place any other bet on any other match;

160.1.3. As the bets have been blocked, there were no financial consequences;

160.1.4. There was no (timely) admission or display of remorse on the one hand, but on the other hand the planning, purpose and effort invested were rather limited, except for passing on inside information to Ming Liu. One can even state, that the action was naïve with a very low degree of criminal energy, if at all;

160.1.5. He at the time of the breaches, was aged 20, i.e. young of age, and not internationally experienced;

- 160.1.6. He obviously knew the rules and that betting is illegal in China. But with BWF not submitting that Jun Hao underwent any integrity training, it is doubtful whether he sufficiently understands the reasons behind the rules in order to develop a comprehensive mens rea that includes a full understanding of the harm done and the possible victim(s) of any violation;
- 160.1.7. There are no previous offences, and Jun Hao has a clean disciplinary record;
- 160.1.8. The context of the breaches and the way how they were committed look more like a "young boys' adventure" than an intended criminal act;
- 160.1.9. Only the course, but not the result or the overall integrity of the competition have been impacted.

160.2. Bin Rong that

- 160.2.1. He bet on 36 matches at three different tournaments;
- 160.2.2. He only opened the betting account shortly before the Match;
- 160.2.3. As the bets on the Match have been blocked, there were no financial consequences;
- 160.2.4. For the bets on other matches there were no specific financial consequences either;
- 160.2.5. He admitted to have placed bets on the Match but denied the other bets. The planning, purpose and effort invested to open the account were rather limited. One can even state, that the action was naïve with a very low degree of criminal energy, if at all;
- 160.2.6. He at the time of the breaches was aged 18, i.e. very young of age, and not internationally experienced;
- 160.2.7. He obviously knew the rules and that betting is illegal in China. But with BWF not submitting that Bin Rong underwent any integrity training, it is doubtful whether he sufficiently understands the reasons behind the rules in order to develop a comprehensive mens rea that includes a full understanding of the harm done and the possible victim(s) of any violation;
- 160.2.8. There are no previous offences, and Bin Rong has a clean disciplinary record. The fact that he immediately started to use his account and bet 36 times in a short time has to be seen as a consecutive violation, there was no time for him to reflect and learn from an earlier disciplinary sanction;
- 160.2.9. The context of the breaches and the way how they were committed look more like a "young boys' adventure" than an intended criminal act;
- 160.2.10. The results of the competitions and the overall integrity of the competitions have not been impacted.

161. Above all it has to be noted, that BWF does not even allege that any approach has occurred or money or any other benefit been solicited/received/offered/given. The Panel therefore does not understand how BWF in its submission on sanction can see the

breaches committed by Jun Hao as the "most serious form of corruption".

162. The Panel is aware of the fact that other BWF panels as well as the CAS (not just limited to the case law BWF has included in its submission on sanction) have imposed strong sanctions in match-fixing cases. This usually was intended to also serve as a deterrence.
163. Given the amount of match-fixing incidents in different sports all over the world, reported for example by the INTERPOL Integrity in Sport Bi-weekly Bulletin, one cannot see an effect of such deterrence.
164. Therefore the Panel refers to CAS 2018/A/5846 and 5847, based on an appeal against a BWF Ethic Hearing Panel decision, where in #138 the CAS panel notes
"that previously, when match fixing and anti-corruption rules were newly emerging and there was little guidance with regard to sanctioning, the sanctions imposed were strong and included the necessary component of a strong deterrent effect. In that regard, in the Panel's view, it remains the case that a deterrent may still generally be required, although the knowledge and awareness of match-fixing, match manipulation and related corruption have increased significantly. Such a factor is to be weighed and balanced in individual cases and circumstances, and the effect on the sport concerned."
165. Taking the above considerations and the detailed facts of this case into account, the Panel finds the BWF's submission of 10 to 12 years suspension for Jun Hao and 6 years for Bin Rong grossly unproportionate.
166. None of the submitted decisions in other match-fixing cases support such long suspensions in the case at hand.
167. The panel in #98 of BWF Persson 18032019, submitted by BWF, states with regard to the BWF regulations:
"The Procedures provide no guidance as to how an Ethics Hearing Panel should sanction an individual that has committed multiple regulatory violations, i.e. whether each charge should be sanctioned separately, and the sanctions accumulated; whether a sanction should only be issued for the rule considered the lex specialis; or whether all charges be sanctioned cumulatively."
168. The Panel finds that
 - 168.1. Jun Hao has to be sanctioned for interlinked breaches of four different rules (Article 3.1.17; 3.1.3, 3.1.11, and 3.1.12 of the 2017 Code);
 - 168.2. Bin Rong has to be sanctioned for 36 consecutive breaches of Article 3.1.3 of the 2017 Code.
169. The Panel orders that

- 169.1. Jun Hao be suspended for two (2) years;
- 169.2. Bin Rong be suspended for two (2) years;
- 169.3. The two years period shall commence from the date on which this decision is communicated to the Players.

Costs

170. Clause 40 of the Procedures states:

"40.1 Any party may apply to the hearing panel to make an order for costs, but such application shall be made within 7 days of the notification to that party of the Reasoned Decision.

40.2 Unless otherwise ordered by the hearing panel after the Reasoned Decision is provided to the parties:

40.2.1 Each party shall bear its own costs, including the costs of its own witnesses, representatives, lawyers, interpreters and counsel in preparation for an in attendance for a hearing.

40.2.2 The costs of proceedings related to the hearing panel, including the administration of the hearing, the expenses of the hearing panel members, and of any person that was requested to attend by the hearing panel shall be borne by the BWF.

40.3 At any time during the proceedings the Chair of a hearing panel may order that a party should pay some or all of the costs of any other party incurred in the preparation for and conduct of the hearing if that party has generated or caused unnecessary costs by its conduct, irrespective of the outcome of the procedure.

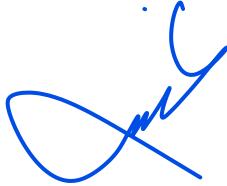
40.4 The hearing panel that renders a decision shall also have a discretion to order that one party should pay some or all of the costs of any other party to the procedure. In exercising that discretion, the hearing panel shall have regard to the fact that the BWF has an obligation to pursue disciplinary proceedings to protect the integrity and good reputation of the sport of badminton. Any decision on costs shall not be subject to appeal independent of an appeal on the merits of the decision."

171. Having heard no submissions on costs, the Panel made no order as to costs, whilst noting that it may be requested to make a costs order in the future, in accordance with Article 40 of the Procedures.

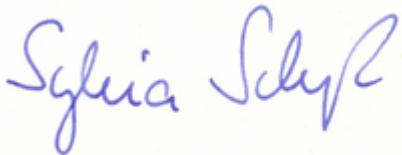
DECISION

1. Zhu Jun Hao has violated Articles 3.1.3, 3.1.1, 3.1.12, and 3.1.17 of the 2017 Code of Conduct in relation to Betting Wagering and Irregular Match Results;
2. Zhu Jun Hao is suspended ("from all competitive events") for a total period of two (2) years;

3. Zhang Bin Rong has 36 times violated Article 3.1.3 of the 2017 Code of Conduct in relation to Betting Wagering and Irregular Match Results;
4. Zhang Bin Rong is suspended (“*from all competitive events*”) for a total period of two (2) years;
5. The two years period shall commence from the date on which this decision is communicated to Zhu Jun Hao and Zhang Bin Rong respectively.



Dr. Ghada Darwish Karbon



Sylvia Schenk

(Chair)



Enric Ripoll

11 August 2021