



IN THE DISCIPLINARY COMMITTEE GHANA FOOTBALL ASSOCIATION

Protest Case: No. A 85- 2017

CORAM

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|--------------------------------|---|-----------|
| 1. Prosper Harrison Addo, Esq. | - | Chairman |
| 2. Osei Kwadwo Addo, Esq. | - | Member |
| 3. W.O.1 J. W. Amoo | - | Member |
| 4. Alex Kotey | - | Member |
| William Bossman | - | Secretary |

BRONG AHAFO UNITED FC vs WA DARK HORSES FC PROTEST IN RESPECT OF THEIR MATCHDAY 26 GN BANK DIVISION ONE LEAGUE MATCH

PROCEEDINGS

In accordance with Article 41.5 of the Ghana Football Association (GFA) Statutes and Articles 37(10)(a) to 37(10)(d) of the GFA General Regulations, the Disciplinary Committee (hereinafter referred to as “the Committee”) considered the depositions from Brong Ahafo United FC (hereinafter referred to as “the Petitioner”) with their attachments and the reports of the match officials.

SUMMARY OF FACTS

CASE OF BRONG AHAFO UNITED FC

Brong Ahafo United FC (the Petitioner) on Tuesday, August 15, 2017 lodged a protest against Wa Dark Horses FC (the Respondent) for breaching Articles 29(1)(e), 39(5)(a)(iv), 34(1)(e) of GFA General Regulations in their Matchday 26 GN Bank Division One League match.

The case of the Petitioner is that Wa Dark Horses FC fielded player Ahmed Toure Waris (in jersey No. 16) when the player was unqualified to play in the match. The Petitioner claimed that the player was shown yellow cards in DOL Matchdays 13, 18 and 19. The Petitioner claimed that **“the player ought to have been rested to serve the automatic one match ban, but the Respondent knowingly or unknowingly fielded the player in Matchday 26 in a GN Bank Division One League match played between Wa Dark Horses FC and Brong Ahafo United played on the 12th of August 2017 at the Wa Park”**. The Petitioner consequently demanded the application of Article 34(1)(e) of the General Regulations.

Secondly, the Petitioner claimed that Wa Dark Horses FC fielded five players who had fines imposed on them by the GFA at the time they played the match in question. The players were named as Yahaya Naeem (jersey 8), Sabit Kayanaie Hassan (jersey 27), Tariq Joe (jersey 4), Bawa Awudu (jersey 2) and Ikal Sankoro (jersey number 7). The Petitioner stated that the failure to pay the fines were in contravention of Article 34(1)(l) of the General Regulations.

Finally, the Petitioner alleged that the goalkeeper of Wa Dark Horses FC wore number 1 and was in a strip not presented at the pre-match, when on the team sheet the registered jersey was 49.

The Petitioner stated that the goalkeeper was supposed to appear in a white jersey, black shorts and white stockings but he decided to play in another color not presented at the pre-match and that in the first round of the league, the same goalkeeper appeared in all white jersey (Petitioner attached picture). The Petitioner urge the Committee to investigate and apply Article 17(1)(e) of the General Regulations.

Brong Ahafo United FC consequently requested the Disciplinary Committee to award the club three points and three goals.

DEFENCE OF WA DARK HORSES FC

The Respondent failed to file a Statement of Defence against the Protest within three (3) days of receipt of the Protest as stipulated by the GFA General Regulations.

FINDINGS AND GROUNDS OF THE DECISION

Absence of Statement of Defence

The absence of a Statement of Defence from Wa Dark Horses Football Club notwithstanding, the Disciplinary Committee shall in accordance with Articles 37(10)(c) and 37(10)(d) of the GFA General Regulations proceed to adjudicate the matter on its merits.

The said Article 37(10)(c) states that:

“the Disciplinary Committee may deliver its decision in any given case even if one party fails, neglects or refuses to file a statement of defence or a reply as the case may be within the stipulated time”.

Article 37(10)(d) also states that:

“All Club(s), official(s) and player(s) agree that their right to a hearing before the judicial organs and Player Status Committee of the Ghana Football Association is expressed by filing of a Statement of Case, Statement of Defence, a Reply and any further evidence given before the said bodies. Accordingly, representations made through their Statements shall be deemed final and conclusive of the factual and legal basis of their cases”.

From the foregoing, the Committee shall adjudicate the instant Protest on its merit in the light of Article 34(13)(a) of the GFA General Regulations. The said Articles 34(13)(a) of the GFA General Regulations are reproduced as follows:

“The burden of proof regarding protests between clubs rests on the protesting club and in the case of a charge by the Prosecutor, the burden rests with the Prosecution”.

The Protesting club therefore has a burden of proof to discharge in order to succeed in the instant case.

Substantive Case

On the first issue of the alleged fielding of an unqualified player, **Ahmed Tuore Waris (in jersey No. 16)**, the Petitioner stated that the Respondent should suffer forfeiture under Article 34(1)(e) of the General Regulations of the GFA. The Petitioner claimed that the player was shown yellow cards in DOL Matchdays **13, 18 and 19**.

The said Article 34(1)(e) of the General Regulations reads as follows:

“A team commits an offence punishable by forfeiture of a match where it fields an unqualified player(s)”.

Also per Article 29(2)(a) of the General Regulations of the GFA an unqualified player shall not play in a match. Article 29(2)(a) of the GFA General Regulations reads: ***“An unqualified player shall not take part in any competition organised by the Association”.***

The Petitioner claimed that the Respondent fielded an unqualified players in respect of Article 29(1)(e) of the General Regulations of the GFA. Article 29(1)(e) of the General Regulations of the GFA defines an unqualified player as follows:

“An unqualified player is a player who has received a caution in three separate official matches of the GFA and has not miss the next official match (i.e. a match in the League, the FA Cup or the Elite Cup competitions)”.

It is the case of the Petitioner that the player Ahmed Tuore Waris (jersey No. 16) in the match.

Article 29(2)(b) of the GFA General Regulations reads:

“For the avoidance of doubt, a player shall not be deemed to have been fielded in a match unless he actually played in the match”.

Therefore, the first issue to be determined by this Committee is whether or not the player **Ahmed Tuore Waris (in jersey No. 16)** played in the match in question. For if the player was not fielded in the match in question, the protest against the player shall not have a leg to stand on.

In the instant matter, it is the finding of this Committee from the match report that Wa Dark Horses FC actually fielded the player **Ahmed Tuore Waris (in jersey No. 16)** in the match against Brong Ahafo United FC per the Team Sheet.

This Committee now turns its attention on the disciplinary records of the player. The Committee finds (from the original match reports) as follows:

DOL Matchday 5	Brong Ahafo United vrs Dark Horses	-42 min
DOL Matchday 11	Techiman City vrs Dark Horses	-44 min
DOL Matchday 13	Bfoakwa Tano vrs Dark Horses	-5 min
DOL Matchday 14	Did not play	
DOL Matchday 18	Dark Horses vrs Bfoakwa Tano	-50 min
DOL Matchday 19	Real Tamale United vrs Dark Horses	-34 min

It is very clear to this Committee that player **Ahmed Tuore Waris (in jersey No. 16)** of Wa Dark Horses FC **was qualified** to play in the Matchday 26 match against Brong Ahafo United FC. It must also be stated clearly that assuming without admitting that the player got a third yellow card in Matchday 19 as alleged by Brong Ahafo United FC, the next official match would have been **Matchday 20** and no other match. Matchday 26 could not have been the next official match by any stretch of imagination and this Committee has had cause to address this issue in so many decisions. **The Protest fails on this first issue.**

On issue two, the Petitioner alleged that the following players had unpaid fines to their name which made them unqualified to play in the match: Yahaya Naeem (jersey 8), Sabit Kayanaie Hassan (jersey 27), Tariq Joe (jersey 4), Bawa Awudu (jersey 2) and Ikal Sankoro (jersey number 7).

It must be stated that player, Ikal Sankoro (jersey number 7) was not fielded at all in the said match and as such would not be part of this matter in accordance with Article 29(2)(b) of the GFA General Regulations. Article 29(2)(b) of the GFA General Regulations reads: ***“For the avoidance of doubt, a player shall not be deemed to have been fielded in a match unless he actually played in the match”.***

On the rest of the players, Brong Ahafo United FC did not provide any proof. The Committee notwithstanding contacted the Account Department of the GFA and finds as follows:

Yahaya Naeem (jersey 8) & Sabit Kayanaie Hassan (jersey 27)	- paid
Tariq Joe (jersey 4)	- paid
Bawa Awudu (jersey 2)	- paid

GFA Receipt numbers **029782, 029783, 029911**. The Protest shall fail on this second issue.

On issue three, this Committee wishes to state clearly that numbers on jerseys are not presented at pre-match technical meeting but rather colours of jerseys are. This is done to avoid clashes of colour of jerseys and the delay of the start of match associated with it. It must also be noted that the number that GK 1 or any other player wears in a match is not a ground to claims points at the Disciplinary Committee. There is indeed no regulation to support any protest to claim points in that respect. The referee is obligated to resolve such issues on jersey numbers during inspection of the teams long before kick-off of the match. It is of a failure on the part of the match officials.

The Committee now turns its attention on the allegation on the strip of the goalkeeper. The Petitioner stated that the goalkeeper was supposed to appear in a **white jersey, black shorts and white stockings** but he decided to play in **another color** not presented at the pre-match and that in the first round of the league, the same goalkeeper appeared in all white jersey picture attached.

Brong Ahafo United FC did not mention the colours the club was protesting against but rather said that the keeper was **"in another colour"**. Secondly, the club was economical with the truth on the evidence the club presented in order to mislead the Committee by labeling the Matchday 26 (2nd Round match) picture as the picture for the first round match played in Sunyani.

Yet again, Brong Ahafo United FC stated that goalkeeper of Wa Dark Horses FC in the first round of the league appeared in **"all white jersey"**. This Committee shall not concern itself with the jersey worn by the Wa Dark Horses FC in the first round of the league as it has no bearing on this Matchday 26 GN Bank Division One League match. The assertion by Brong Ahafo United is not even true per the picture evidence brought to this Committee by Brong Ahafo United FC.

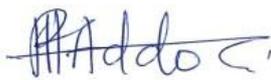
This Committee shall not allow Brong Ahafo United to distort the facts in order to deceive this Committee. The Committee finds that the goalkeeper of Wa Dark Horses FC used the colours the club registered as the official jersey in the home match at Wa. The Protest shall also fails on this third issue.

In conclusion, it is the position of this Committee that the Protest of Brong Ahafo United FC against Wa Dark Horses FC shall not succeed in respect of the match.

DECISIONS

The Committee therefore, makes the following decisions:

- 1. That the Protest of Brong Ahafo United FC is hereby dismissed.***
- 2. That Three Thousand Ghana Cedis (GH¢3,000.00) is hereby awarded against Brong Ahafo United FC payable to the GFA within 14 days upon receipt of this Ruling, failing which Brong Ahafo United FC shall forfeit its matches after the said deadline in accordance with Articles 39(8)(b) and 39(8)(d) of the First Amendment to the GFA General Regulations.***
- 3. That should any party be dissatisfied with or aggrieved by this Decision, the party has within three (3) days of being notified of this Ruling to appeal to the Appeals Committee of the Ghana Football Association (See Article 37(11) of the General Regulations of the GFA).***



**Prosper Harrison Addo, Esq.
Chairman, Disciplinary Committee (A)
Friday, September 8, 2017**