



IN THE DISCIPLINARY COMMITTEE GHANA FOOTBALL ASSOCIATION

Protest Case: No. A-107- 2017

CORAM

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| 1. Prosper Harrison Addo, Esq. | - | Chairman |
| 2. Eva Okyere, Esq. | - | Vice Chairperson |
| 3. Osei Kwadwo Addo, Esq. | - | Member |
| 4. W.O.1 J. W. Amoo | - | Member |
| 5. Alex Kotey | - | Member |
| William Bossman | - | Secretary |
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ACCRA GREAT OLYMPICS FC vrs BECHEM UNITED FC

PROTEST IN RESPECT OF THEIR MATCHDAY 30 OF THE GHANA PREMIER LEAGUE

PROCEEDINGS

In accordance with Article 41(5) of the GFA Statutes of the Ghana Football Association (GFA) 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 Accra Great Olympics Football Club (hereinafter referred to as “the Petitioner”) and Bechem United Football Club (hereinafter referred to as “the Respondent”) together with all the supporting attachments and the reports of the match officials.

SUMMARY OF FACTS

CASE OF ACCRA GREAT OLYMPICS FC

Accra Great Olympics FC (the Petitioner) on Wednesday, October 25, 2017 lodged a protest against Bechem United FC (the Respondent) for allegedly failing to respect the decision of the GFA/PLB to have the Matchday 20 Premier League match between Bechem United FC and Accra Great Olympics FC at the Fosu Gyeabour Park at Bechem on Sunday, October 22, 2017 telecast live in contravention of Article 63 of the Disciplinary Code of the GFA.

It is the case of Petitioner that all clubs were given a final warning to respect decisions, particularly obligations of clubs and the GFA to sponsors of the GFA, including StarTimes and NASCO in the decisions of the GFA Disciplinary Committee of GFA vrs. Aduana Stars FC and the case of GFA vrs Accra Hearts of Oak SC.

According to the Petitioner, Article 63 of the GFA Disciplinary Code prescribes the punishment of points’ deduction in this case since evidence will be led to show that Bechem United prevented the telecast of the advertised live match by StarTimes even though they were ordered to facilitate the coverage.

The Petitioner also indicated that the club lodged a protest with the Match Commission before the kick off of the match.

The Petitioner subsequently prayed that Bechem United FC should be deducted 6 points for its refusal to have the match telecast live in accordance with the provisions of this Article 63 of the GFA Disciplinary Code.

DEFENCE OF BECHEM UNITED FC

The Respondent in their Statement of Defence to the protest, urged the Committee to dismiss the protest arguing that the Petitioner has failed to provide evidence as should be the case in matters that one is supposed to file a statement of case.

The Respondent stated that a Statement of Case must include facts, evidence and authorities as requested by the prescribed protest form with space for attach documents to avoid ambushing and surprise to the other party.

According to Bechem United FC, the Petitioner failed to attach any evidence and to elaborate on the GFA final warning the Petitioner alluded to and the two decisions referred to and how the decisions relates to the facts of the case.

Bechem United FC stated that the Petitioner failed to support the accusation that the Respondent prevented the live telecast of the match but rather deferred the proof associated with it.

It is the case of the Respondent that "it did not bear hands and it is totally not implicated in the inability of StarTimes to telecast the said match live as planned.

The Respondent consequently urged the Disciplinary Committee to dismiss the protest with punitive costs.

REPLY TO DEFENCE BY ACCRA GREAT OLYMPICS FC

In the Reply to the Statement of Defence, the Petitioner stated that the Bechem United FC had failed to offer any defence but technicalities.

The Petitioner contended that StarTimes travelled with a crew to Bechem to telecast the match but were refused entry and access to the pitch against all pleas and that supporters of the Respondents blocks all the access roads to the park except by foot prompting the Petitioner to register their displeasure by walking backwards to the park in protest.

The Petitioner repeated the club's prayer for the Disciplinary Committee to punish the Respondent by forfeiture.

FINDINGS AND GROUNDS OF THE DECISION

The Petitioner stated that the Respondent should suffer forfeiture under Article 63(1) of the Disciplinary Code of the GFA.

The said Article 63(1) of the Disciplinary Code of the GFA reads as follows:

63(1) "Anyone who fails to pay another person (such as a player, a coach or a club) or GFA a sum of money in full or part, even though instructed to do so by a body, a Committee or an instance of GFA, FIFA, CAF or CAS (financial decision), or anyone who fails to comply with another decision (non-financial decision) passed by a body, a Committee or an instance of GFA, FIFA, CAF or CAS:

a) Will be fined at least GH¢1,000 for failing to comply with a decision;

b) Will be granted a final deadline by the GFA or its judicial bodies in which to pay the amount due or to comply with the decision;

c) (Only for clubs) will be warned and notified that, in the case of default or failure to comply with a decision within the period stipulated, points will be deducted or demotion to a lower division ordered. A transfer ban may also be pronounced".

Thus, it is very clear that for a Protest to succeed under the above provisions (supra), a club must prove **(the six points)**:

- i. *That the Respondent had failed to pay a sum of money in full or part or failed obey a decision, even though instructed to do so by a Committee,*
- ii. *That the defaulting Respondent was fined at least GH¢1,000 for failing to comply with a decision, granted a final deadline within which to pay the amount due or to comply with the decision and for club, had been warned and notified that, in the case of default or failure to comply with a decision within the period stipulated, points will be deducted or demotion to a lower division ordered or suffer a transfer ban may have been threaten.*
- iii. *That that the fine, warning and threat in (ii) above had been communicated to the defaulting club using one of the modes of communication prescribed,*
- iv. *That deadline as communicated to the defaulting had passed,*
- v. *That the defaulting club had not obeyed the warning deadline and warning given in the communication, and*
- vi. *That the match in question was played at the time final warning had not been obeyed by the defaulting club.*

It is the request of the Petitioner that this Disciplinary Committee should enforce Article 63(1)(c) of the Disciplinary Code (stated supra) against Bechem United FC by deducting 6 points from the Respondent's accumulated points.

The Petitioner asserted that the two decision of the Disciplinary Committee in the cases of GFA vrs Accra Hearts of Oak SC (NASCO decision) and GFA vrs Aduana Stars FC (the StarTimes decision) were warnings to all clubs to obey sponsorship agreements of the GFA.

It is the view of the Committee that Article 63(1)(c) of the Disciplinary Code is aimed at ensuring that clubs, players, coaches and club officials take their responsibilities and obligations dutifully to effect positive change in attitudes.

It is important to note however, that under Article 63 of the Disciplinary Code, there are a number of sanctions available (deduction of points, demotion and transfer ban). Consequently, it is required that the exact punishment **MUST BE THREATENED** in the communication to the defaulting party, in order for Article 63(2) of the Disciplinary Code thereof to apply the threatened sanction.

Article 63(2) of the Disciplinary Code states as follows:

"If the club disregards the final time limit, the GFA shall implement the sanctions threatened".

It is very clear to this Committee that for the punishment proposed by Accra Great Olympics FC to be applied against Respondent it should have already been threatened against Bechem United FC. This Committee has considered the two decisions referred to by the Petitioner and cannot find any trace of a final warning to Bechem United FC with a deadline and a threat of point 6 deduction.

This Committee wishes to distinguish between a general warning to all clubs to fulfil their obligations and marketing provisions as stipulated in the GFA Statutes and the warning as envisage under Article 63 of the GFA Disciplinary Code. It is very clear from the above that the protest of Accra Great Olympics FC must be dismissed on the facts in this matter.

In the instant case, Accra Great Olympics FC have failed to provide prove to satisfy the six points enumerated above to justify the club's request for Bechem United to be punished under Article 63 of the Disciplinary Code of the GFA.

The gravamen of such a protest is really the application of Article 63(2) of the Disciplinary Code by the GFA of pre-threatened sanctions. It is not the case in this instant matter.

It is therefore the holding of this Committee that the Protest of Accra Great Olympics FC shall fail.

DECISIONS

The Committee therefore, makes the following decisions:

- 1. That the Protest of Accra Great Olympics FC against Bechem United FC is hereby dismissed and the match results shall stand.*
- 2. That Three Thousand Ghana Cedis (GH¢3,000.00) is hereby awarded against Accra Great Olympics FC payable to the GFA within fourteen (14) days upon receipt of this Ruling.*
- 3. That from the amount mentioned in Decision 2 above, One Thousand Ghana Cedis (GH¢1,000.00) is hereby awarded in favour of Bechem United FC payable to the club, upon receipt of the payment from Accra Great Olympics FC.*
- 4. 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 GFA.*



**Prosper Harrison Addo, Esq.
Chairman, Disciplinary Committee (A)
Friday, November 10, 2017**