



# IN THE DISCIPLINARY COMMITTEE OF THE GHANA FOOTBALL ASSOCIATION (SITTING AS AN APPELLATE COMMITTEE)

Protest Case: No. A 120- 2017

## CORAM

- |                                |   |                  |
|--------------------------------|---|------------------|
| 1. Prosper Harrison Addo, Esq. | - | Chairman         |
| 2. Eva Okyere, Esq.            | - | Vice Chairperson |
| 3. Osei Kwadwo Addo, Esq.      | - | Member           |
| 4. Alex Kotey                  | - | Member           |
| William Bossman                | - | Secretary        |

## KOFORIDUA UNITED FC vs KWAHU YOUTH ACADEMY AN APPEAL AGAINST THE DECISION OF THE DISCIPLINARY COMMITTEE OF THE EASTERN REGIONAL FOOTBALL ASSOCIATION

### PROCEEDINGS

In accordance with Article 41.6 of the GFA Statutes and Articles 37(10)(a) to 37(10)(h) of the Ghana Football Association (GFA) General Regulations, this Disciplinary Committee (the Appellate Committee) considered the depositions from Koforidua United FC (Appellant), Kwahu Youth Academy FC (Respondent) and the record of proceedings from the Disciplinary Committee of the Eastern Regional Football Association (ERFA DC).

### SUMMARY OF FACTS

#### CASE OF KOFORIDUA UNITED FC

Koforidua United FC (the Appellant) filed this appeal to overturn the decision of the Disciplinary Committee of the Eastern Regional Football Association which dismissed the protest of the club against Kwahu Youth Academy after their Division Two League match played between the two clubs.

The Appellant stated that the ERFA DC erred when it ruled that the registration of Paul K. Twum was proper. The Appellant contended that the registration of the player was irregular and fictitious. The Appellant claimed that the Respondent was registered as Bolga Black Arrows FC and that the Respondent had negotiated for the transfer of the player with Bolga Black Arrows FC.

The Appellant subsequently urged the Appellate Committee to overturn the ruling of the ERFA DC and their club as winners of the match played between the two clubs.

#### RESPONSE OF KWAHU YOUTH ACADEMY

The Respondent among others stated that the matter is different from the case of Tema Youth FC vs Dreams FC. The Respondent challenged the Appellant to come out to evidence to prove their allegations.

### FINDINGS AND GROUNDS OF THE DECISION

This Committee notes that this matter is before it in pursuant to the provision of Article 41(6) of the GFA Statute. The said regulation provides as follows:

***“An appeal against a decision of the Disciplinary Committee of the Regional Football Association shall be heard by the GFA Disciplinary Committee as an appellate Committee whose decision shall be final”.***

This Appellate Committee has considered all the documents and correspondence in this matter. This Appellant Committee agrees with the findings of fact of the ERFA DC in the decision and the application of the regulations in relations to this matter. This Committee has not been provided with any evidence or argument to warrant the overturning of any part of the Decision.

The Appellate Committee sadly notes the attempt of the Appellant to bring new issues not canvas before the Disciplinary Committee. The gravamen of the case of the Appellant is that the player was a player of Bolga Black Arrows FC for whom the Respondent and Bolga Black Arrows FC had negotiated a transfer.

It must be noted that, the mere discovery that a player has a previous bio data in the FIFA Connect with another name and date of birth does not warrant a change of the result of a match he had played in. The key question to answer is whether or not the change in the bio data was caused by the Respondent knowingly. There must be a causal link to depict a clearly knowledge of the previous bio data.

It is very clear to this Appellate Committee that the Appellant failed to provide the key evidence of their alleged negotiation they claim took place between the Respondent and Bolga Black Arrows FC. This is the evidence the Appellant promised to submit to the Disciplinary Committee to show knowledge on the part of the Respondent of the prior registration of the player with Bolga Black Arrows FC (if at all).

The case is hinge on whether or not it is the player alone who is at fault or whether or not the club was aware, or have knowledge of or was involved in the previous registration and ought to have been in the known of the previous registration and its details and documents. In this case there was no such link.

This Appellate Committee is mindful of Article 29(2)(c) of the GFA General Regulations:

***"Without prejudice to the generality of the foregoing provision of this Article, the Association shall in all cases LOCATE AND PUNISH THE GUILTY PARTY/PARTIES. In the event of the PLAYER BEING THE SOLE GUILTY PARTY, the RESULTS OF THE MATCH WHICH HE PLAYED SHALL STAND".***

It is abundantly clear to this Appellant Committee the result of the match must stand in accordance with Article 29(2)(c) of the GFA General Regulations and that the ERFA DC was right in its holding on this issue.

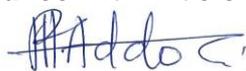
This Appellate Committee also agrees with the ERFA DC in its decision for the GFA Prosecutor to investigate Bolga Sharp Arrows FC, Krystal Palace FC, the player and any other persons or clubs and prefer the appropriate charges.

This Appellate Committee agrees therefore with the findings and holdings of the Decision. The appeal shall therefore fail.

## **DECISION**

***The Committee therefore, makes the following decisions:***

- 1. That the appeal brought by Koforidua United FC against Kwahu Youth Academy FC to overturn the Ruling of the Disciplinary Committee of the Eastern Regional Football Association is hereby dismissed.***
- 2. This Decision is final in accordance with Article 41(6) of the GFA Statutes.***



**Prosper Harrison Addo, Esq.  
Chairman, Disciplinary Committee (A)  
Monday, January 8, 2018**