

# GHANA FOOTBALL ASSOCIATION



# CODE OF ETHICS

2019

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This Code of Ethics was adopted at the meeting of the GFA Executive Council of December 18, 2019. It comes into force on December 18, 2019.

## PREAMBLE

GFA bears a special responsibility to safeguard the integrity and reputation of football in Ghana. GFA is constantly striving to protect the image of football, and especially that of the GFA, from jeopardy or harm as a result of illegal, immoral or unethical methods and practices.

In this connection, the following Code reflects the principles of the GFA Code of Conduct, which defines the most important core values for behaviour and conduct within GFA as well as with external parties.

The conduct of persons bound by this Code shall reflect the fact that they support the principles and objectives of the GFA, the members, leagues and clubs in every way and refrain from anything that could be harmful to these aims and objectives. They shall respect the significance of their allegiance to GFA, the members, leagues and clubs, and represent them and behave towards them honestly, worthily, respectably and with integrity. They shall further respect the core value of fair play in every aspect of their functions. They shall assume social and environmental responsibility.

**For the purpose of this Code, the terms set out below are defined as follows:**

**1. FIFA:** Federation International de Football Associations.

**2. Official:** any Executive Council member, committee member, referee, assistant referee, coach, trainer or any other person responsible for technical, medical or administrative matters in GFA, a member, a league or a club as well as all other persons obliged to comply with the GFA Statutes (except players and intermediaries).

**3. Match agent:** a natural or legal person licensed by FIFA to arrange matches, in accordance with the pertinent FIFA regulations.

**4. Intermediary:** a natural or legal person who, for a fee or free of charge, represents players and/or clubs in negotiations with a view to concluding an employment contract or represents clubs in negotiations with a view to concluding a transfer agreement.

**5. Player:** any football player licensed by the GFA.

**6. Related party:** any party related to persons bound by the Code shall be considered a related party if they fulfil one or more of the following criteria:

a) representative and employee;

b) spouse and domestic partner;

c) individual sharing the same household, regardless of the personal relationship;

d) other family member with whom they have a close relationship within a third degree;

e) legal entity, partnership and any other fiduciary institution, if the person bound by this Code or the person receiving an undue advantage alternatively:

i) holds a management position within that entity, partnership or fiduciary institution;

ii) directly or indirectly controls the entity, partnership or fiduciary institution;

iii) is a beneficiary of the entity, partnership or fiduciary institution;

iv) performs services on behalf of such entity, partnership or fiduciary institution, regardless of the existence of a formal contract.

**7. GFA events:** any event, including but not limited to GFA Congress, Executive Council or committee meetings, GFA competitions, as well as any other event that is within GFA's authority or organised by GFA.

**NB:** Terms referring to natural persons are applicable to both genders. Any term in the singular applies to the plural and vice-versa. The definitions section in the GFA Statutes shall also apply.

## Part I. Scope of application

### 1 Scope of applicability

1.

This Code shall apply to any conduct, other than those specifically provided by other regulations and connected to the field of play that damages the integrity and reputation of football and in particular to illegal, immoral and unethical behaviour of the persons covered under art. 2 of this Code.

2.

The rules of conduct defined under part II, section 5 (arts 13 to 29) of the present Code shall be included within their respective applicable regulations by the members. The principles of the sanctioning system referred to under part II, section 5 (arts 13 to 29) of the present Code shall be used as a minimum requirement guidance by the members.

### 2 Persons covered

1.

This Code shall apply to all officials and players as well as match agents and intermediaries, under the conditions of art. 1 of the present Code.

2.

The Ethics Committee is entitled to investigate and judge the conduct of persons who were bound by this or another applicable Code at the time the relevant conduct occurred, regardless of whether the person remains bound by the Code at the time proceedings commence or any time thereafter.

### 3 Applicability in time

This Code applies to conduct whenever it occurred, including before the enactment of this Code. An individual may be sanctioned for a breach of this Code only if the relevant conduct contravened the Code applicable at the time it occurred. The sanction may not exceed the maximum sanction available under the then-applicable Code.

### 4 Scope of the Code, omissions, custom, doctrine and jurisprudence

1.

This Code governs every subject to which the text or the meaning of its provisions refers.

2.

If there are any omissions in this Code with respect to procedural rules, and in case of doubts regarding the interpretation of the Code, the Ethics Committee shall decide in accordance with GFA Statutes and Regulations.

3.

During all its operations, the Ethics Committee may draw on precedents and principles already established by sports doctrine and jurisprudence.

### 5 Division of the Ethics Committee, division of proceedings

1.

The Ethics Committee shall be composed of an investigatory chamber and an adjudicatory chamber.

2. Ethics Committee proceedings shall be made up of an investigation and an adjudicatory process.

## Part II. Substantive law

### Section 1: Basis for sanctions

#### 6 Basis for sanctions

1. The Ethics Committee may pronounce the sanctions described in this Code, the GFA Disciplinary Code and the GFA Statutes.
2. Unless otherwise specified, breaches of this Code shall be subject to the sanctions set forth in this Code, whether acts of commission or omissions, whether they have been committed deliberately or negligently, whether or not the breach constitutes an act or attempted act, and whether the parties acted as principal, accomplice or instigator.

### Section 2: Disciplinary measures

#### 7 Type of sanctions

1. Breaches of this Code or any other GFA rules and regulations by persons bound by this Code are punishable by one or more of the following sanctions:
  - a) warning;
  - b) reprimand;
  - c) compliance training;
  - d) return of awards;
  - e) fine;
  - f) social work;
  - g) match suspension;
  - h) ban from dressing rooms and/or substitutes' bench;
  - i) ban on entering a stadium; j) ban on taking part in any football-related activity.
2. The specifications in relation to each sanction in the GFA Disciplinary Code shall also apply.

#### 8 Suspension of sanctions

1. Upon request from the relevant party, the adjudicatory chamber can decide to suspend the sanction provided for by art. 7(j) of the present Code. The probationary period shall consist of anything from one to five years.
2. If the person benefiting from a suspended sanction commits any other breach of this Code during the probationary period, the suspension shall automatically be revoked and the original sanction fully applied and added to the sanction imposed for the new breach.

## Section 3: Determining the sanction

### 9 General rules

1.

When imposing a sanction, the Ethics Committee shall take into account all relevant factors in the case, including the nature of the offence; the substantial interest in deterring similar misconduct; the offender's assistance to and cooperation with the Ethics Committee; the motive; the circumstances; the degree of the offender's guilt; the extent to which the offender accepts responsibility, and whether the person mitigated his guilt by returning the advantage received, where applicable.

2.

In case of mitigating circumstances, and if deemed appropriate taking into account all circumstances of the case, the Ethics Committee may go below the minimum sanction and/or decide to hand down alternative sanctions as provided under article 7, paragraph one.

3.

Unless this Code mentions otherwise, the Ethics Committee shall decide the scope and duration of any sanction.

4.

Sanctions may be limited to a geographical area or to one or more specific categories of match or competition.

5.

The Ethics Committee may recommend to the responsible GFA body that it share information on a case with the appropriate public authorities.

### 10 Repeated breaches

Repeated breaches shall be considered aggravating circumstances, allowing the Ethics Committee to go beyond the maximum limit provided for a violation of the relevant rule, as specified in this Code.

### 11 Concurrent breaches

Where more than one breach has been committed, the sanction other than monetary sanctions shall be based on the most serious breach, and increased as appropriate, depending on the specific circumstances.

## Section 4: Limitation period

### 12 Limitation period for prosecution

1.

As a general rule, breaches of the provisions of this Code may no longer be prosecuted after a lapse of five years.

2.

Offences relating to bribery and corruption (article 27), misappropriation and misuse of funds ( article 28), and protection of physical and mental integrity (article 23) may no longer be prosecuted after a lapse of ten years.

3.

The limitation period, when applicable, shall be extended by half its length if a formal investigation is opened before its expiration.

4.

The limitation period, when applicable, shall be interrupted where criminal proceedings are formally opened against a person bound by this Code during such proceedings.

5.

In case of repeated breaches, the limitation period as described above shall start only after the last of the repeated breaches has ended.

## Section 5: Rules of conduct

### Subsection 1: Duties

#### 13 General duties

1.

Persons bound by this Code shall be aware of the importance of their duties and concomitant obligations and responsibilities. In particular, persons bound by this Code shall fulfil and exercise their duties and responsibilities diligently, especially with regard to finance-related matters.

2.

Persons bound by this Code shall respect GFA's regulatory framework to the extent applicable to them.

3.

Persons bound by this Code shall appreciate the impact their conduct may have on GFA's reputation, and shall therefore behave in a dignified and ethical manner and act with complete credibility and integrity at all times.

4.

Persons bound by this Code must refrain from any activity or behaviour or any attempted activity or behaviour that might give rise to the appearance or suspicion of improper conduct as described in the sections that follow.

5.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years.

#### 14 Duty of neutrality

1.

In dealings with government institutions, national and international organisations, associations and groupings, persons bound by this Code shall, in addition to observing the basic rules of art. 13, remain politically neutral, in accordance with the principles and objectives of GFA, members, leagues and clubs, and generally act in a manner compatible with their function and integrity.

2.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years.

## 15 Duty of loyalty

1.

Persons bound by this Code shall have a fiduciary duty to GFA, the members, leagues and clubs.

2.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years.

## 16 Duty of confidentiality

1.

Depending on their function, information of a confidential nature divulged to persons bound by this Code while performing their duties shall be treated as confidential or secret by them, if the information is given with the understanding or communication of confidentiality and is consistent with GFA principles.

2.

The obligation to respect confidentiality survives the termination of any relationship which makes a person subject to this Code.

3.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years.

## 17 Duty to report

1.

Persons bound by this Code who become aware of any infringements of this Code shall inform, in writing, the secretariat and/or chairperson of the investigatory chamber of the Ethics Committee directly.

2.

Failure to report such infringements shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years.

## 18 Duty to cooperate

1. Persons bound by this Code shall assist and cooperate truthfully, fully and in good faith with the Ethics Committee at all times, regardless of whether they are involved in a particular matter as a party, as a witness, or in any other role. This requires, inter alia, full compliance with Ethics Committee requests, including without limitation requests to clarify facts; provide oral or written testimony; submit information, documents or other material; and disclose details regarding income and finances, if the Ethics Committee deems it to be necessary.

2.

Persons bound by this Code who are required to cooperate with the Ethics Committee in a specific case, regardless of whether they are involved as a party, as a witness, or in any other role, shall treat the information provided and their involvement strictly confidentially, unless otherwise instructed by the Ethics Committee.

3.

Persons bound by this Code shall not take any action actually or apparently intended to obstruct, evade, prevent, or otherwise interfere with any actual or potential Ethics Committee proceedings.

4.

In connection with any actual or potential Ethics Committee proceedings, persons bound by this Code shall not conceal any material fact; make any materially false or misleading statement or representation; or submit any incomplete, materially false or misleading information or other material.

5.

Persons bound by this Code shall not harass, intimidate, threaten or retaliate against someone for any reason related to that person's actual, potential or perceived assistance to or cooperation with the Ethics Committee.

6.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years.

## Subsection 2: Conflicts of interest, financial benefits and protection of personal rights

### 19 Conflicts of interest

1.

Persons bound by this Code shall not perform their duties (in particular, preparing or participating in the taking of a decision) in situations in which an existing or potential conflict of interest might affect such performance. A conflict of interest arises if a person bound by this Code has, or appears to have, secondary interests that could influence his ability to perform his duties with integrity in an independent and purposeful manner. Secondary interests include, but are not limited to, gaining any possible advantage for the persons bound by this Code themselves or related parties as defined in this Code.

2.

Before being elected, appointed or employed, persons bound by this Code shall disclose any relations and interests that could lead to situations of conflicts of interest in the context of their prospective activities.

3.

Persons bound by this Code shall not perform their duties (in particular preparing, or participating in, the taking of a decision) in situations in which there is a danger that a conflict of interest might affect such performance. Any such conflict shall be immediately disclosed and notified to the organisation for which the person bound by this Code performs his duties.

4.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years. In serious cases and/or in the case of repetition, a ban on taking part in any football-related activity may be pronounced for a maximum of five years.

### 20 Offering and accepting gifts or other benefits

1.

Persons bound by this Code may only offer or accept gifts or other benefits to and from persons within or outside GFA, or in conjunction with intermediaries or related parties as defined in this Code, where such gifts or benefits:

- a) have symbolic or trivial value;
- b) are not offered or accepted as a way of influencing persons bound by this Code to execute or omit an act that is related to their official activities or falls within their discretion;
- c) are not offered or accepted in contravention of the duties of persons bound by this Code;
- d) do not create any undue pecuniary or other advantage; and
- e) do not create a conflict of interest.

Any gifts or other benefits not meeting all of these criteria are prohibited.

2.

If in doubt, gifts or other benefits shall not be accepted, given, offered, promised, received, requested or solicited. In all cases, persons bound by this Code shall not accept, give, offer, promise, receive, request or solicit from anyone within or outside GFA, or in conjunction with intermediaries or related parties as defined in this Code, cash in any amount or form. If declining the gift or benefit would offend the giver on the grounds of cultural norms, persons bound by this Code may accept the gift or benefit on behalf of their respective organisation and shall report it and hand it over, where applicable, immediately thereafter to the competent body.

3.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years. Any amount unduly received shall be included in the calculation of the fine. In addition to the fine, the gift or benefit unduly received should be returned, if applicable. In serious cases and/or in the case of repetition, a ban on taking part in any football-related activity may be pronounced for a maximum of five years.

## 21 Commission

1.

Unless covered by a genuine commercial agreement, persons bound by this Code shall not accept, give, offer, promise, receive, request or solicit commission for themselves or third parties for negotiating deals or conducting other business in connection with their duties.

2.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years. Any amount unduly received shall be included in the calculation of the fine. In serious cases and/or in the case of repetition, a ban on taking part in any football-related activity may be pronounced for a maximum of five years.

## 22 Discrimination and defamation

1.

Persons bound by this Code shall not offend the dignity or integrity of a country, private person or group of people through contemptuous, discriminatory or denigratory words or actions on account of race, skin colour, ethnicity, nationality, social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason.

2.

Persons bound by this Code are forbidden from making any public statements of a defamatory nature towards GFA and/or towards any other person bound by this Code in the context of GFA events.

3.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years. In serious cases and/or in the

case of repetition, a ban on taking part in any football-related activity may be pronounced for a maximum of five years.

## 23 Protection of physical and mental integrity

1.

Persons bound by this Code shall protect, respect and safeguard the integrity and personal dignity of others.

2.

Persons bound by this Code shall not use offensive gestures and language in order to insult someone in any way or to incite others to hatred or violence.

3.

Persons bound by this Code must refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracise or harm the dignity of a person.

4.

Threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation are particularly prohibited.

5.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a minimum of two years. In cases of sexual exploitation or abuse, or in serious cases and/or in the case of repetition, a ban on taking part in any football-related activity may be pronounced for a minimum of ten years.

## Subsection 3: Forgery and falsification, abuse of position, betting and gambling

### 24 Forgery and falsification

1.

Persons bound by this Code are forbidden from forging a document, falsifying an authentic document or using a forged or falsified document.

2.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a minimum of two years.

### 25 Abuse of position

1.

Persons bound by this Code shall not abuse their position in any way, especially to take advantage of their position for private aims or gains.

2.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a minimum of two years. The sanction shall be increased accordingly where the person holds a high position in football, as well as in relation to the relevance and amount of the advantage received.

### 26 Involvement with betting, gambling or similar activities

1.

Persons bound by this Code shall be forbidden from participating in, either directly or indirectly, betting, gambling, lotteries or similar events or transactions related to football matches or competitions and/or any related football activities.

2.

Persons bound by this Code shall not have any interests, either directly or indirectly (through or in conjunction with third parties), in entities, companies, organisations, etc. that promote, broker, arrange or conduct betting, gambling, lotteries or similar events or transactions connected with football matches and competitions. Interests include gaining any possible advantage for the persons bound by this Code themselves and/or related parties.

3.

Provided that the relevant conduct does not constitute another violation of this Code, violation of this article shall be sanctioned with an appropriate fine of at least GHc50,000 and a ban on taking part in any football-related activity for a maximum of three years. Any amount unduly received shall be included in the calculation of the fine.

## Subsection 4: Bribery and corruption, misappropriation and misuse of funds, and match manipulation

### 27 Bribery and corruption

1.

Persons bound by this Code shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage in order to obtain or retain business or any other improper advantage to or from anyone within or outside GFA. Such acts are prohibited regardless of whether carried out directly or indirectly through, or in conjunction with, third parties. In particular, persons bound by this Code shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities and is contrary to their duties or falls within their discretion.

2.

Persons bound by this Code shall refrain from any activity or behaviour that might give rise to the appearance or suspicion of a breach of this article.

3.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc100,000 as well as a ban on taking part in any football-related activity for a minimum of five years. Any amount unduly received shall be included in the calculation of the fine. The sanction shall be increased accordingly where the person holds a high position in football, as well as in relation to the relevance and amount of the advantage received.

### 28 Misappropriation and misuse of funds

1.

Persons bound by this Code shall not misappropriate or misuse funds of GFA, the members, leagues or clubs, whether directly or indirectly through, or in conjunction with, third parties.

2.

Persons bound by this Code shall refrain from any activity or behaviour that might give rise to the appearance or suspicion of a breach of this article.

3.

Violation of this article shall be sanctioned with an appropriate fine of at least GHc100,000 as well as a ban on taking part in any football-related activity for a minimum of five years. The amount of misappropriated funds shall be included in the calculation of the fine. The sanction shall be increased accordingly where the person holds a high position in football, as well as in relation to the relevance and amount of the funds concerned or of the advantage received.

## 29 Manipulation of football matches or competitions

1.

Persons bound by this Code are forbidden from being involved in the manipulation of football matches and competitions, and shall immediately report to the Ethics Committee any approach in connection with activities and/ or information directly or indirectly related to the possible manipulation of a football match or competition.

2.

The competence to adjudicate on all conduct related to the manipulation of football matches or competitions, both on and off the field of play, remains reserved for the GFA Disciplinary Committee

3.

The investigatory chamber shall transfer to the Disciplinary Committee any information obtained during its investigatory activity that might be related to conduct committed by any persons bound by this Code in violation of this article.

## Section 1: Competence of the Ethics Committee

### 30 Competence of the Ethics Committee

1.

The Ethics Committee has the exclusive competence to investigate and judge the conduct of all persons bound by this Code where such conduct:

- a) has been committed by an individual who was elected, appointed or assigned by GFA to exercise a function;
- b) directly concerns their GFA-related duties or responsibilities; or
- c) is related to the use of GFA funds.

2. Where such conduct affects a member, a single member or several members from the GFA and where said conduct is not directly related to GFA matters, the Ethics Committee shall only be entitled to investigate and judge the case when said conduct has not been investigated and judged, and/or cannot be expected to be investigated and judged, by the relevant judicial bodies of the GFA or members concerned. In particular, should no proper proceedings be taken at national within three months as from when the matter became known to the Ethics Committee, the Ethics Committee shall be entitled to investigate and judge the respective matter.

## Section 2: Common rules for the investigatory and adjudicatory chambers

### 31 Composition of the investigatory and adjudicatory chambers

The composition of the investigatory and the adjudicatory chambers shall be in accordance with the GFA Statutes.

### 32 Deputising

If the chairperson of either chamber is prevented from acting (whether due to personal or factual circumstances), one of the deputy chairpersons shall replace him. In the event that the deputy chairpersons are also prevented from acting, a member of the relevant chamber, on the basis of seniority, shall act as chairperson.

### 33 Secretariats

1.

The general secretariat of GFA shall provide both the investigatory and adjudicatory chambers with a secretariat with the necessary staff under the responsibility of the Director of the Secretariat to the Independent Committees. The secretariat of each chamber shall take care of the respective filing of the case files, which must be kept for at least ten years.

2.

The secretariat of the investigatory chamber, under the authority of the chairperson of the investigatory chamber or under the authority of the chief of investigation, shall take charge of the administrative and legal work related to proceedings and provide support to the investigatory chamber for the completion of its tasks; in particular, it shall draft the minutes, final reports and any other document required by the members of the investigatory chamber.

3.

The secretariat of the adjudicatory chamber, under the authority of the chairperson of the adjudicatory chamber, shall take charge of the administrative and legal work related to proceedings and provide support to the adjudicatory chamber for the completion of its tasks; in particular, it shall draft the minutes and any other document required by the chairperson of the adjudicatory chamber.

### 34 Independence

1.

The members of the Ethics Committee shall manage their investigations and proceedings and render their decisions entirely independently and shall avoid any third-party influence.

2.

The members of the Ethics Committee and their immediate family members shall not belong to any other judicial body within GFA, to the GFA Executive Council or to any standing committee of the GFA.

3.

The members of the Ethics Committee shall not belong to any body or carry out any position with regard to GFA, a member, other than being member of a judicial body at GFA or at a member level.

### 35 Withdrawal

1.

A member of the Ethics Committee shall decline to participate in any investigation or adjudicatory proceedings concerning a matter where there are serious grounds for questioning his impartiality.

2.

The foregoing shall apply, in particular, in the following cases:

- a) if the member in question has a direct interest in the outcome of the matter;
- b) if the member has a personal bias or prejudice concerning a party; or personal, first-hand knowledge of disputed evidentiary facts material to the proceedings; or has expressed an opinion, other than as part of the proceedings in question, concerning the outcome of the proceedings; or when the immediate family of the member is a party to the subject matter in controversy, is a party to the proceedings or has any other interest that could be substantially affected by the outcome of the proceedings and his impartiality;
- c) if the member has the same nationality as the party implicated;
- d) if the member has already dealt with the case in a different function other than his function as a member of the Ethics Committee.

3.

Members who decline to participate shall notify the chairperson immediately.

4.

An objection against a member of the Ethics Committee believed to be biased must be submitted within five days following the identification of the grounds for non-participation, failing which, such objection shall be deemed waived. The claim must cite the grounds and, if possible, be substantiated.

5.

The chairperson of the relevant chamber shall decide whether any such claim is valid if the member in question has not declined to participate of his own accord. If the objection is against the chairperson, the chairperson or the deputy chairperson of the GFA Appeal Committee shall decide.

## 36 Confidentiality

1.

The members of the Ethics Committee and the members of the secretariats shall ensure that everything disclosed to them during the course of their duty remains confidential, in particular, deliberations and private personal data in compliance with the GFA Data Protection Regulations.

2.

Notwithstanding par. 1 above, the investigatory chamber or the adjudicatory chamber may, if deemed necessary and in an appropriate form, inform the public about or confirm ongoing or closed proceedings, and rectify information that is wrong or rumours. Any release of such information shall respect the presumption of innocence and the personality rights of those concerned.

3.

The investigatory chamber or the adjudicatory chamber may, in an appropriate form and/or via the website [www.ghanafa.com](http://www.ghanafa.com), inform the public about the reasons for any decision and/or the closure of any investigation. In particular, the chairperson of the adjudicatory chamber may decide to publish the decision taken, partly or in full, provided that the names mentioned in the decision (other than the ones related to the party) and any other information deemed sensitive by the chairperson of the adjudicatory chamber, are duly anonymised.

4.

In the event of a breach of this article by a member of the Ethics Committee, the relevant member shall be suspended by a decision taken by the majority of the other members of the respective chamber until the next GFA Congress.

## Section 1: Procedural rules

### Subsection 1: General rules

#### 37 Parties

Only the accused are deemed to be parties.

#### 38 Representation

1.

During any dealings with the Ethics Committee, parties and other persons bound by this Code may have legal representation at their own cost and expense.

2.

The parties and other persons bound by this Code are free to choose their own legal counsel or representation.

3.

The Ethics Committee may request that the representatives of parties and other persons bound by this Code submit a duly signed power of attorney.

4.

The Ethics Committee can limit the number of legal representatives of a party if deemed excessive.

5.

The chairperson of the adjudicatory chamber of the Ethics Committee decides on requests for legal aid. Such decisions are final.

6.

Further conditions and requirements associated with legal aid and pro bono counsel may be communicated by circular letter.

#### 39 Failure to cooperate

1.

If the parties or other persons bound by this Code fail to cooperate in any manner or are dilatory in responding to any request from the Ethics Committee, the chairperson of the appropriate chamber issuing the request may, after warning them, charge them with a violation of art. 18 of the present Code.

2.

To the extent the parties fail to cooperate, the investigatory chamber, in preparing a final report based on the file in its possession, and the adjudicatory chamber, in reaching a decision based on the file in its possession, may take into account that behaviour and add the failure to cooperate as an additional charge for violation of art. 18 of the present Code.

## 40 Languages used in proceedings

1.  
The languages used in proceedings shall be the four official languages of GFA is English.
2.  
GFA may, if necessary, use the services of an interpreter.

## 41 Notification of decisions and other documents

1.  
Decisions and other documents shall be communicated and notified by email, and may be followed by letter.
2.  
All of the parties shall be notified of the decisions.
3.  
Decisions and other documents intended for persons bound by this Code may be addressed to the person directly and/or to the association concerned on condition that it forwards the documents to the intended recipient. In the event that the documents were not also or solely sent to the party concerned, these documents shall be considered to have been communicated properly to the ultimate addressee four days after communication of the documents to the association.
4.  
Notification of a decision shall be effected by publication on the GFA webpage where:
  - a) the whereabouts of the party are unknown and cannot be ascertained despite making reasonable enquiries;
  - b) service is impossible or would lead to exceptional inconvenience; or
  - c) a party has not provided a means of contact despite being instructed to do so.
5.  
Notification via the GFA webpage is deemed accomplished on the day of publication.

## 42 Effect of decisions

1.  
Decisions passed by the Ethics Committee shall come into force as soon as they are communicated.
2.  
The Ethics Committee may rectify any obvious errors at any time.

## Subsection 2: Proof

### 43 Various types of proof

1.  
Any type of proof may be produced.
2.  
Types of proof include, in particular:
  - a) documents;
  - b) reports from officials;
  - c) declarations from the parties;
  - d) declarations from witnesses;

- e) audio and video recordings;
- f) expert opinions;
- g) all other proof that is relevant to the case.

3.

During the investigation, where oral testimony is given, such testimony may be given in person, by telephone or via video.

#### 44 Anonymous participants in proceedings

1.

When a person's testimony in ethics proceedings conducted in accordance with this Code could lead to threats to his person or put him or any person particularly close to him in physical danger, the chairperson of the competent chamber or his deputy may order, inter alia, that:

- a) the person not be identified in the presence of the parties;
- b) the person not appear at the hearing;
- c) the person's voice be distorted;
- d) the person be questioned outside the hearing room;
- e) the person be questioned in writing through the chairperson of the competent chamber or his deputy;
- f) all or some of the information that could be used to identify the person be included only in a separate, confidential case file.

2.

If no other evidence is available to corroborate the testimony provided by the person concerned, such testimony may only be used in the context of imposing sanctions under this Code if:

- a) the parties as well as their legal representatives had the opportunity to pose questions to the person concerned at least in writing; and
- b) the members of the judicial body had the opportunity to interview the person concerned directly and in full awareness of his identity and to assess his identity and record in full.

3.

Disciplinary measures shall be imposed on anyone who reveals the identity of any person granted anonymity under this provision or any information that could be used to identify such person.

#### 45 Identification of anonymous participants in proceedings

1.

To ensure their safety, persons granted anonymity under art. 44 shall be identified behind closed doors in the absence of the parties. This identification shall be conducted by the chairperson of the competent chamber alone, his deputy or all the members of the competent chamber together, and shall be recorded in minutes containing the relevant person's personal details.

2.

These minutes shall not be communicated to the parties.

3.

The parties shall receive a brief notice which:

- a) confirms that the person concerned has been formally identified; and
- b) contains no details that could be used to identify such person.

## 46 Inadmissible evidence

Proof that has been obtained by means or ways involving violations of human dignity or that obviously does not serve to establish relevant facts shall be rejected.

## 47 Evaluation of proof

The Ethics Committee shall have absolute discretion regarding proof.

## 48 Standard of proof

The members of the Ethics Committee shall judge and decide on the basis of their comfortable satisfaction.

## 49 Burden of proof

The burden of proof regarding breaches of provisions of the Code rests on the Ethics Committee.

## Subsection 3: Time limits

### 50 Beginning and end of time limit

1.

Time limits notified directly to the party or to a representative appointed by the party shall commence the day after receipt of the notification.

2.

Where a document is sent to a person through the respective member association and is not also sent to the person concerned or his legal representative, the time limit shall commence four days after receipt of the document by the association responsible for forwarding it. Where the document was also sent to the person concerned or his legal representative, the time limit shall commence on the day after receipt of the document in question.

3.

If the last day of the time limit coincides with a public holiday in the place of domicile of the person required to comply with the document by a certain deadline, the time limit shall expire on the next working day.

### 51 Compliance

1.

The time limit has been met only if the action required has been carried out before expiry of the time limit.

2.

The document must be submitted by email, to the email address indicated in the correspondence sent from the respective secretariat, to the relevant body no later than midnight on the last day of the time limit.

3.

Costs and fees payable are considered to have been paid in time if the payment has irreversibly been made to GFA's account by midnight on the last day of the time limit.

## 52 Extension

1. Time limits set forth in this Code may not be extended.
2. Time limits set by the Ethics Committee may be extended upon reasoned request. A time limit may only be extended for a second time in exceptional circumstances.
3. If an extension of the time limit is refused, two extra days may be granted. In emergencies, the refusal to grant the extension may be announced orally.

## Subsection 4: Suspension of proceedings

### 53 Suspension or continuation of proceedings

1. In the event that a person bound by this Code ceases to serve in his function during proceedings, the Ethics Committee shall remain competent to continue investigatory proceedings and/or render a decision.
2. In the event that a person bound by this Code ceases to serve in his function, the investigatory chamber may initiate and conduct the investigation, create a final report and hand it over to the adjudicatory chamber. The adjudicatory chamber may suspend the proceedings or take a decision as to the substance and impose appropriate sanctions.

## Subsection 5: Procedural costs

### 54 Procedural costs

The procedural costs are made up of the Ethics Committee's costs and expenses incurred in connection with the investigation and adjudicatory proceedings.

### 55 Procedural costs in case of closure of proceedings or acquittal

1. Except as otherwise provided herein, in the event of closure of proceedings or acquittal, the procedural costs shall be borne by GFA.
2. A party may be ordered to pay the procedural costs in part or in full in the event of closure of proceedings or acquittal if he culpably caused the proceedings to be initiated or hindered the conduct of the proceedings.

### 56 Procedural costs if sanctions are imposed

1. Procedural costs shall be borne by the party that has been sanctioned.
2. If more than one party is sanctioned, the procedural costs shall be assessed proportionally in accordance with the degree of guilt of the parties.

3. Part of the procedural costs, in particular the costs of the investigation proceedings, may be borne by GFA, as appropriate in respect of the imposition of sanctions.

4. The procedural costs may be reduced or waived in exceptional circumstances, in particular taking into account the party's financial circumstances.

## 57 Procedural compensation

No procedural compensation shall be awarded in proceedings conducted by the Ethics Committee.

## Section 2: Investigation proceedings

### Subsection 1: Preliminary proceedings

#### 58 Right to submit complaints

1. Any person may file a complaint regarding potential breaches of this Code with the secretariat of the investigatory chamber. Complaints must be submitted in writing, including available evidence. The secretariat shall inform the chairperson of the investigatory chamber of the complaints and act upon his instructions.

2. There is no entitlement for proceedings to be opened following submission of a complaint.

3. Any person bound by this Code who lodges a complaint against a person whom he knows to be innocent or in any other way takes malicious steps related to the initiation of proceedings under this Code shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a minimum of two years.

#### 59 Preliminary investigations

1. Upon the instruction of the chairperson of the investigatory chamber, the secretariat of the investigatory chamber shall carry out an initial evaluation of the documents submitted with the complaint.

2. The secretariat of the investigatory chamber may initiate preliminary investigations into a potential breach of this Code based on a filed complaint and shall act upon the instructions of the chairperson of the investigatory chamber. This shall include, in particular, collecting written information, requesting documents and obtaining witness statements.

3. The chairperson of the investigatory chamber may initiate preliminary investigations at his own discretion and at any time.

## 60 Opening of investigation proceedings

1.

If the preliminary investigation is found to establish a prima facie case, the chairperson of the investigatory chamber shall open investigation proceedings. The chamber shall examine aggravating and mitigating circumstances equally.

2.

The parties shall be notified of the opening of investigation proceedings and the possible rule violation. Limited exceptions to this rule may be made for safety and security reasons or if such disclosure would interfere with the conduct of the investigation.

3.

The chairperson of the investigatory chamber shall report to the investigatory chamber regularly on non-opened cases.

## Subsection 2: Initiation and conduct of investigation proceedings

### 61 Initiation of investigation

1.

The chairperson of the investigatory chamber shall decide on the initiation of investigation proceedings.

2.

Grounds do not need to be given for the initiation of investigation proceedings and the decision may not be contested.

### 62 Duties and competences of the investigatory chamber

1.

The investigatory chamber may investigate potential breaches of provisions of this Code on its own initiative or based on complaints at its full and independent discretion.

2.

If the investigatory chamber deems that there is no prima facie case, it shall not open any investigation proceedings and it shall close the case. In addition to the internal closure of the proceedings, the investigatory chamber may

- (i) send a closing letter to the interested party reminding him of his duties, and/or
- (ii) send a closing letter to the interested party informing him that no breaches of the Code have been found.

The investigatory chamber may communicate in this respect where deemed relevant.

3.

Once the investigation has been completed, the investigatory chamber shall prepare a final report on the investigation proceedings stating the relevant rules that have been breached for which they require a judgment by the adjudicatory chamber. The report, together with the related investigation files, shall be forwarded to the adjudicatory chamber. Should a hearing be conducted, one or more members of the investigatory chamber may present the case before the adjudicatory chamber.

4.

If proceedings have been closed, the investigatory chamber may reopen the investigation if new facts or evidence come to light that suggest a potential breach.

5.

As part of the investigatory process, the investigatory chamber may also investigate breaches of provisions of the GFA Disciplinary Code which concern immoral or unethical conduct.

## 63 Conduct of proceedings

The chairperson of the investigatory chamber may lead the investigation proceedings himself as the chief of the investigation or may assign this role formally to the deputy chairperson or a member of the investigatory chamber. This person shall be designated the chief of the investigation.

## 64 Competences of the chief of the investigation

1.

With the assistance of the secretariat, the chief of the investigation shall investigate by means of written enquiries and written or oral questioning of the parties and witnesses. He may also undertake any further investigative measures relevant to the case; in particular, he may verify the authenticity of documents relevant to the investigation by procuring affidavits.

2.

If the chairperson of the investigatory chamber is acting as the chief of the investigation, he may ask another member of the investigatory chamber to assist him. In cases where the chairperson is not acting as the chief of the investigation, the chief of the investigation may ask the chairperson of the investigatory chamber to assign additional members of the investigatory chamber to conduct the investigation alongside him. The chairperson may, where that is the case, also assign additional members at his own discretion.

3.

If the chairperson is acting as the chief of the investigation, he may, in complex cases, engage third parties – under the leadership of the chief of the investigation – with investigative duties. The enquiries to be made by such third parties must be clearly defined. Where the chairperson is not acting as the chief of the investigation, the chief of investigation may submit the respective request to the chairperson.

4.

If the parties and the other persons bound by this Code fail to cooperate in establishing the facts of the case, the chief of the investigation may request the chairperson of the investigatory chamber to impose a warning, and in case of recurrence, to impose disciplinary measures, including a ban on taking part in any football-related activity of up to 90 days. If the chairperson is acting as the chief of the investigation, the deputy chairperson shall decide.

## Subsection 3: Conclusion of investigation proceedings

### 65 Conclusion of investigation proceedings

If the chief of the investigation considers the investigation to be adequate, he shall inform the parties that the investigation proceedings have been concluded, and shall forward the final report together with the investigation files to the adjudicatory chamber.

### 66 Final report

1.

The final report shall contain all the relevant facts and relevant evidence gathered and mention the possible rule violation.

2.

The final report shall be signed by the chairperson of the investigatory chamber. If the chairperson did not act as the chief of investigation, the chief of investigation shall also sign the final report.

## 67 Plea bargain (application of a sanction by mutual consent)

1.

At any time during the investigation, but at the latest when the case is about to be decided by the adjudicatory chamber or before the hearing as provided for by art. 74 of the present Code, the parties may enter into an agreement with the chairperson of the investigatory chamber for the application of a sanction by mutual consent.

2.

Should the chairperson of the adjudicatory chamber consider that the agreement complies with this Code and the sanction settled is correctly applied, the agreement becomes immediately effective and the settled sanction becomes final and binding, and is not subject to any further appeal.

3.

Should any monetary sanction provided by the plea agreement not be fully executed by the party concerned within 15 days of the date of the decision, the agreement is automatically revoked.

4.

Should any compliance training and/or social work provided by the plea agreement not be fully executed by the party concerned within the terms established within the agreement, the agreement is automatically revoked.

5.

Whenever the plea agreement is revoked, the adjudicatory chamber shall decide the case within the 60 days that follow on the basis of the file, and no further plea agreement will be allowed between the parties concerned and the chairperson of the investigatory chamber.

6.

No plea agreement shall be allowed concerning sanctions related to infringements of bribery and corruption, misappropriation and misuse of funds, and manipulation of football matches or competitions.

## Section 3: Adjudicatory proceedings

### Subsection 1: Initiation and conduct of proceedings

#### 68 Duties and competences of the adjudicatory chamber

1.

The chairperson of the adjudicatory chamber shall examine the final report and investigation files with the assistance of the secretariat.

2.

If the chairperson of the adjudicatory chamber deems that there is insufficient evidence to proceed, he may close the case and shall inform the party accordingly.

3.

If the chairperson of the adjudicatory chamber deems that the matter should be adjudicated, he shall proceed with the adjudicatory proceedings and request that the secretariat send a copy of the final report and investigation files to the parties concerned.

## 69 Adjudicatory proceedings

1.

The chairperson of the adjudicatory chamber shall inform all the parties concerned that the case shall be decided either on the basis of the report of the investigatory chamber together with the investigation files or – upon the request of any party concerned – of a hearing to be scheduled.

2.

If there is no request for a hearing, the chairperson of the adjudicatory chamber shall inform the parties of the proceedings and the investigatory chamber that the case shall be decided on the basis of the existing documents and submissions and shall establish a final deadline to file their respective final requests.

3.

Should a hearing be held, the secretariat of the adjudicatory chamber shall inform all the parties concerned and shall forward to them a procedural order, with the rules of the hearing, established by the chairperson of the adjudicatory chamber.

4.

All the parties in the proceedings and their representatives, subject to art. 38 par. 4, as well as the representatives of the investigatory chamber are entitled to attend the hearing to discuss and submit orally their respective requests.

5.

As part of the adjudicatory process, the adjudicatory chamber may also rule on breaches of provisions of the GFA Disciplinary Code which concern immoral or unethical conduct.

## 70 Jurisdiction of the chairperson of the adjudicatory chamber ruling alone

1.

The chairperson of the adjudicatory chamber may take decisions alone in cases related to breaches sanctioned only with monetary sanctions or when the sanction to be imposed is a warning, reprimand or compliance training.

2.

The chairperson of the adjudicatory chamber is also responsible for ratifying the plea agreement entered into between the parties and the investigatory chamber, where applicable.

## 71 Right to be heard

Before the adjudicatory chamber issues any final decision, the parties are entitled to submit their position, to present evidence and to inspect evidence to be considered by the adjudicatory chamber in reaching its decision. These rights may be restricted in exceptional circumstances, such as when confidential matters need to be safeguarded, witnesses need to be protected or if it is required to establish the elements of the proceedings.

## 72 Rejection of motions for the admission of evidence

1.

In accordance with arts 46 and 47 and other relevant provisions of the Code, the chairperson of the adjudicatory chamber may reject the substantiated motions for the admission of evidence submitted by the parties.

2.

The parties shall be informed if their motion has been rejected with a brief outline of the grounds of the decision. The rejection may not be contested.

## Subsection 2: Composition, hearings

### 73 Composition of the panel

1.

The chairperson of the adjudicatory chamber shall decide the composition and number of members in the panel and shall provide them with the relevant files. The parties shall be informed of the composition of the panel.

2.

Without prejudice to art. 70, the panel's decisions shall be deemed to be legally valid if at least three members are present.

### 74 Hearings, principles

1.

Hearings shall be conducted behind closed doors and in the presence in situ of the requesting party.

2.

Hearings of the adjudicatory chamber are not open to the public, except in cases when it has been duly requested by the defendant. The chairperson or his nominee decides, at his own discretion, under what conditions a public hearing may take place.

3.

Misconduct by the party that took place after the submission of the final report may be addressed by the investigatory chamber during its closing statement. In this sense, the investigatory chamber may present the relevant facts and evidence, mention the possible rule violation and submit a recommendation to the adjudicatory chamber on the appropriate measures. The party shall have the right to respond to these new charges during the hearing. In the absence of a hearing, the investigatory chamber may submit its recommendation within two days after the party's position, who will have then the right to reply in written form in compliance with the deadline granted by the adjudicatory chamber.

4.

If there is no hearing, the chairperson shall schedule the deliberations and decide on the number of members and the composition of the panel. The parties shall be informed to this effect.

### 75 Hearings, procedure

1.

The chairperson of the adjudicatory chamber shall conduct the hearing in whatever manner he deems appropriate, provided it is consistent with the Code.

2.

It is the responsibility of the parties to ensure the appearance of the witnesses requested by them and to pay all costs and expenses associated with the parties' and the witnesses' appearance.

3.

Witnesses called by the parties and/or by the investigatory chamber need to appear in person.

4.

Wherever possible, the hearing shall proceed according to the following sequence:

- a) testimony of any witnesses called by the accused and approved by the adjudicatory chamber;
- b) testimony of any witnesses called by the investigatory chamber and approved by the adjudicatory chamber;
- c) testimony of any witnesses called by the adjudicatory chamber;
- d) closing statement by the investigatory chamber;
- e) closing statement by a legal representative, if any, of the accused;
- f) rebuttal statement by the investigatory chamber and the parties, if applicable;
- g) final opportunity for the accused to speak.

## Subsection 3: Deliberations, decisions

### 76 Deliberations

1.

After the hearing, the adjudicatory chamber shall withdraw to deliberate on its decision in private.

2.

If circumstances permit, the deliberations and decision-taking may be conducted via telephone conference, video conference or any other similar method.

3.

Deliberations shall be conducted without interruption, unless there are exceptional circumstances.

4.

The chairperson shall decide in which order the various questions will be submitted for deliberation.

5.

The adjudicatory chamber is not bound by the legal assessment of the facts submitted by the investigatory chamber. In particular, the adjudicatory chamber may extend or limit the rule violations pointed out by the investigatory chamber.

6.

The members present shall express their opinions in the order set out by the chairperson, who always speaks last.

7.

A member of the secretariat shall be present during the deliberations.

### 77 Taking the decision

1.

Decisions shall be taken by the majority of the members present.

2.

Every member present shall vote.

3.

In the event of a tied vote, the chairperson shall have the casting vote.

### 78 Grounds of decision

1.

The adjudicatory chamber shall communicate its decision in full, written form.

2.

In case of urgency, or under any other special circumstances, the adjudicatory chamber may notify only the terms of the decision to the party, which become immediately applicable. The full, written decision shall then be notified within the next 60 days.

## 79 Form and content of the decision

1.

The decision shall contain:

- a) the composition of the panel;
- b) the names of the parties;
- c) the date of the decision;
- d) a summary of the facts;
- e) the grounds of the decision;
- f) the provisions on which the decision was based;
- g) the terms of the decision;
- h) notice of the channels for appeal.

2.

The decision shall be signed by the chairperson and transmitted by the secretariat.

## 80 Enforcement of decisions

It is the responsibility of members of the GFA, as well as of the relevant football officials, to make sure that the decisions taken and notified by the Ethics Committee are properly implemented, as required by the GFA Statutes.

## Section 4: Appeal and review

### 81 Appeal Committee

1.

An appeal may be lodged by the party concerned, having a legally protected interest justifying amendment or cancellation of the decision, to the Appeal Committee against any decision taken by the Ethics Committee.

2.

Further provisions relating to lodging an appeal and proceedings before the Appeal Committee are set out in the GFA Disciplinary Code.

### 82 Court of Arbitration for Sport

1.

Decisions taken by the Appeals Committee are final, subject to appeals lodged with the Court of Arbitration for Sport (CAS) in accordance with the relevant provisions of the GFA Statutes.

2.

The aforementioned decisions may also be appealed at CAS by the chief of the investigation.

## 83 Review

1.

The investigatory chamber of the Ethics Committee may reopen a case that has been closed following a legally binding decision if a party discovers significant new facts or proof that, despite the investigation, could not have been produced sooner and would have resulted in a more favourable decision. In case of such reopening, the provisions regarding investigation proceedings shall apply.

2.

A request for review shall be made by the party concerned within ten days of discovering the reasons for review, or it will not be admitted.

3.

The limitation period for submitting a request for review is one year after the enforcement of the decision.

## Section 5: Provisional sanctions

### 84 Conditions, jurisdiction, procedure

1.

At any time during an investigation, the chairperson of the investigatory chamber or the chief of the investigation may apply provisional sanctions in order to ensure that investigation proceedings are not interfered with or when a breach of this Code appears to have been committed and a decision on the merits of the case may not be taken early enough.

2.

The interested party may file an appeal against the provisional sanctions with the chairperson of the adjudicatory chamber within five days of the notification of the provisional sanctions.

3.

The chairperson of the adjudicatory chamber shall decide on the appeal without delay based on the file or he may decide to hear the interested parties or their representatives.

### 85 Duration

1.

Provisional sanctions may be valid for a maximum of 90 days. In exceptional circumstances, the provisional sanctions may be extended by the chairperson of the adjudicatory chamber upon the request of the chairperson of the investigatory chamber for an additional period not exceeding 90 days.

2.

The duration of provisional sanctions shall be taken into account in the final decision.

### 86 Exemption from liability

Except in the case of gross negligence or malicious intent, neither the members of the Ethics Committee nor the secretariat staff may be held personally liable for any deeds relating to any procedure.

### 87 Official languages

1.

This Code exists in the English language.

## 88 Adoption and enforcement

1.

The GFA Executive Council adopted this Code on December 18, 2019.

2.

This Code comes into force on December 18, 2019.

3.

The procedural rules enacted in this Code shall come into force immediately, and apply to all proceedings for which adjudicatory proceedings have not been formally opened, on the date stipulated under par. 2 of the present article.

4.

The provision of art. 34 par. 3 with respect to incumbent members of the Ethics Committee shall enter into force at the end of their respective mandates.

Accra, December 18, 2019

For the GFA Executive Council



**KURT E.S OKRAKU  
(PRESIDENT)**



**ALEX ASANTE  
(DEP. GENERAL SECRETARY)**