



IN THE DISCIPLINARY COMMITTEE GHANA FOOTBALL ASSOCIATION

Misconduct Case: No. A101-2021

CORAM

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| 1. Osei Kwadwo Adow, Esq. | - | Chairman |
| 2. Mr. Emmanuel Nikoi | - | Member |
| 3. Mr. Nathaniel Laryea | - | Member |
| 4. Elsie Nana Acheampong | - | Member |
| William Bossman | - | Secretary |
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IN THE MATTER OF A MISCONDUCT CHARGE AGAINST PHAR RANGERS FC

IN THE MATTER OF WITHDRAWAL BY PHAR RANGERS FC FROM ALL COMPETITIONS (DIVISION ONE LEAGUE & THE MTN FA CUP)

PROCEEDINGS

In accordance with Article 56 of the GFA Statutes (2019) this Disciplinary Committee (hereinafter referred to as "the Committee") considered all the correspondence and depositions from the Prosecutor and Phar Rangers FC, the Charge Sheet and the Statement of Defence.

SUMMARY OF FACTS

On Monday, June 7, 2021 at 9:43am, Phar Rangers FC sent a letter with Reference Number PR-20210607, addressed to the General Secretary with the subject: **WITHDRAWAL FROM ALL GFA COMPETITIONS FORTHWITH** to the Ghana Football Association. The letter is reproduced below (emphasis ours):

*June 6, 2021
REF: PR-20210607*

*The General Secretary
Ghana Football Association
Accra, Ghana*

Dear Sir,

WITHDRAWAL FROM ALL GFA COMPETITIONS FORTHWITH

*The Management and Directors of PHAR Rangers FC. have **RESOLVED** to withdraw from all GFA competitions including the Division One Zone 3 League and the FA Cup with immediate effect.*

*Consider the club **DEFUNCT FROM HENCEFORTH.***

We thank you for your cooperation.

Sporting Regards,

Hamid Saaka
Admin. & Operations Mgr.

The above letter was also posted on the social media platform of Phar Rangers FC, and it received wide circulation in the media, the football fraternity and the general public sending panic in the Division One League Zone 3.

The GFA knowing the effects a withdrawal of a club from the Division One League considering the history of such occurrences in past seasons and the potential of derailing the progress made in the Division One League this season, immediately set in motion the implementation of the relevant regulations on the subject matter.

The GFA at 3:19pm on the same day published on its website that it shall activate the regulations in a story headlined - **GFA TO ACTIVATE REGULATIONS ON PHAR RANGERS FC'S WITHDRAWAL**.

The statement on the GFA website read as follows:

GFA TO ACTIVATE REGULATIONS ON PHAR RANGERS FC'S WITHDRAWAL

The Ghana Football Association (GFA) has received a letter from Division One League side Phar Rangers FC announcing their decision to withdraw from all GFA Competitions with immediate effect.

In the said letter, dated June 7, 2021, the Club stated that it should be considered as defunct henceforth.

*The GFA will **ACCORDINGLY ACTIVATE** the appropriate provisions in the GFA Rules & Regulations relating to the matter.*

Phar Rangers FC is currently placed 14th on the Division One League Zone Three league table.

The GFA considered the letter and promptly triggered the process by informing the Disciplinary Committee of the withdrawal letter from Phar Rangers FC, the GFA Prosecutor and all relevant Committees including the Competitions Department, the Division One League Committee, and the Referees Committee.

On June 8, 2021, the Prosecutor drafted a Charge Sheet in relation to the withdrawal from all competitions by Phar Rangers FC and emailed it to the Secretary of the Disciplinary Committee which was served on the club the next day – June 9, 2021.

On June 9, 2021 at 12:15pm, the club wrote a letter to the GFA with the subject **RE: WITHDRAWAL FROM ALL GFA COMPETITIONS FORTHWITH** as follows:

09/06/2021

*The General Secretary
Ghana Football Association
Accra, Ghana*

Dear Sir,

RE: WITHDRAWAL FROM ALL GFA COMPETITIONS FORTHWITH

Upon several stakeholder engagements and calls for us to reconsider our position in the public interest, we hereby rescind our earlier decision and withdraw the previous letter.

We are aware of the repercussions to the other clubs and the league as a whole. These and other factors have resulted in the need to rescind the decision in the interest of Ghana football. This letter supersedes the earlier one sent to the GFA.

We thank GHALCA especially and all those who intervened in diverse ways and took time to address our challenges.

We thank you for your cooperation.

Sporting Regards,

Hamid Saaka
Admin. & Operations Mgr.

The Committee also takes judicial notice of two letters sent by Ghana League Clubs Association (GHALCA) on the subject matter.

THE CHARGE SHEET

Phar Rangers FC was charged with two counts as per the Charge Sheet as follows:

CHARGE SHEET

08/06/2021

Case ID No: GFA-CI-21-DC-094

CLUB SECRETARY
PHAR RANGERS FC

CHARGES AGAINST PHAR RANGERS FC IN RELATION YOUR WITHDRAWAL FROM ALL GHANA FOOTBALL ASSOCIATION'S COMPETITIONS

COUNT 1

Statement of Offence

Phar Rangers FC is hereby charged for a breach of Article 13(1), 13(2), 13(3), and 13(4) of the GFA Division One League Regulations, 2019.

Particulars of the Offence

Phar Rangers FC: You, on June 7, 2021, in your letter to the Ghana Football Association, withdrew from all Ghana Football Associations Competitions without just cause after the 2020/21 Division League had started.

COUNT 2

Statement of Offence

Phar Rangers FC is hereby charged for a breach of Article 7(d) of the GFA FA Cup Regulations, 2019.

Particulars of the Offence

Phar Rangers FC: You, on June 7, 2021, in your letter to the Ghana Football Association on your withdrawal from all Ghana Football Association's Competitions, failed to give satisfactory reason for the withdrawal from the 2021 FA Cup competition.

DEFENCE

In the Statement of Defence, the club pleaded NOT GUILTY to the charges.
The full response is as follows:

RESPONSE TO CHARGES AGAINST PHAR RANGERS

We refer to the charge sheet from the GFA dated June 8, 2021 and received by the club on June 9, 2021 at 15:04hrs.

*Kindly be informed that the club pleads **NOT GUILTY** to the charges and wish to avert your mind to a letter sent to the GFA on June 9, 2021 11:42 am indicating its position to rescind the decision to withdraw from all GFA Competitions (find letter attached). It is imperative to note that the letter*

was sent before the charge sheet was sent, unless the GFA is ignoring the letter to rescind our decision.

For the avoidance of doubt, we wish to repeat that the club has rescinded its decision to withdraw from all GFA Competitions.

We standby for any further directive on this matter.

Yours sincerely,

Sporting Regards,

Hamid Saaka

Admin. & Operations Mgr.

PROCEEDINGS AND FINDINGS

The Committee examined the depositions in the Charge Sheet, the Statement of Defence of Phar Rangers FC and all the correspondence in this matter.

In respect of the Charge, the relevant provisions are 13(1), 13(2), 13(3), 13(4) and 13(5) of the GFA Division One League Regulations, 2019 and Article 7(d) of the FA Cup Regulations are very relevant provisions to this matter.

The relevant provisions of the Division One League Regulations state as follows:

Article 13. Withdrawal of clubs from competitions/matches

- 1. A club SHALL be liable for misconduct if it withdraws from a competition after the competition has started **WITHOUT JUST CAUSE**.*
- 2. Any club intending to withdraw from any competition must give notice of its intention to do so to the GFA not later than fourteen (14) days before the commencement of the competition. Should a club fail to comply with this Regulation the Association shall have the power to compel such offending club to refund any expenses incurred and take such further action as it may deem fit.*
- 3. Without prejudice to any provision in these Regulations, the Disciplinary Committee shall have the right to take appropriate disciplinary decisions, including but not limited to an imposition of a ban or a demotion against any club which withdraws from a competition or fails to honour any match without just cause and may also, ban officials of the club from taking part in football activities for a specified period.*
- 4. A club failing to give satisfactory reason for withdrawing without first obtaining the consent of the Association, shall not be allowed to enter the competition for a number of seasons to be determined by the GFA.*
- 5. Where a club withdraws from the league after it has started, any match which that club is scheduled to play shall be considered forfeited and accordingly three (3) points and three (3) goals shall be awarded in favour of the opposing club.*

These provisions are very clear and unambiguous.

It is very clear from Article 13(1) of the Division One League Regulations that for the charge to succeed, the prosecution must prove that:

- a. the club has expressly written to withdraw from the competition;*
- b. that the withdrawal was undertaken when the competition had already started; and*
- c. that the withdrawal was without just cause.*

Article 13(2) and 13(4) of the Division One League Regulations provides all clubs with the process by which clubs can withdraw from a competition including first obtaining consent from the GFA.

It must be noted that once the above conditions or requirements have been undertaken, it is incumbent on this Committee to conclude that the club has withdrawn from the competitions and imposes the necessary sanctions because of the mandatory **"SHALL"** in the provision.

It must be noted also that irrespective of what the Committee thinks of the said provision, the Committee is duty bound to apply the express provisions.

For requirement or ingredient (a) above, it is not in doubt that the club wrote and withdrew **"FROM ALL COMPETITIONS FORTHWITH"** indicating that the Board has passed a Board Resolution and also informed all and sundry that the club was **DEFUNCT**.

It is worthy of note that the club did not challenge this assertion from the GFA Prosecutor but rather stated that the club, considering the repercussions on the other clubs and the league wishes to rescind its decision.

It must be stated that a withdrawal of a club from all competitions is not a light-hearted matter of fancy especially for a reason that the club is defunct. The consequences of a club being defunct and a Board Resolution to withdraw from all competitions must not be lost on anyone in association football. Withdrawals from the Division One League during the crucial stages of the 2nd round has been deployed to disrupt the competitiveness and sporting integrity of the competition in the past, a season for the promulgation of the new provisions. One club would not be allowed to destroy the good efforts and investments of the collective.

The consequences include but not limited to expulsion, club ban, refund any expenses incurred by the GFA on the club such as referee fees, refund of sponsorship, bans for club shareholders and directors and declaring the players of the defunct club as flouting players.

It is the holding of this Disciplinary Committee that once the letter was received and the process was triggered, the withdrawal was effective. Thereafter, any change of mind is a matter of plea rather than a right which may or may not be permitted.

We daresay that after considering the full contents of the Statement of Defence of Phar Rangers FC carefully, this Committee finds no trace whatsoever of the Board Resolution or any statement on the defunct position of the club. The club rather used words to the effect that in the mind of the club, the club had already withdrawn but wishes to change their mind by rescinding the withdrawn position because of the effect on other clubs and the league.

It is the considered position of this Committee that an attempt to avoid the above consequences can never be considered as just cause. It is very clear that the club did not seek the consent of the GFA before withdrawing as required by Article 13(4) of the Division One League Regulations.

The Disciplinary Committee is satisfied with the evidence before it that the conduct of Phar Rangers FC amounts to a breach of regulations and shall accordingly apply the necessary sanctions against Phar Rangers FC. Withdrawal without just cause has been the bane of the Division One League over time.

This Committee is also mindful of Article 13(5) of the Division One League Regulations and consequently shall make the necessary consequential orders to that effect. The said regulation states as follows:

13(5) "Where a club withdraws from the league after it has started, any match which that club is scheduled to play shall be considered forfeited and accordingly three (3) points and three (3) goals shall be awarded in favour of the opposing club."

The effects of the misconduct on all stakeholders cannot be quantified and should not be lost on all who are interested in the growth of the game. It is in regard that the severest of punishment allowed under the regulations must be applied to serve as deterrent to all other clubs.

There is no doubt that the sanctity of the competition must be protected at all times. This Committee is of the view that the right signals must be sent to all clubs in this respect.

DECISIONS

The Disciplinary Committee makes the following decisions:

- 1. That the Committee having satisfied itself that the evidence adduced before it supports the charge of misconduct against the club for withdrawing from all competitions without just cause hereby finds the club guilty of the charge.**
- 2. That having found Phar Rangers FC guilty of withdrawing from the 2020/21 Division League, the Committee hereby impose the following punishment on the club and its Shareholders and Directors:**
 - a. that Phar Rangers FC is hereby suspended from all competitions of the Ghana Football Association for a period of Five (5) years effective this 2020/2021 football season in accordance with Article 13(3) of the Division One League Regulations.**
 - b. that accordingly, Phar Rangers FC shall only be allowed to join the Regional Football Association league upon the return after five season at the lowest league of the region.**
 - c. that the Shareholders and Directors of Phar Rangers FC on the records are hereby also banned from all football activities for a period of five (5) years effective from this 2020/2021 football season in accordance with Article 13(3) of the GFA Division One League Regulations.**
 - d. that having suspended Phar Rangers FC from all competitions of the GFA, the Disciplinary Committee hereby furthers orders that the players of the club shall apply and shall be granted free agent status by the Players' Status Committee of the GFA, free all encumbrances save the conditions attached to the transfers from their previous clubs to Phar Rangers FC.**
 - e. that the Disciplinary Committee further orders that the suspension of Phar Rangers FC shall not relieve the club of its financial obligations which have already accrued towards the GFA or any member of the Association.**
- 3. That the GFA and its Committees are hereby ordered that any match which that Phar Rangers FC is scheduled to play shall be considered forfeited and accordingly three (3) points and three (3) goals shall be awarded in favour of the opposing club.**
- 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.**



**Osei Kwadwo Addo, Esq.
Chairman, Disciplinary Committee
Wednesday, June 30, 2021**