



IN THE DISCIPLINARY COMMITTEE GHANA FOOTBALL ASSOCIATION

Protest Case: No. P 30 – 2021

CORAM

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| 1. Osei Kwadwo Adow, Esq. | - | Chairman |
| 2. Lorraine Crabbe-Ababio, Esq. | - | Member |
| 3. Emmanuel Nikoi | - | Member |
| 4. Nathaniel Laryea | - | Member |
| 5. Elsie Nana Acheampong | - | Member |
| William Bossman | - | Secretary |
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ELMINA SHARKS FC vrs LEGON CITIES FC

PROTEST IN RESPECT OF THEIR GHANA PREMIER LEAGUE MATCHDAY 33 MATCH PLAYED AT NDUOM SPORTS COMPLEX

PROCEEDINGS

In accordance with Article 56 of the GFA Statutes (2019) and Articles 35(9) of the GFA Premier One League Regulations, this Disciplinary Committee (hereinafter referred to as “the Committee”) considered the depositions from Elmina Sharks FC (hereinafter referred to as “the Petitioner”) and the Statement of Defence from Legon Cities FC (hereinafter referred to as “the Respondent”) with their supporting attachments, the reports of the match officials and the video of the match.

SUMMARY OF FACTS

CASE OF ELMINA SHARKS

It is the case of Elmina Sharks (the Petitioner) that Legon Cities (the Respondent) fielded an unqualified player in the person of Mohammed Issaka contrary to Article 33(1)(e) of Ghana Premier League Regulations (2019) in the Ghana Premier League (GPL) Match Day 33 match played at Nduom Stadium between the parties on 11th July, 2021.

The Petitioner contends that Mohammed Issaka played in the Matchday 33 fixture between the two sides though he was ineligible to feature in the match.

The Petitioner states that Mohammed Issaka was ineligible to feature in the match because he was supposed to serve a one match suspension after accumulating three yellow cards in the course of the season.

According to Elmina Sharks, Mohammed Issaka received cautions in the following matches:

- i. Matchday 5: Ashantigold vs Elmina Sharks – 13th December, 2020
- ii. Matchday 7: Karela vs Elmina Sharks – 3rd January 2021

iii. Matchday 25: WAFA vs Legon Cities – 15th May, 2021

The Petitioner stated further that Legon Cities FC signed Player Mohammed Issaka from Elmina Sharks during the season and he made his first appearance on Matchday 19 against Accra Great Olympics at the Accra Sports Stadium.

The Petitioner explained that the player received the first two cautions while he was with Elmina Sharks on Matchday 5 & Matchday 7 and the third caution on Matchday 25 against WAFA as a player of Legon Cities FC.

It is the case of the Petitioner that Mohammed Issaka was thus not qualified to play in subsequent matches thereon. The Petitioner added that Mohammed Issaka featured in all subsequent matches including the Matchday 33 game against Elmina Sharks.

The Petitioner then quoted Article 28(1)(e) and Article 28(2) which state that:

“An Unqualified Player Is, A Player Who Has Received A Caution In Three (3) League Matches”

“An Unqualified Player Shall Not Take Part In Any Match For Which He Is Unqualified To Play”

According to the Petitioner, it is the responsibility of Legon Cities FC to keep data of each player and cross check the eligibility of each player for every match. The Petitioner added that Legon Cities FC failed to ensure that Mohammed Issaka serves his one-match suspension in accordance with Article 28(1)(e) of the Premier League Regulations.

It is the case of the Petitioner that Legon Cities are caught in the web of Article 28(1) for fielding an unqualified player and must forfeit the match between the two teams in accordance with Article 33.1(e).

DEFENCE OF LEGON CITIES FC

The Respondent claimed that the protest has no merit and ought to be dismissed because the player was never transferred from Elmina Sharks FC as being alluded to by the Petitioner.

The Respondent's questioned why Elmina Shark FC's liability should be transferred to Legon Cities FC. Legon Cities FC further stated that cautions are communicated specifically to the affected club in accordance with Article 35(5)(v) of the Premier League Regulations.

According to the Respondent, the player was registered as a free agent during the second registration period thus the player was never transferred from Elmina Sharks as being claimed by the Petitioner.

It is the case of the Respondent that the only record of caution they have on the player was communicated to them by the GFA on 19th May, 2021 on Matchday 25 and the communication from the GFA did not render the player unqualified per Article 35(5) of the Premier League Regulations.

The Respondent quoted Article 37.5 of the Premier League Regulations as follows:

“Without prejudice to the powers of the Disciplinary Committee, a player cautioned by a Referee for:

- (i) foul play; or*
- (ii) criticism of the referee's decision; or*
- (iii) making derogatory remarks concerning other players; or*
- (iv) temporarily leaving the field of play without the express permission of the referee; or*
- (v) any other offence on the field of play,*
shall be informed in writing by the GFA for a first and second offence. He shall be automatically suspended from taking part in the next league match for any other subsequent offence.

The Respondent insisted per its records, the Player received one caution as a player of Legon Cities FC during their Matchday 25 fixture against WAFA.

The Respondent further stated that the Competitions Management System which approves the eligibility of players for league matches should have automatically locked the player as has been the practice and he would not have participated in any of the league matches if indeed he was not qualified.

The Respondent further questioned that if indeed the player had accumulated three yellow cards, why didn't the system block him from Matchday 26 to Matchday 33?

The Respondent then prayed the Committee to consider their argument as to whether or not communication on the cautions the GFA sent to Elmina Sharks FC automatically binds Legon Cities FC who are not a party to the contents therein.

It is the case of the Respondent that the protest is frivolous, without merit and should be dismissed with cost awarded against the Petitioner.

FINDINGS AND GROUNDS OF THE DECISION

The Committee confirmed that player Mohammed Issaka received following cautions this season:

1. Matchday 5: Ashantigold vs Elmina Sharks – 13th December, 2020 (Obuasi)
For which GFA sent communication to Elmina Sharks FC (player was Elmina Sharks players at the time)
2. Matchday 7: Karela vs Elmina Sharks – 3rd January 2021 (Aiyinase)
For which GFA sent communication to Elmina Sharks FC (player was Elmina Sharks players at the time)
3. Matchday 25: WAFA vs Legon Cities – 15th May, 2021 (Sogakope)
For which GFA sent communication to Legon Cities FC (player was Legon Cities FC players at the time).

It must be noted from the onset that the player was to be suspended (1 match) on Matchday 26 and no other Matchday.

Thus, it is very clear to this Committee that the player was qualified to play in the Matchday 33 game against Elmina Sharks FC contrary to the claim by Elmina Sharks FC.

It has long been established by the Disciplinary Committee and the Appeals Committee of the Ghana Football Association that a player suspended for 1 match shall serve it only in the next match and no other match and that a player cannot be perpetually suspended for eternity by

stretch of the argument that a player must remain suspended. That wrong interpretation by Elmina Sharks FC would lead to absurdity and chaos.

Thus, the protest by Elmina Sharks FC that the player remained suspended (unqualified) from Matchday 26 all the way to Matchday 33 (8 matches) is flawed and is hereby dismissed.

The Committee feels obliged to turn its attention to other issues concerning the Statement of Defence of Legon Cities FC and Matchday 26.

The Committee noted that the player received the first and second cautions while he was a registered player of Elmina Sharks FC in the First Round of the Premier League and received the third caution as a player of Legon Cities FC in the Second Round of the Premier League.

It was established that contrary to the claims by Elmina Sharks FC that the player was transferred from Elmina Sharks FC to Legon Cities FC, the player rather joined Legon Cities FC as a floating player and was not directly transferred from Elmina Sharks FC.

The Committee made the following findings from the IT Department and Competitions Department of the GFA:

- a. That according to the Competition's Department, Clubs do not have access to the system and rely on the GFA Competitions Department for information and Referees inputting their selection of players for matches in the Competition Management System (CMS developed by FIFA for Member Associations) used to run the of the Association.
- b. That the Committee noted that Referees enter the data from all matches in the Competition's Management System which accumulates the cautions and expulsions.
- c. That the Committee was informed that in the situation where a player receives three cautions the system flags that player as a suspended player for the next match.
- d. That the Committee was however informed that the IT Department had noted some challenges in the Competitions Management System which has now been solved by the FIFA IT Team. The challenges included:
 - i. Bugs in the system that causes some players who have even served his suspension still indicated as suspended until manually corrected.
 - ii. Bugs in the systems which causes a player who moves with cautions from one club to another club the system doesn't move the cautions from the previous club to the current club due to registration as Free Agent.
- e. The IT Department then explained to the Committee that the second challenge is the reason for system's inability to flag the player as suspended after receiving the third caution on Matchday 25
- f. It was confirmed that the GFA wrote to Legon Cities FC after the matchday 25 match informing the Club about first caution for the player, Mohammed Issaka.

Per the Committee's investigations and the miscommunication from the GFA's Competition's Department, it is clear that Legon Cities FC couldn't have known that the Player had accumulated cautions prior to joining the club because of the pitfall of the System at the time in accumulating cautions of a floating player to his/her previous cautions and cannot be punished. The system failed to lock the player as it usually does.

Again, the Committee also takes judicial notice of the issue of the communication by the Competition's Department of the third caution as a first caution due to the failure due to the

pitfalls of the CMS in not accumulating the cautions. Free Agents must be given a special attention going forward to avoid such errors. Article 37(5) of the Premier League Regulations is very instructive on the notices to clubs.

The Committee is disappointed that while Elmina Sharks knew as at Matchday 26 that the player was unqualified to play on Matchday 26 per the cautions accumulated, the Club waited till Matchday 33 when they played against Legon Cities in order to apply to benefit from it. This the Committee finds to be contrary to Article 16.1(k) which places an obligation on members of the GFA to:

“to observe the principles of loyalty, integrity and good sporting behaviour as an expression of fair play through a statutory provision”

We therefore dismiss the Petitioners protest as stated earlier and take the opportunity to urge the GFA to work with the FIFA IT Team going forward to avoid similar errors that, whilst apparently minor, can cause potential confusion on the parts of clubs.

DECISIONS

The Committee therefore makes the following decisions:

- 1. That the protest of Elmina Sharks FC is dismissed.**
- 2. That there is no order to cost.**
- 3. That should any party be dissatisfied with or aggrieved by this Decision, the party has within one (1) day of being notified of this Ruling to appeal to the Appeals Committee of the Ghana Football Association.**



**Osei Kwadwo Adow, Esq.
Chairman, Disciplinary Committee
Friday, July 16, 2021**