



**IN THE DISCIPLINARY COMMITTEE
GHANA FOOTBALL ASSOCIATION**

Protest Case: No. P 11–2021

CORAM

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| 1. Osei Kwadwo Adow, Esq. | - | Chairman |
| 2. Lorraine Ababio-Crabbe, Esq. | - | Member |
| 3. Emmanuel Nikoi | - | Member |
| 4. Nathaniel Laryea | - | Member |
| 5. Elsie Nana Acheampong | - | Member |
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| William Bossman | - | Secretary |
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ACCRA HEARTS OF OAK SC vrs ACCRA GREAT OLYMPICS FC

**PROTEST IN RESPECT OF THEIR GHANA PREMIER LEAGUE MATCHDAY 28
MATCH PLAYED AT ACCRA SPORTS STADIUM**

PROCEEDINGS

In accordance with Article 56 of the GFA Statutes (2019) and Articles 35.9 of the GFA Premier League Regulations, this Disciplinary Committee (hereinafter referred to as “the Committee”) considered the depositions from Accra Hearts of Oak SC (hereinafter referred to as “the Petitioner”) and the Statement of Defence from Accra Great Olympics 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 ACCRA HEARTS OF OAK SC

Accra Hearts of Oak SC (the Petitioner) protested against Accra Great Olympics (the Respondent) for fielding an unqualified player in the person of Joshua Kwame Rhule in their Ghana Premier League Matchday 28 match contrary to Articles 28(1)(d), 28(2)(a), 26(6) of the Ghana Premier League Regulations.

The Petitioner stated that Accra Great Olympics FC fielded an unqualified player in the person of Joshua Kwame Rhule (in Jersey #39) in the Week 28 fixture between the two sides contrary to Article 28(1)(d) of the GFA Premier League Regulations which states that:

“An unqualified player is a player who has registered for more than one club or with any club registered with another National Association”.

The Petitioner also stated that the Respondent breached Article 28(2)(a) of the GFA Premier League Regulations which states that:

“An unqualified player shall not take part in any match for which he is unqualified to play”.

The Petitioner further claimed that the Respondent failed to perform its due diligence in registering Joshua Kwame Rhule contravening Article 26(6) of the Ghana Premier League Regulations which states that:

“Responsibility for the truthfulness of information on players’ licenses lies on the clubs and not on the GFA”.

The Petitioner elaborated on the Respondent’s failure to perform due diligence in registering Joshua Kwame Rhule contravening Article 26(6). According to the Petitioner, Joshua Kwame Rhule registered for AS Dragon FC de l’Oueme of Benin in the 2019/20 season with the name Koomson Biney.

The Petitioner stated further that the player came to Ghana and registered for Accra Great Olympics FC as Joshua Kwame Rhule and featured for Accra Great Olympics FC in the match between the two clubs.

The Petitioner then quoted Article 27(c) which stipulates that:

“At any time during the season, a player suspected to have been registered illegally or fraudulently shall be reported to the GFA Prosecutor. Also, a complaint about any player concerning a change in identity or data may be challenged at any time by any club by sending the complaint and evidence to the GFA Prosecutor for investigation and prosecution before the GFA Disciplinary Committee.”

The Petitioner attached evidence of the player when he was playing for Dragon FC as well as the Club’s list of Registered players for the 2019/20 season. The Petitioner also cited Article 28(2)(b) which states that;

“Without prejudice to the generality of the foregoing provision of this Article, the GFA shall in all cases, locate and punish the guilty party/parties. In the event of the player being the sole guilty party, the results of the match which he played shall stand”.

The Petitioner then pleads that Accra Great Olympics FC failed to perform due diligence and are accomplices in the said case.

The Petitioner prayed the Committee to award Accra Hearts of Oak SC with 3 points and 3 goals in the Matchday 28 fixture between the two sides. According to the Petitioner, the player should be suspended in accordance with Article 28(2)(c) of the Ghana Premier League Regulations.

DEFENCE OF ACCRA GREAT OLYMPICS FC

In its Statement of Defence, the Respondent contended that the protest filed by the Petitioner lacks merit, is frivolous, malicious and should be dismissed with punitive cost.

The Respondent stated that the Petitioner failed to cite the regulation under which the Respondent ought to be sanctioned even if they have breached the GFA Premier League Regulations.

The Respondent further stated that the Petitioner failed to establish a breach of Articles 26(6) and Article 28(1)(d) and Article 28(2)(a) of the Ghana Premier League Regulations which are relevant for the determination of the truthfulness and eligibility of players in the registration process.

It is the case of the Respondent that the claim by the Petitioner that Accra Great Olympics FC failed to do due diligence cannot be supported considering the circumstances and facts of the player's registration.

The Respondent explained that the GFA has put in place an electronic registration system where a club wishing to register a player must search for the player's name from the system. The Petitioner continued that after the search, the name and picture of the player pops up to confirm that he is duly registered in the system for the club from whom the transfer request is being sought.

The Respondent added further explanation of the player registration process in accordance with Article 26(1)(b) of the Premier League Regulations.

The Respondent further stated that after the submission of the registration documents and processes, the GFA's IT Department vets the document before approval is given for issuance of the player's license to the new club. The Respondent stated emphatically that they went through the above-mentioned process to have the player Joshua Kwame Rhule transferred by **Koforidua Suhyen SC to Accra Great Olympics FC**.

On the issue of concealment of material information, the Respondent stated that, the Petitioner failed to prove that the Respondent ought to have known that the player used a different name with which he played for a club in Benin. Respondent argues that their enquiries shows that the player is a player of Koforidua Suhyen, a 2nd Division Club in the Eastern Region.

Respondent again stated that Accra Great Olympics FC is unaware of any registration of the player with any other club in Ghana or abroad in a name different from the name that the player was transferred to Accra Great Olympics FC.

According to the Respondent, they have never encountered the name Koomson Biney in the system neither has anyone informed Accra Great Olympics FC of a change of name prior to the player's registration with Koforidua Suhyen SC and his subsequent registration with Accra Great Olympics FC.

The Respondent concluded by saying that the Petitioner failed to prove fraud in the player's registration of the player by Accra Great Olympics FC neither did the Petitioner prove that the Respondent breached any article of the Regulations for which Accra Hearts of Oak SC should be awarded with three points.

The Respondent attached the transfer agreement between Koforidua Suhyen SC and Accra Great Olympics FC duly signed by authorized officials as well as the contract between the player and the club.

FINDINGS AND GROUNDS OF THE DECISION

The Committee finds from the Records in the FIFA Connect Registration System as follows:

- a. That Koomson Biney whose date of birth is 15th May 1998, registered with Teshie Zinap FC from 1st August 2010 to 5th September 2016.
- b. That Koomson Biney was transferred to Santos FC of South Africa and from the GFA's records and the ITC, has since not returned to Ghana.
- c. That Joshua Kwame Rhule whose date of birth is 15th December 2002 registered with Koforidua Suhyen SC on 31st October 2020.
- d. That Joshua Kwame Rhule was transferred to Accra Great Olympics on 1st April 2021.
- e. That per the records and pictures, Koomson Biney and Joshua Kwame Rhule is the same person (player) with two registration identities in the system.
- f. That player Joshua Kwame Rhule was transferred to Accra Great Olympics FC by Koforidua Suhyen SC on 1st April, 2021 where he was registered with the **same details** from Koforidua Suhyen FC.
- g. That Koforidua Suhyen SC and the player must be charged for the misconduct.
- h. That Great Olympics FC did not alter or change any details of the player as was given to them by Koforidua Suhyen SC.

Whereas Accra Hearts of Oak SC argued that it was Accra Great Olympics FC who registered the player with the new details and must be punished, point 'f' above shows that Koforidua Suhyen FC registered the player with the new details.

The Committee is clear that the relevant provision for the settlement of this case is Article 28(2)(a) of the GFA Premier League Regulations, which Accra Hearts of Oak SC quoted:

“Without prejudice to the generality of the foregoing provision of this Article, the GFA shall in all cases, locate and punish the guilty party/parties. In the event of the player being the sole guilty party, the results of the match which he played shall stand”.

It is clear from the foregoing that only the guilty party must be punished, and Accra Great Olympics FC is not one of the potential guilty parties per the evidence adduced before this Committee in this case.

DECISION

Having made the above findings from the IT Department and the Registration Systems of the GFA, the Disciplinary Committee decides as follows:

- 1. That the instant protest is dismissed.***
- 2. That in accordance with Article 28(2)(b) of the GFA Premier League Regulations, Accra Great Olympics FC is not the guilty party in this instant case and the results of the Ghana Premier League match between Great Olympics FC and Accra Hearts of Oak SC shall stand.***
- 3. That the Player Koomson Biney and/or Joshua Kwame Rhule and Koforidua Suhyen SC should be charged by the GFA Prosecutor.***
- 4. That until the determination of the misconduct cases, the registration of Koomson Biney and/or Joshua Kwame Rhule are suspended with immediate effect.***
- 5. 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 2, 2021**