



GHANA FOOTBALL ASSOCIATION

P.O. Box AN 19338 Accra North - Ghana. Tel: +233-30-2660380-4
Fax: +233-30-2666697 / 2668590 E-mail: info@ghanafa.org. Website: www.ghanafa.org

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VIA EMAIL

1. FIFA GENERAL SECRETARIAT
2. FIFA DISCIPLINARY COMMITTEE
FIFA
FIFA STRASSE
ZURICH, SWITZERLAND

Attention
Julien Deux
Head of Judicial Bodies (Adjudicatory)

Dear FIFA Disciplinary Committee,

REF. N°: FDD-9623

RE: PROTEST LODGED BY THE SOUTH AFRICAN FOOTBALL ASSOCIATION

We write to acknowledge receipt of your letter on the above-mentioned subject matter dated November 17, 2021 with reference number Ref. N°: FDD-9623 requesting the Ghana Football Association to send its comments (if any) by November 20, 2021 and we wish to send the following comments as requested:

1. FACTS

a. Facts of the match and the aftermath

The senior national team of Ghana (the Black Stars) played against the senior national team of South Africa (the Bafana Bafana) on Sunday, November 14, 2021 at **7pm** at the Cape Coast Sports Stadium.

By **11pm** on the said day, the match had been completed, and the two teams and all stakeholders have left the stadium.

According to the Match Commissioner in his report to FIFA ***"the only incident is that the South Africans have lodged a COMPLAIN that they want the match to be investigated in which they will write to CAF and FIFA."***

Kindly note that this was an **ORAL COMPLAINT** to the Match Commissioner and not a written complaint **(we will refer to this later).**

b. Correspondence from FIFA

On November 17, 2021, the Ghana Football Association (GFA) received from correspondence from Julien Deux, Head of Judicial Bodies (Adjudicatory) at FIFA on the above-mentioned subject matter stating as follows:

We refer to the abovementioned matter, and in particular to the protest filed by the South African Football Association on 15 November 2021 in connection with the match Ghana v. South Africa played on 14 November 2021 in the context of the Preliminary Competition for the FIFA World Cup Qatar 2022™, African Zone. The documents pertaining to the present protest are available under the following link:

<https://cargo.fifa.org/a4cb53648a4c8592b9d4b1c49543e5ef1ebf876c3eb63d2110> **(This is the full documents. It contains two letters from South African Football Association and the Match Reports).**

Furthermore, we wish to inform the South African Football Association as well as the Ghana Football Association that the above-mentioned protest will be submitted to a member of the FIFA Disciplinary Committee on 23 November 2021 for consideration and decision in accordance with art. 14(9) of the Regulations FIFA World Cup 2022™, Preliminary Competition as well as arts. 46 and 54 of the FIFA Disciplinary Code (FDC).

*In view of the foregoing, **the Ghana Football Association has the opportunity to provide the secretariat of the FIFA Disciplinary Committee with any comments it deems appropriate on the aforementioned protest, if any, by 20 November 2021 at the latest, along with any document deemed necessary.***

Finally, for the sake of clarity, please be informed that the FIFA Disciplinary Committee will decide on the protest using the file in its possession (cf. art. 20 par. 5 of the FDC).

c. The first letter from the SAFA to FIFA dated 15 November 2021

The first letter from SAFA addressed by AVD Tebogo Motlanthe, CEO/SG to the FIFA General Secretary is as follows **(full text below)**:

COMPLAINT AND PROTEST: MATCH FIXING, MATCH MANIPULATION, CORRUPTION AND BRIBERY INTO THE REFEREE AND OTHER MATCH OFFICIALS CONCERNING THE GAME 14TH BETWEEN GHANA VS SOUTH AFRICA PLAYED IN GHANA ON THE NOVEMBER 2021

*The South African Football Association will **pay the protest fee of CH1000 within 72 Hours.***

d. The second letter from the SAFA to FIFA dated 15 November 2021

The second letter addressed by AVD Tebogo Motlanthe, CEO/SG to the FIFA General Secretary is as follows (full text below):

COMPLAINT AND PROTEST: MATCH FIXING, MATCH MANIPULATION, CORRUPTION AND BRIBERY INTO THE REFEREE AND OTHER MATCH OFFICIALS CONCERNING THE GAME 14TH BETWEEN GHANA VS SOUTH AFRICA PLAYED IN GHANA ON THE NOVEMBER 2021

- [1] *We refer to the above matters and wish to formally record our complaint and protest concerning the wrongful and unlawful conduct of the match referee and other officials, concerning match fixing, match manipulation including corruption and bribery in respect of the game between Ghana and South Africa played in Ghana on 14th the November 2021.*
- [2] *Our complaint and protest is a follow up on the complaint which was lodged with the match commissioner by our Head of Delegation, Mr Aubrey Baartman and our Team Manager, Mr Vincent Tseka regarding the conduct of the referee and other match officials during the aforesaid game.*
- [3] *We specifically call upon FIFA to investigate the match referee and other officials in terms of the provisions of Article 18 of Chapter 2 of the FIFA Disciplinary Code, 2019 Edition (Match Manipulation of football matches).*
- [4] **We will be forwarding all the relevant documents and a detailed complaint within the next 72 hours.**

2. GFA'S COMMENTS

The Ghana Football Association wishes to place the following comments on record in this matter before the Disciplinary Committee:

a. Protest not properly lodged

It is the case of the Ghana Football Association that the purported protest lodged by the South African Football Association (SAFA) violates the provisions of the Regulations for the competition and the Disciplinary Code of FIFA.

The purported Protest **MUST** have been in WRITING and lodged with the Match Commissioner after the match. This was not done. Rather an **oral complaint** was lodged.

Article 14(2) of the Regulations FIFA World Cup 2022 Preliminary Competition states as follows:

"Unless otherwise stipulated in this article, protests **SHALL BE submitted in writing to the FIFA Match Commissioner within two hours of the match in question and followed up with a full written report, including a copy of the original protest, to be sent by email to the FIFA general secretariat within 24 hours of the end of the match, otherwise they shall be disregarded"**

It is very clear from the above **mandatory** provision that a written Protest must be submitted to the Match Commissioner within two (2) hours after the match at Cape Coast and this was not done by the South African Football Association.

Again, the provision demands (**without fail**) that a **FULL** written report, **including a copy of the original protest**, to be sent by email to the FIFA general secretariat **within 24 hours of the end of the match**.

It is the position of the Ghana Football Association that by 11pm of November 15, 2021, the South African Football Association was strictly expected to send to FIFA, a **FULL** written report, **including a copy of the original protest** to meet **24 hours requirement as well as the others stated in the provision**. Remember that these are mandatory provision once "SHALL" was used.

Once again, from the documentation of this matter there was no original written protest to the Match Commissioner, and none was also attached to the two letters sent by the South African Football Association to FIFA because **there was not none**. This is because an oral complaint to a Match Commissioner is **not a protest**.

It is very clear from the foregoing that the purported Protest by South African Football Association does not meet the requirements of Article 14(2) of the Regulations FIFA World Cup 2022, Preliminary Competition.

This strict provision of the competition's regulation (Regulations FIFA World Cup 2022, Preliminary Competition) finds support in Article **46(1) and 46(2) of the FIFA Disciplinary Code** headed **Protests**:

The two provisions stipulate as follows:

46(1) "Associations and their clubs are entitled to lodge protests. Protests must reach the Disciplinary Committee in writing, indicating the relevant grounds, within 24 hours of the end of the match in question."

46(2) "The 24-hour time limit cannot be extended. For the sake of the smooth running of the competition, the corresponding competition regulations may shorten the protest deadline accordingly".

It is very clear that the request by the South African Football Association in their second letter that - **"We will be forwarding all the relevant documents and a detailed complaint within the next 72 hours"** - is misplaced and violates the clear FIFA provisions.

Consequently, we therefore call on the respected FIFA Disciplinary Committee to dismiss the purported protest with a punitive fine and a huge cost.

b. Failure of Payment of Protest Fee as required by the Regulations

It is also the case of the Ghana Football Association that the purported protest filed by the South African Football Association must be accompanied by the protest fee and that a request by the South African Football Association to pay the protest fee later violates **Article 46(3) of the FIFA Disciplinary Code**.

Article 46(3) of the FIFA Disciplinary Code stipulates as follows:

"The protest fee is CHF 1,000. It must be paid when the protest is lodged and is reimbursed only if the protest is admitted in full."

Again, within the context of the 24 hours limitation to lodge a protest, it is very instructive that the South African Football Association failed to pay the protest fee and rather indicated that the protest fee would be paid within 72 hours.

It is the position of the Ghana Football Association that once the South African Football Association failed to pay the protest fee on or before 11pm on Monday, November 15, 2021, it rendered the purported protest void and a nullity.

On Time limits, the provisions of the FIFA Disciplinary Code under Articles 34(5) and 34(6) are very clear.

34(5) "If a time limit is not observed, the defaulter loses the procedural right in question."

34(6) "Time limits laid down by this Code may not be extended."

In any case, the South African Football Association has not and did not ask for any **extension of time** in any manner or form whatsoever. The South African Football Association rather dictatorially tells FIFA and its Disciplinary Committee when they will pay a protest fee, when they will protest and when and how they want to bring any evidence or documentation.

We note that the South African Football Association arrogates to itself powers of FIFA Regulations and its Disciplinary Committee in determining when and how they want to do things outside the regulations of association football, and this must not be allowed to fester. The judicial power to grant extension of time lies in the bosom of the judicial body (here the Disciplinary Committee) and not a party to a protest.

Consequently, we therefore call on the respected FIFA Disciplinary Committee to dismiss the purported protest with a punitive fine and a huge cost.

c. Provision of No Evidence

Notwithstanding the fact the protest was not properly lodged, we wish to comment on the content of the second letter that the South African Football Association sent to FIFA.

The South African Football Association alleges match fixing and calls on FIFA to investigate. The South African Football Association however did not provide any evidence or ingredient to support their allegation whatsoever.

Thus, (with the utmost of respect), the South African Football Association seeks to send the respected FIFA Disciplinary Committee on a "fool's errand" or fishing without any direction or evidence whatsoever. We daresay that the World Cup is the most serious competition and the biggest brand of the world and must not be allowed to be treated with fake allegation without prima facie evidence.

The failure to provide prima facie evidence (in fact no evidence was provided whatsoever) must be punished severely by the respected Disciplinary Committee. Reputations made over years must not be allowed to be tarnished this way. Note that no mention was made of any Ghanaian officials engaged in match fixing, corruption or betting.

The excuse that the South African Football Association gives in point 4 of the said second letter that - **We will be forwarding all the relevant documents and a detailed complaint within the next 72 hours** is clearly an afterthought and must be disregarded with the contempt it deserves. The South African Football Association must not be allowed to shout WOLF and then ask for 72 hours to go and check their eyes, now go and try and find a passing wolf somewhere else to come and show us.

It is very clear that after the match in Cape Coast, the South African Football Association had no reason or evidence to file any protest within the regulations of the competition and up to the time they wrote the letters to FIFA, they still did not have any reason or evidence to give to FIFA.

Consequently, we therefore call on the respected FIFA Disciplinary Committee to dismiss the purported protest with a punitive fine and a huge cost.

d. Severe punishment - Tarnishing the image of the world Cup and the Team Ghana Brand

The South African Football Association has cast **fake** doubts on the integrity of the World Cup brand and the Black Stars sadly without any shred of evidence and this must be punished severely.

The provisions are very clear on this:

14 (8) If any of the formal conditions of a protest as set out in these Regulations are not met, such protest shall be disregarded by the competent body. Notwithstanding the above, the FIFA Disciplinary Committee remains competent to prosecute any disciplinary infringement ex officio, as established in the FIFA Disciplinary Code.

14(7) If AN UNFOUNDED OR IRRESPONSIBLE PROTEST is lodged, the FIFA Disciplinary Committee may impose a fine.

For this quest of tarnishing the image of the World cup and Ghana's senior team without just cause, we urge the Disciplinary Committee to impose the severest fine and cost on the South African Football Association to serve as deterrent to all others. For if this is left unpunished, this will be repeated by other to the detriment of the World Cup.

CONCLUSION

In sum, the purported protest of the South African Football Association is a hoax and an attempt to bring the brand of the World cup into disrepute and shame.

It is our considered position that the purported protest lacks merit and was instituted without evidence or any grounds whatsoever and serving only to cause annoyance to the Ghana Football Association and to tarnish the good image of the World Cup and the Black Stars.

We urge for the dismissal of this purported protest with a punitive fine and a huge cost.

Respectfully submitted.



**PROSPER HARRISON ADDO, ESQ.
(GENERAL SECRETARY)**

