

IN THE MATTER OF THE FOOTBALL ASSOCIATION

Case ID : 10571206M

DISCIPLINARY COMMISSION

BETWEEN :

LONDON FOOTBALL ASSOCIATION

and

ZAKARIA HASSAN¹

IN THE MATTER OF THE FOOTBALL ASSOCIATION

Case ID : 10571214M

DISCIPLINARY COMMISSION

BETWEEN :

LONDON FOOTBALL ASSOCIATION

and

HILLTOP FC

IN THE MATTER OF THE FOOTBALL ASSOCIATION

Case ID : 10547239M

DISCIPLINARY COMMISSION

BETWEEN :

AMATEUR FOOTBALL ALLIANCE

and

ARBEN ASLLANI

DECISION AND REASONS

¹ The misconduct charge has been brought in the name of Sakaria Abdi-Hassan. The participant confirmed the correct spelling of his first name is Zakaria. He filed his evidence under the name Zakaria Hassan.

Disciplinary Commission constitution.

Abdul S. Iqbal QC (Chair)

Alan Day

Bill Stoneham

Hayley Mather (Secretary)

Date of hearing : 19/11/21

Attendees

London Football Association

Ronaldo Butrus

(1) Zakaria Hassan

Zakaria Hassan

(2) Hilltop FC

Misconduct accepted.

No evidence called.

(3) Arben Asllani

Misconduct denied.

No evidence called. Non-personal hearing.

1. This document sets out the written reasons for the decisions and sanction in this Disciplinary Commission ("the Commission").
2. The Commission dealt with consolidated proceedings in these three cases that all arose out of the same facts.
3. This document does not set out the entirety of the evidence heard by the Commission. It sets out the relevant evidence on the central relevant issues as heard by the Commission and assessed by the Commission in reaching findings of fact.

(1) The charges.

(i) Zakaria Hassan

4. By “*misconduct charge notification*” dated 8th November 2021 the London Football Association (“London FA”) alleged that Zakaria Hassan (“ZH”) during a match (“the match”) between Illyrian FC and Hilltop Reserves on 16/10/21, acted in an improper way by using threatening or abusive or insulting words or behaviour towards a Match Official.

5. Accordingly, London FA charged ZH with :

- i. Improper conduct ((including threatening and/or abusive language/behaviour) on 16/10/21 contrary to rule E3.1 of the Rules of the Football Association. Particulars : use of the words “*there is going to be another fight next time and this time it will be on you*”.

6. ZH denied the charge by response dated 15/11/21.

(ii) Hilltop FC

7. By “*misconduct charge notification*” dated 8th November 2021 the London FA alleged that Hilltop FC during the match failed to ensure players and/or officials and/or spectators conducted themselves in an orderly fashion.

8. Accordingly, London FA charged Hilltop FC with :

- i. Failing on 16/10/21 to ensure that player(s) and/or officials and/or spectators conducted themselves in an orderly fashion and refrained from improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour contrary to rule E20 of the Rules of the Football Association. Particulars : “*Hilltop Reserves were fighting and pushing other players.*” Furthermore, “*in light of the threat ... from the away team the Match Official felt he needed to abandon the match*”.

9. Hilltop FC admitted the charge by response dated 11/11/21.

(iii) Arben Asllani

10. By “*misconduct charge notification*” dated 22nd October 2021 the Amateur Football Alliance (“AFA”) alleged that Arben Asllani (“AA”) during the match acted in an improper way by using threatening or abusive or insulting words or behaviour towards a Match Official.

11. Accordingly, AFA charged AA with :

- i. Improper conduct ((including threatening and/or abusive language/behaviour) on 16/10/21 contrary to rule E3.1 of the Rules of the Football Association. Particulars :

*“During this fixture the Match Official showed Mr Asllani a second yellow card and subsequently a red card for **dissent** towards him.”*

12. AA denied the charge by response dated 24/10/21 and sought a paper hearing before the Commission of the charge.

(2) The facts.

(a) Evidence adduced by London FA / AFA.

13. London FA and the AFA adduced evidence from the following witnesses.

(i) Ronaldo Butrus

14. The Commission had a written statement from Ronaldo Butrus by way of a match report and associated material².

15. The witness is a youth (aged 17 years). Accordingly, only the Chair of the Commission asked questions of the witness. Those questions were contributed to by all participants and other Commission members who submitted relevant questions in writing before the hearing.

16. The evidence of the witness can be summarised as follows :

- i. The witness was the referee during the match. He was not wearing any arm band or similar that indicated he was a youth ;
- ii. He had not refereed either of the two teams before this match ;
- iii. During the match, the Illyrian FC manager (AA) received two yellow cards and was thereby dismissed from the touch line ;
- iv. The first yellow card for AA resulted from the awarding of a free kick to Hilltop FC. AA was saying that it was not a free kick and was shouting aggressively but he did not enter the field of play ;
- v. The second yellow card for AA resulted from when a linesman flagged for offside. AA started shouting at the linesman saying “*you are blind*” ;
- vi. Both incidents above involving AA amounted to dissent towards a match official ;
- vii. When shown the second yellow card (and therefore a red card), the witness told AA to move away from the technical area. AA said “*you are a shit ref*” to the witness. AA

² See pages 13 to 14 and 22 to 23 of the case bundle in ZH / Hilltop FC.

started shouting and acting aggressively but the witness did not know what was said. AA then stormed off outside the caged area of the pitch towards a building ;

- viii. At 70 minutes, there was a mass confrontation that resulted from a Hilltop team player not giving the ball to an Illyrian player after the award of a free kick to Illyrian FC ;
- ix. Most of the players from the two teams were involved in the confrontation on the pitch. It calmed down after a minute or two ;
- x. The witness backed off towards the home team linesman. He was a few metres away from the Hilltop manager (ZH) ;
- xi. ZH said to the witness “*there is going to be another fight next time and this time it will be on you*”. The witness did not accept the words used were “*ref you have lost control of this game, if anything happens to any of the players it’s on you*” ;
- xii. The words used by ZH were said not loudly but in a conversational volume. They were not shouted ;
- xiii. The witness construed the words used by ZH as indicating that there was going to be another fight and that the witness would be injured. He did not construe them as meaning if there was another fight then the responsibility would be his ;
- xiv. The witness did accept that someone said that he had lost control of the game but he could not remember when that was said to him or by whom ;
- xv. 1 to 2 minutes later the witness abandoned the match because he felt his personal safety was at risk. There was no further conversation with ZH after the above words were said by ZH ;
- xvi. The witness then left the area of the match.

(b) Evidence adduced by the participants.

(i) Zakaria Hassan

17. The Commission had written evidence from Zakaria Hassan³. The Commission members asked questions of the witness to seek clarification of the relevant facts. Each participant was offered the opportunity to ask relevant questions of the witness.

³ See pages 26 to 27 of the ZH case bundle.

18. The evidence of the witness can be summarised as follows :
- i. The witness was the Hilltop FC manager for the match ;
 - ii. The match referee lost control of the match as the match went on ;
 - iii. The Illyrian FC manager (AA) was directing constant verbal abuse towards the match officials during the match. AA was ultimately sent off for the verbal abuse he was using towards the match officials ;
 - iv. ZH had never before seen a manager behave as badly towards match officials as AA did in this match ;
 - v. There was a confrontation between both sets of players on the pitch. The score was 1-1 at the time. Spectators and some coaching staff were involved too ;
 - vi. Both team managers ran on to the pitch to stop the brawling and to protect their own players ;
 - vii. The referee was blowing his whistle. The referee started to back off. The referee went towards the home team linesman ;
 - viii. Illyrian FC as a team was too aggressive. The referee had lost control of the game by 70th minute ;
 - ix. 20 to 30 seconds later the situation was under control. The witness approached the referee ;
 - x. ZH feared for his players' safety. ZH said to the referee *"ref you have lost control of this game, if anything happens to any of the players it's on you"*. ZH did not use the word *"fight"*. ZH was sure about that. ZH did not say these words loudly ;
 - xi. ZH meant by the words that the referee would be to blame if any players were injured as a result of his poor refereeing of the match and losing control of discipline ;
 - xii. ZH made no threats at all towards the referee and ZH did not lose control of his emotions at any time ;
 - xiii. The referee did not reply but walked towards the linesman There was no other conversation between ZH and the referee at the time ;
 - xiv. The referee decided to abandon the match ;

- xv. Then players and officials from both teams all shook hands and apologised. They all then left ;
- xvi. There was little inconsistency between the witness' oral evidence and his written evidence. He was a calm and confident witness. He did not seek to sensationalise events and made concessions as to the behaviour of his own players as appropriate ;
- xvii. The Commission's overall assessment was that ZH was a credible and honest witness whose calm demeanour added to his credibility generally.

(ii) Hilltop FC.

- 19. Hilltop FC had admitted the alleged misconduct in open correspondence.
- 20. No evidence was called before the Commission by or on behalf of Hilltop FC.

(viii) Arben Asllani

- 21. AA's case was a correspondence hearing. Accordingly no oral evidence was called before the Commission on behalf of AA beyond that summarised above.
- 22. At the conclusion of the evidence heard by the Commission, ZH (the only participant present at the hearing) was invited to make any further submissions he wished to advance. ZH made those submissions he felt appropriate.
- 23. ZH was then asked to state at this stage frankly whether he felt the hearing had been conducted so as to afford him a fair hearing.
- 24. ZH denied the alleged misconduct and did not feel the allegation made was fair. However ZH was content that he had received a fair hearing and that he had every reasonable opportunity to place before the Commission all the evidence and submissions he wished to.

(3) The Commission's factual findings.

- 25. The burden of proof is borne by London FA and the AFA to prove the alleged misconduct separately in the case of each participant upon the balance of probability.
- 26. The test to be applied is that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.
- 27. The Commission noted that each form of misconduct alleged against each participant is a serious assertion and cogent evidence is required upon the balance of probability to establish that allegation.

Zakaria Hassan

28. Having considered all of the evidence before the Commission, the Commission concluded as follows upon the balance of probability⁴ :

- i. There was a factual dispute between the match referee and ZH as to the precise form of words that ZH used towards the referee when the confrontation between players erupted ;
- ii. However, it was plain that there had been an accusation that the match referee had lost control of the situation and this had led to the eruption of disorder. The evidence of the match referee was consistent with this complaint having been made by ZH as the disorder erupted ;
- iii. The Commission had sympathy with the plight of a young referee faced with such aggression from both sets of players and some coaching staff ;
- iv. In the circumstances, the Commission concluded it was unnecessary to determine on the balance of probability which form of words was actually used by ZH ;
- v. The Commission concluded that *even if* the words directed at the match official by ZH were “*there is going to be another fight next time and this time it will be on you*”, this was on the balance of probability an expression consistent with ZH telling the referee it would be the referee’s fault if there is further disorder arising from a loss of control of a match by the referee ;
- vi. In these circumstances, the Commission concluded on the balance of probability that *taken at its highest*, London FA’s case did not amount to proof on the part of ZH of the use of threatening and/or abusive language or behaviour ;
- vii. Accordingly the charge of improper conduct ((including threatening and/or abusive language/behaviour) on 16/10/21 contrary to rule E3.1 of the Rules of the Football Association was found **NOT PROVEN** as against ZH.

Arben Asllani

29. Having considered all of the evidence before the Commission, the Commission

⁴ Where the primary charge of assault or attempted assault on a match official was found proven against a participant, there was no need for the Commission to consider the alternative charge of physical contact or attempted physical contact for that participant.

concluded as follows upon the balance of probability⁵ :

- i. The behaviour of AA was such that during the match he used repeated abusive language towards match officials (whether the match referee and/or linesmen) ;
- ii. Two such instances of abusive language and behaviour led to two separate yellow cards and AA's dismissal from the touchline ;
- iii. ZH corroborated the evidence heard from the match referee that AA's behaviour was repeatedly (and seriously) abusive towards match officials during the match ;
- iv. The precise words used by AA on these occasions was not clear beyond direct criticism of refereeing decisions and suggesting that a linesman was "*blind*" ;
- v. The Commission concluded on the balance of probability that nonetheless AA's behaviour amounted to abusive behaviour on repeated occasions directed towards the match officials ;
- vi. Accordingly the charge of improper conduct ((including threatening and/or abusive language/behaviour) on 16/10/21 contrary to rule E3.1 of the Rules of the Football Association was found **PROVEN** as against AA.

(4) Sanction.

30. The Commission considered and applied the relevant FA Disciplinary Regulations and Sanctioning Guidelines in respect of each case of proven misconduct.

31. It was noted that the match referee was a youth (aged 17 years).

(i) Hilltop FC

32. The Commission considered the *FA Sanctioning Guidelines* in relation to breaches of rule E20 of the Rules of the Football Association.

33. Hilltop FC had no recorded relevant disciplinary record.

34. In relation to aggravating factors, the Commission found :

- i. The overall impact on the reputation and integrity of the game from such violent disorder that led to match abandonment is very significant.

⁵ Where the primary charge of assault or attempted assault on a match official was found proven against a participant, there was no need for the Commission to consider the alternative charge of physical contact or attempted physical contact for that participant.

35. In relation to mitigating factors, the Commission found :
- i. Hilltop FC had promptly admitted the misconduct ;
 - ii. Hilltop FC had no relevant disciplinary record.
36. The Commission concluded this misconduct fell in the middle bracket within the “*outside NLS Leagues*” column within the FA Sanctioning Guidelines.
37. Balancing the aggravating and mitigating features, the appropriate sanction is :
- i. Hilltop FC is fined £50.00 ;
 - ii. Hilltop FC will have 7 penalty points imposed ;
 - iii. Hilltop FC is formally warned as to its future conduct whether by players, staff or supporters.

(ii) Arben Asllani

38. The Commission considered the *FA Sanctioning Guidelines* in relation to breaches of rule E3.1 ((including threatening and/or abusive language/behaviour) of the Rules of the Football Association.
39. AA had no recorded relevant disciplinary record for breaches of rule E3.1 but did not have an unblemished disciplinary record over the previous five seasons. He had received 6 cautions from match officials during the 2016/17 and 2019/20 seasons. Although not an aggravating factor, AA did not have the mitigation of good character.
40. In relation to aggravating factors, the Commission finds :
- i. The overall impact on the reputation and integrity of the game from such repeated abusive behaviour by coaching staff towards match officials in a football match is very significant.
41. In relation to mitigating factors, the Commission found none present.
42. It is noted that the participant had contested the proceedings.
43. The Commission concluded this misconduct fell in the middle bracket within the “*outside NLS Leagues*” column within the FA Sanctioning Guidelines.
44. Balancing the aggravating and mitigating features, the appropriate sanction is :

- i. A 3-match ground and venue ban in relation to the Illyrian FC first team to commence immediately ;
 - ii. A fine of £30.00 ;
 - iii. Illyrian FC will have 5 penalty points imposed as a result of the misconduct by one of the officials of the club ;
 - iv. The participant is formally warned as to his future conduct.
45. The above sanctions are formally imposed.
46. There is the right to appeal these decisions in accordance with FA Regulations.

ABDUL S. IQBAL QC

ALAN DAY

BILL STONEHAM

22nd November 2021