



## **Football Association Disciplinary Commission**

**The Football Association on behalf of  
London FA & Amateur Football Alliance**

**v**

**Maxime Nogues Case ID: 11077297M**

**St George's Hospital Medical School Men Case ID: 11077284M**

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### **WRITTEN REASONS**

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#### **Factual Background and Chronology**

1. These are the Reasons for the decision of the Disciplinary Commission which was held via virtual personal hearing at 19.00 on 10<sup>th</sup> February 2023.
2. The Commission members were Mr Michael Cloherty (Independent Chairman and National Serious Case Panel) and Mrs Sue Henson Green (National Serious Case Panel) and Mr John Turner (National Serious Case Panel).
3. Mr Sam Anderson of Birmingham FA acted as Secretary to the Commission.
4. The following is a record of the main points which the Discipline Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing.
5. The charges in question arose following a game between St George's Hospital Medical School Men FC (St George's) and Regents University London BUCS Men's FC (Regents) on 30<sup>th</sup> November 2022. Following the fixture reports were provided to London FA and Amateur Football Alliance FA and details of the allegations were contained within these reports.

6. By letter dated 27<sup>th</sup> January 2023 Mr Maxime Nogues, a player for Regents, was charged with breach of FA Rule E3 – Assault by participant on participant and he was also charged with an alternate charge of breach of FA Rule E3- Improper conduct (including violent conduct and threatening and/or abusive language/behaviour).
7. By letter dated 27<sup>th</sup> January 2023 St George’s were charged with breach of FA Rule E20 – failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending a match.
8. A response was provided by Mr Nogues denying the charge of assault of participant on participant but he admitted the charge of violent conduct and he requested that the matter be dealt with at a non-personal hearing.
9. A response was provided by St George’s denying the charges and they requested that the matter be dealt with at a personal hearing.

10. **The Relevant FA Rules**

**Rule E20 provides for**

*E20 Each Affiliated Association, Competition and Club shall be responsible for ensuring that its Directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match and do not:*

*E20.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;*

*E20.2 conduct themselves in a manner prohibited by E20.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability*

**Assaults by participants on participants**

*104 If a Match Official’s report indicates that a Participant has perpetrated an assault on another Participant causing serious bodily harm before, during or after a Match, the Affiliated Association shall without delay investigate the Referee’s report.*

*105 Following the investigation, the Affiliated Association, if it is satisfied that a prima facie case can be made out against the alleged offender, may:*

*105.1 issue a Charge; and*

105.2 may issue an Interim Suspension Order in accordance with paragraph 113 below against the alleged offender from all football activity until a Disciplinary Commission has adjudicated on the matter.

106 A Disciplinary Commission shall meet to consider the Charge within 28 days of (the date of) the Charge letter.

107 The recommended (or mandatory, where stated) sanctions where a Charge issued in accordance with paragraph 105.1 above has been found proven against the Participant are as follows:

- Suspension from all football activities for a period of between 140 days and 5 years with a mandatory minimum of 140 days.
- A fine of £150.

### **E3 (violent/ threatening conduct) Sanction Guidelines**

*Low – 1 -3 match suspension/£20 - £50 fine*

*Medium – 2 – 4 match suspension/ £40 - £80 fine*

*High – 3 – 10 match suspension/ £70 - £125 fine*

## **The Evidence**

11. The Commission had before them the following items to consider:

- (i) A typed report dated 30<sup>th</sup> November 2022 from Mr Peter Rogers, referee for the fixture who reported that Mr Maximi Wilkamman, a Regents player had been sent off and he returned to the pitch and he headbutted a St George's player causing a cut under his eye. Mr Rogers stated that a number of Regents players became very aggressive to the St George's players and in the interests of safety the match official abandoned the game.
- (ii) A typed statement dated 15<sup>th</sup> December 2022 from Ms Amelia Collins, the manager of the Regents team and the statement included details of an ongoing investigation into the incident.
- (iii) A typed statement dated 13<sup>th</sup> December 2022 from Mr Aman Asopa, player for Regents, who made comment regarding the performance of the referee and he reported that a number of the St George's players made comments 'cotton picker' and 'you are a terrorist going to explode' and these comments were ignored. The St George's number 9 was highlighted as the main protagonist of these comments and the referee was informed and Mr Asopa reported that he did not witness any conversation between the referee and the player. Mr Asopa stated that a Regents player was involved in an argument and another Regents player stepped in and he ended up in a physical tussle with the St George's player and the Regents player was sent off.

Mr Asopa outlined that the St George's number 9 scored and he ran towards the dug outs and he drew his finger across his neck and showed his middle finger to the Regents players which resulted in those players entering the field of play and a fight ensued and Mr Asopa recognised this was not correct and his team were threatened by the St George's players.

- (iv) A typed statement dated 13<sup>th</sup> December 2022 from Mr Maxime Nogues, player for Regents who reported that the St George's number 9 was disrespectful to his team and this continued into the second half when one of the Regents players challenged him. Mr Nogues stated that he approached them to calm the situation down and the St George's player elbowed him in the face and he pushed this player and he was sent off. Mr Nogues stated that the number 9 scored a goal and in celebration he ran over to the Regents bench and he showed his middle finger and the 'death threat' sign and the Regent's bench lost control and they ran onto the pitch and a fight followed. Mr Nogues reported that after the fight was stopped the team gathered, spoke about the incident and they apologised to the St George's team despite being threatened by them.
- (v) An email timed at 16.39 on 28<sup>th</sup> December 2022 from Mr Peter Rogers, the referee, who reported that he was unaware of the allegations against his players or spectators and he believed these were fabricated.
- (vi) An email timed at 15.23 on 18<sup>th</sup> January 2023 from Mr Ogor Babundo, Student Activities Coordinator at St George's and the email included a number of documents which are explained in the next paragraphs.
- (vii) An undated typed statement from Mr Ibrahim Faizi, player for St George's who reported that the Regents team were abusive and aggressive and one of them punched a Regents' player in the back of the head and other players from both teams became involved and one of the players, who Mr Faizi named as 'Maxime Nogues', was sent off and he provided an incorrect name. Mr Faizi reported that he scored a goal and he celebrated with his team mate which upset the Regents contingent and he was assaulted by them receiving punches from all sides of his body. Mr Faizi reported that that Mr Nogues ran up to him and grabbed him from the front and he was headbutted. Mr Faizi outlined that other players stopped the attack and the game was abandoned and he walked away and found that he had a cut under his left eye and the Regents contingent said 'This is what you get' and 'where I am from this is how we deal with it' and he reported that Mr Nogues said that he was a professional boxer. Mr Faizi attended at A and E immediately and he was diagnosed as having two fractures to his face and he could not see out of his eye and at the time of writing the statement he still had double vision and he may require surgery but in any event he would bear the scars for life.
- (viii) A screenshot of a medical report for Mr Faizi which contained confidential medical details .
- (ix) An undated typed report from Mr Saad Khalid, a player for St George's who reported that he was subject of abuse from the Regents players and he was

attacked from the rear and he was punched and grabbed in a headlock and his spectacles fell off and this player was sent off. Mr Khalid stated that his team scored a goal and the celebrations agitated the player who had been sent off and the player who had been sent off ran onto the pitch and a scuffle followed during which time Mr Khalid's spectacles once again became dislodged and he was pulled to the floor but was unable to identify the person responsible.

Mr Khalid reported that the player who had been sent off was boasting about how he had been training for the European kick boxing championships and how he *'fucked up Ibs'* and he provided the referee with an incorrect name.

- (x) An undated typed statement from Mr Tom Morgan, captain of St George's who stated that the Regents captain, Mr Nogues, seemed angry during the game and during one incident Mr Nogues tried to put a St George's player in a headlock and was sent off and he provided a false name to the official. Mr Morgan reported that his team scored a goal and celebrated near the Regents dug out and Mr Nogues ran back onto the pitch and head butted *'Ibs'* who did not throw any punches and the match was abandoned and he concluded his statement by outlining that Mr Nogues was boasting about being a professional boxer and he had given the referee the name *'Wilkammen'*.
- (xi) An undated typed statement from Mr Nick Brown, a player for St George's who reported that The Regents captain was involved in attacking a St George's player and he was sent off. Mr Brown stated that sometime later the Regents captain ran back onto the field of play and with other Regents players a St George's player was held and punched and he received a cut to his right eye and the game was abandoned.
- (xii) An undated typed statement from Mr Arya Mosahebi, goalkeeper for St George's who reported that there was a crowding of players and Saad was being attacked by a Regents player and Mr Mosahebi ran over and tried to diffuse the situation. Mr Mosahebi reported that the Regent's player threatened to punch him and he was not sure how this situation was resolved but a number of players were sent off. Mr Mosahebi outlined that his team scored a goal and Iba was celebrating with Yaser and this *'sparked outrage'* by the Regents players and they assaulted Iba and the St George's players went over to help Iba and as Mr Mosahebi tried to help he was pushed to the floor and his foot stood upon and after the fight was broken up he saw that Iba's face was bleeding. Mr Mosahebi went to speak with the Regents' players who were still angry and threatening his team's players and they said *'don't get in our faces. In our culture you get punched in the face when you do that'* and he stepped away from them and the game was abandoned.
- (xiii) A number of screenshots of photographs showing facial injuries to Mr Faizi and a number of confidential medical records.
- (xiv) An undated typed letter from Ms Collins who set out the steps the club had taken since the incident and actions to be taken in future.

- (xv) A further statement dated 23<sup>rd</sup> January 2023 from Mr Asopa who apologised for the behaviour of his club and he restated the offensive comments made by the St George's players which had been included in his earlier statement.
- (xvi) A statement from Mr Maxime Nogues who reported that he headbutted the St George's player as a matter of self defence and he regretted his reaction. Mr Nogues reported that whilst the injuries received by Mr Faizi were regretted they were not caused by him but by the other players who had attacked him which Mr Faizi had provoked. A second typed document accompanied the statement and the first part included observations on the performance of the referee and he highlighted how the St George's number 9 was abusing and insulting the Regent players and the referee was informed but he did not intervene. Mr Nogues reported that an altercation, involving both sets of players took place and he entered the group to calm the situation but he was elbowed in the face by Mr Khalid and Mr Nogues grabbed his head to get him to calm down and the referee sent Mr Nogues off. Mr Nogues went to the bench area whilst he claimed that the St George's number 9 continued to abuse his teammates and he scored a goal and he celebrated by going over to the bench and showing a middle finger and '*a death threat sign*'.

Mr Nogues reported that he went to the number 9 and challenged him and another Regent player started fighting with the number 9 and blows, from both sides are exchanged whilst the St George's players said '*be careful, he's going to get blown up, go back to your country*' and '*go back to your country cotton seller*'. Mr Nogues reported that he was hit four times and by this time Mr Faizi had a visible facial injury and he approached Mr Nogues who, fearing that he was going to be attacked, headbutted Mr Faizi which was an action he regretted. Mr Nogues then made comment on the written evidence in the case pack and he denied punching Mr Faizi '*just headbutted him to push him away*'. Mr Nogues stated that he did not make a comment about being a boxer but he had taken the sport up. Mr Nogues concluded his statement by outlining that he did not intentionally give the referee the incorrect name but that this must have been given by another player.

- (xvii) A typed report dated 3rd February 2023 from Ms Amelia Collins where she confirmed that Mr Nogues was the club captain that day.
- (xviii) Miss Aisha Patel represented St George's in the response to the charge.
- (xix) Mr Peter Rogers, referee for the fixture gave evidence to the Commission that in his opinion despite extreme provocation, none of the St George's players acted in an inappropriate manner. Mr Rogers stated that at no time did any of the Regents players make him aware of any comments of a racist nature nor did he have to speak to the St George's players. Mr Rogers reported that he had refereed St George's on numerous occasions and he had found them to always display the highest levels of sportsmanship.

- (xx) Mr Aman Asopa attended the hearing and informed the Commission that he had been told of racist remarks made by St George's players by other Regents players but he had only heard one comment made by the St George's number 9 where his fellow Regents player was called a terrorist. Mr Asopa had also been informed that a Regents player had told the referee of the comments but that Mr Asopa had not heard any conversation between any of his players nor the referee.
- (xxi) Mr Arya Mosahebi attended the hearing and informed the Panel that none of the St George's players acted inappropriately.
- (xxii) Mr Tom Morgan attended the hearing and informed the Commission that no racist comments were made by any of the St George's players and they had been subject of violent attacks and had not retaliated.
- (xxiii) Mr Saad Khalid attended the hearing and reported that he had been attacked by a Regents player and at no stage did any St George's player make any racist comment.
- (xxiv) Mr Ibrahim Faizi informed the Commission that he had been subject to a vicious attack which had left him with an eye injury and covered in blood and he had not made any racist comment nor did any of his teammates.
- (xxv) Miss Patel summarised the position of St George's and that during the numerous physical attacks on her players, they did not retaliate. Miss Patel reported that the university and team have a diverse background and they would not use racist language.

### **Decision**

12. As part of its work the Commission reminded itself of the standard of proof which was required in order to find the charge proven, which was on a balance of probability.

### **Mr Maxime Nogues**

13. The decision of the Commission was to find the charge, against Mr Nogues of breach of FA Rule E3 – Assault by participant on participant, not proven on the balance of probability. This was a unanimous decision.
14. The decision of the Commission was to find the charge, against Mr Nogues of the alternate charge of breach of FA Rule E3- Improper conduct (including violent conduct and threatening and/or abusive language/behaviour), proven on the balance of probability. This was a unanimous decision.
15. The factors taken into consideration in reaching these conclusions were the following;
  - i. Mr Nogues tried to claim that when he had occasion to headbutt Mr Faizi, he acted in self defence. The Commission noted that Mr Nogues had entered the field of play and approached Mr Faizi and was the aggressor.

- ii. The Commission were of the belief that Mr Nogues headbutted Mr Faizi and he received a cut to the face as a result.
- iii. The FA guidance notes for assault by participant on participant require a level of injury caused to result in a disability, broken bones, disfigurement or psychological injury . The injuries were consistent with those covered by the charge of violent conduct.

### **St George's Hospital Medical School Men FC**

16. The decision of the Commission was to find the charge, against St George's of breach of FA Rule E20 – failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending a match, not proven on the balance of probability. This was a unanimous decision.
17. The factors taken into consideration in reaching these conclusions were the following;
- i. The referee gave compelling evidence that none of the Regents players made any complaint of being subject to racist language. Mr Rogers also reported that Mr Faizi did not approach the Regents bench when he scored nor did he make offensive gestures.
  - ii. The only other FA witness was Mr Asopa and he confirmed that he did not actually hear the comments outlined in his statement but had heard one of his fellow players being racially abused by the St George's number 9, Mr Faizi who called the player a '*terrorist*'. The Commission noted that Mr Faizi was of Afghan decent and he had claimed of being insulted in the same words and they did not believe that he had used those words nor did any of his fellow St George's players

### **Sanction**

18. Having found the charges proven The Commission was able to consider mitigation.

### **Mr Maxime Nogues**

19. The Commission was then advised of Mr Nogues' misconduct record over the previous five years which showed he had a clear record.
20. The Commission were not provided with any additional mitigation.
21. The Commission found that aggravating factors included the level of aggression shown towards Mr Faizi, he re-entered the field of play after he had been sent off for violent conduct and the fact that the match was abandoned.



22. The Commission referred to the Disciplinary Sanction Guidelines of the FA Handbook 2022/23 in arriving at its decision regarding sanction.
23. Having weighed up all of the factors, the penalty imposed by the Commission was as follows;
  - i. Mr Maxime Nogues is suspended from all football activity for a period of 10 matches.
  - ii. Mr Maxime Nogues is fined the sum of £125.
  - iii. Regents University London FC are awarded 10 disciplinary points.
24. There is the right to appeal in accordance with the FA Regulations.

10<sup>th</sup> February 2023

Mr Michael Cloherty

Mrs Sue Henson Green

Mr John Turner