

**FA NATIONAL SERIOUS CASE PANEL**

**DISCIPLINARY COMMISSION**

**CHAIRPERSON SITTING ALONE**

*Sitting on behalf of Amateur Football Alliance*

**CORRESPONDENCE HEARING**

*of*

**ALTAHER MOUSA ALI**

Old Salesians

**[Case ID: 11724485M]**

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**THE DECISION AND REASONS OF THE COMMISSION**

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### Introduction

1. On Saturday 6<sup>th</sup> April 2024 Old Salesians Reserves (“**the Club**”) played Southgate Olympic Third, in a SAL Senior Novets Cup fixture, collectively “**the match**”.
2. Amateur Football Alliance received a report of Improper Conduct following the match.
3. Amateur Football Alliance investigated the reported incident.

### The Charge

4. **Charge 1:** On 3<sup>rd</sup> May 2024 Amateur Football Alliance charged Altaher Mousa Ali, with:
  - i. Misconduct for a breach of FA Rule E3 – Assault by Participant on Participant.
5. **Alternate charge:** Misconduct for a breach of FA Rule E3 – Improper Conduct including violent and threatening and/or abusive language/behaviour.

- i. It is alleged that Altaher Mousa Ali used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Assault by a Participant on another Participant as defined in FA Regulations. This refers to the allegation that Mr Mousa Ali struck Southgate Olympic player Corey Russell-Destouche causing him to lose consciousness briefly and/or causing an injury to his face/eye area that resulted in Mr Russell-Destouche seeking medical treatment at the Whittington Hospital, where they diagnosed he sustained a right inferior blow out fracture or similar.

6. The relevant section of FA Rule E3.1 states: <sup>1</sup>

*“E3.1 A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour”.*

7. Amateur Football Alliance included with their charge letter the evidence that it intended to rely on in this case.
8. Altaher Mousa Ali was required to respond to his charge by 10<sup>th</sup> May 2024.

### **The Reply**

9. Altaher Mousa Ali replied to his charges online on 18<sup>th</sup> May 2024. The charges were **accepted** and Altaher Mousa Ail requested that the charges be dealt with in his absence at a **Correspondence Hearing**.

### **The Commission**

10. The Football Association (“**The FA**”) appointed me, Mr Ian R. Stephenson, as a Chairperson Member of the Football Association National Serious Case Panel, to this Discipline Commission, as the Chairperson Sitting Alone to adjudicate in this case.

### **The Hearing & Evidence**

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<sup>1</sup> Page 143 of the FA Handbook 2023/2024

11. I adjudicated this case on 29<sup>th</sup> May 2024 as a Correspondence Hearing (“**the Hearing**”).
12. The following is a summary of the principal submissions provided to me. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all of the evidence and materials furnished with regard to this case.
13. I had received and read the bundle of documents prior to the Hearing. The documents in the bundle supplied to me were:
14. An FA Extraordinary Report from Dean Taylor dated 10<sup>th</sup> April 2024. Mr Taylor was the Match Official. Mr Taylor stated, and I quote:

*“This is a continuation from my original report of the sending off of the 2 players for this game.*

*In the 85th minute of the game, there was an incident where 1 player slapped/pushed another and then he retaliated by punching back and appearing to send him unconscious. As for the injury, the punch seemed to knock Corey Russell Destouche (Southgate) unconscious, and on seeing him after the game he was bleeding from his lip or mouth on the left side and also a very badly swollen right eye. There didn't appear to be any injury sustained by Altaher Mousa Ali (Old Salesians).*

*After the incident players and also some spectators from both teams all rushed in together, there was lots of shouting and upset, but nothing in the way of violence that either myself or my 2 assistants see, which is why I didn't take any further action and continued the game after Corey was assisted off the pitch”.*
15. A Football Association Participant Misconduct Report Form submitted by Mr Taylor, dated 9<sup>th</sup> April 2024. The report shows that Mr Taylor dismissed Altaher Mousa Ali of Old Salesians for offence code S2 (St), and Corey Russell-Destouche of Southgate Olympic for offence code S2 (St).
16. An email report, submitted by Mr Taylor, dated 9<sup>th</sup> April 2024 at 4:53pm. Mr Taylor stated, and I quote:

*“In the 85th minute of the game the ball went out for a throw in, the ball got kicked on to the field of play by a spectator, as Corey Russell-Destouche ( Southgate FC) went to retrieve the ball Altaher Mousa Ali (Old Salesians) came out of his goal to get the ball, there was a few words between the 2 of them and Altaher Mousa Ali smacked the ball towards Corey Russell-Destouche but missed him. Corey Russell-Destouche seemed to take offence to this and walked up to Altaher Mousa Ali said something to him and pushed/ slapped him in the face and turned to walk back to the touchline for the throw. Altaher Mousa Ali retaliated to the push/slap to his face and ran up behind Corey Russell-Destouche and punched him in the face from behind sending him to the floor.*

*As for the injury, the punch seemed to knock Corey Russell-Destouche unconscious, and on seeing him after the game he was bleeding from his lip or mouth on the left side and also a very badly swollen right eye. There didn't appear to be any injuries sustained by Altaher Mousa Ali.*

*After the incident players and also some spectators from both teams all rushed in together, there was lots of shouting and upset, but nothing in the way of violence that either myself or my 2 assistants see, which is why I didn't take any further action and continued the game after Corey was helped off the pitch.*

*I hope this all makes sense, if you require any further info please contact myself”.*

17. Email correspondence from Amateur Football Alliance Discipline to Mr Taylor.
18. A Witness Statement from David Kelly dated 12<sup>th</sup> April 2024. Mr Kelly was a Club Official of Southgate Olympic Third and was present at the match. Mr Kelly stated, and I quote:

*“I was standing behind the bench for Southgate Olympic, the ball was played over the Old Salesians defence and the Southgate player was running onto the ball. The referee blew for an offside, I turned to face the referee because it was a close call. A football zipped past the back of my legs and I turned around to see what it was and heard an argument, as I turned back around towards where the noise was coming from I saw the Southgate player turning and walking away from the Salesians goalkeeper and he was walking towards the sideline. The goal keeper launched himself at the Southgate player and did what I would describe as a flying punch from behind knocking the Southgate*

*player to the ground. There was then a lot of people running onto the pitch, I also ran onto the pitch to stop any further fights and to try and help the Southgate player who was on the ground in a very shaken and dazed state. I along with 2 or 3 others helped him to the subs bench and gave him some water and ice for his bleeding nose, lip and swollen eye.*

*I was quite a distance away from the incident so didn't see anything distinguishing other than the Salesians player was clearly their goal keeper in the goal keepers kit. There were SAL officials there who saw it all and were trying to help the Southgate player”.*

19. A Witness Statement from Danny Panthaki dated 12<sup>th</sup> April 2024. Mr Panthaki was a spectator at the match, supporting Southgate Olympic. Mr Panthaki stated, and I quote the relevant text:

*“I saw the referee blow for offside whilst the Southgate player was on the attack. The Southgate player then tapped the ball away from the Salesians keeper - who wanted to obviously start the game quickly as they were losing 2-0 at this point. The keeper then collected the ball and drop-kicked it at the Southgate striker from a minimal distance – but missed. The Southgate player (who had is back turned when the kick was aimed at him) turned round, and it was too far for me to hear anything that was said by either player, but they put their heads together in a squaring-up to each other type of motion. The Southgate player then pushed the goal keepers face away from his and turned his back on the keeper to walk away back towards his own half.*

*At this point, the Salesians goalkeeper ran over and swung his whole arm across the face of the Southgate player, from behind – so he was unaware this was about to happen – to which the Southgate player immediately dropped to the ground face forward.*

*Officials, specatators and players all then rushed over to the aftermath that one would expect when a player has just been knocked out – but was quickly calmed down by all, and have to also mention that there was no ensuing scuffles from either team that I witnessed as a result of this incident (which is a rarity I must say)”. [sic].*

20. A Witness Statement from Roger Philo dated 10<sup>th</sup> April 2024. Mr Philo was a Club Official of Southgate Olympic Third and was present at the match. Mr Philo stated, and I quote the relevant text:

*“Approximately 10 minutes before the end of normal time the referee blew for, what I believe, was offside against the Southgate Olympic no. 9 (Corey Russell-Destouch who we refer to as Marco). Something must have been said between Marco and the Old Salians Keeper because he kicked the ball at Marco but missed. Marco turned round and they confronted each other and came face to face and obviously words were spoken. Marco slapped / hand punched, with no real force, the keeper in the face. Marco turned away and started to walk towards the touchline knowing no doubt I feel, that he would be sent off for his actions.*

*The keeper then came from behind Marco and threw a punch, with some force, from the side catching Marco across the right side of his face. Marco collapsed to the ground and was clearly knocked out. Immediately there was an on rush of people onto the pitch, luckily some restrained the keeper from carrying out any further physical action against Marco.*

*I immediately went to assist Marco who was coming round, very confused with blood coming from a cut lip and with his right eye rapidly swelling up and closing. With others I helped restrain Marco and helped him off the pitch and with the assistance of a member of Civil Service FC (not sure of his name) administered first aid to Marco. The Civil Service member applied butterfly strips to Marco's bleeding and swollen lip and ice packs to his extremely swollen right eye.*

*After the commotion had died down the Match Referee showed a Red Card to both Marco and the Salesians Keeper. The game continued for the remaining time and concluded with Southgate Olympic winning the final.*

*Unfortunately, this was a very isolated incident in an otherwise fair and hard fought final and it is an utter shame that this incident had to happen and one that should not have happened.*

*As Chairman as Southgate Olympic I spoke after the game to Ayyaz Ishaque, Secretary of the SAL, and apologised to him on behalf of Southgate Olympic for the incident”. [sic].*

21. A Witness Statement from Corey Russell-Destouche dated 29<sup>th</sup> April 2024. Mr Russell-Destouche was a player of Southgate Olympic Third in the match. Mr Russell-Destouche stated, and I quote the relevant text:

*“I was playing a cup final with my team, Southgate Olympic 3rd against Old Salesians.*

*We was winning 2-0 and the goal keeper on the opposing team, ‘Old Salesians’ attempted to kick the ball at me aggressively. I went up to him to ask him what his problem was. He made some comments in which sounded like he called me “a half cast prick”. We then went head to head as the situation got heated. I then pushed his face away from mine and walked away. As i walked away he ran over and punched me from behind, which led to me being knocked out unconscious on the ground.*

*When I regained consciousness, i was told what happened as I was very confused and disoriented. The opposing team apologized to me and the goalkeeper ran off home.*

*I was bleeding heavily from my mouth and had a black eye which I couldn’t open. Later after our celebrations from winning the cup final, i went to hospital where i was told i have a fractured eye, a concussion and lacerations to the inside of my mouth.*

*I was told by my fellow football friends that the goalkeeper had punched me from behind, which caught me off guard and ended up in me hitting the ground face first.*

*Crime number: 01/205923/24”.*

22. Medical notes of Mr Russell-Destouche, relating to Whittington Health Trust Hospital visit on 8<sup>th</sup> April 2024 at 18:18 hrs.

23. Email communication (various), between John Doe, Honourable Secretary of Old Salesians FC, and Melanie Armstrong, Football Services Manager & Deputy CEO at Amateur FA.

### **Evidence in Defence of Charge**



24. A handwritten Witness Statement from Altaher Mousa Ali as told to John Doe, Honorary Secretary of Old Salesians FC. There was no date visible on the document produced. Mr Mousa Ali stated, and I quote:

*“Following a stoppage in play, myself and Southgate Olympic player had a confrontation. Where he used abusive language towards myself and my mother. He slapped my face, it was then I punched the Southgate player. A mass confrontation occurred but there was no further trouble, we were then both shown a red card”.*

25. That concluded all of the evidence that was provided in this case.

26. I can confirm that I carefully examined and considered all of the evidence that was submitted to me in the evidence bundle.

### **Standard of Proof**

27. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

### **The Findings & Decision**

28. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon Amateur Football Alliance.

29. In a Commission such as this the assessment of the evidence is entirely a matter for the Commission. I have to assess the credibility of the witness, that is whether the witness is attempting to tell the truth, and the reliability of the witness, that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon.

30. Where there are discrepancies between witnesses, it is for the Commission to decide which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness’s own evidence, it is for the Commission to assess if the discrepancy is important. Having considered which evidence to accept and

which to reject, the Commission then has to decide if, on the balance of probability, the alleged breach of the FA Rules is established.<sup>2</sup>

31. It should be noted that where direct speech is quoted in a witness statement, I have recorded it exactly in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations to obvious typo errors.

In summary:

**Both charges:**

32. **Charge:** Misconduct for a breach of FA Rule E3 – Assault by Participant on Participant.

33. **Alternate charge:** Misconduct for a breach of FA Rule E3 – Improper Conduct including violent and threatening and/or abusive language/behaviour.

34. It is alleged that Altaher Mousa Ali used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Assault by a Participant on another Participant as defined in FA Regulations. This refers to the allegation that Mr Mousa Ali struck Southgate Olympic player Corey Russell-Destouche causing him to lose consciousness briefly and/or causing an injury to his face/eye area that resulted in Mr Russell-Destouche seeking medical treatment at the Whittington Hospital, where they diagnosed he sustained a right inferior blow out fracture or similar.

35. Altaher Mousa Ali **accepted** both charges.

36. As Mr Mousa Ali had accepted the charges, I was not required to determine liability in this case. I was however required to be satisfied that the threshold of the charge had been met.

37. When a Participant is charged and an alternate charge is included, a Commission is required to determine which charge meets the charge threshold. In cases where the threshold of the first charge has been met then the alternative charge is not considered.

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<sup>2</sup> Paragraph 5

38. Conversely when the threshold of the first charge has not been met then the threshold of the alternate charge must then be considered.

39. In this case I was required to determine the threshold of the first charge, namely Assault Participant on Participant. For this charging threshold to be met a Commission must be satisfied that the perpetrator has caused serious bodily harm to the victim.<sup>3</sup>

40. In considering Charge 1 in this case I noted that the violent actions of Mr Mousa Ali had knocked Mr Russell-Destouche to the ground and most likely rendered Mr Russell-Destouche unconscious for a short period of time.

41. I also noted that Mr Russell-Destouche suffered physical injuries which necessitated hospital treatment. Mercifully Mr Russell-Destouche was not believed to be seriously injured and there were no known serious long-lasting injuries sustained.

42. I therefore determined the following:

**Charge 1:** Misconduct for a breach of FA Rule E3 – Assault by Participant on Participant.

43. I therefore determined that the threshold of the E3.1 Assault Participant on Participant had not been met in this case and found this charge **NOT PROVEN**.

44. **Alternate charge:** Misconduct for a breach of FA Rule E3 – Improper Conduct including violent and threatening and/or abusive language/behaviour.

45. I was satisfied that the threshold of this charge had been met. The E3 charge is **PROVEN**.

**Previous Disciplinary Record**

46. After finding the alternate charge proven, I sought the previous Disciplinary Record of Mr Mousa Ali over the past 5 years.

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<sup>3</sup> Para 104 Page 220 of the FA Handbook 2023/2024

47. I noted that Altaher Mousa Ali had no previous Misconduct recorded against him during the previous 5 years. I would accept this record to be a **Clean Record**.

48. I noted that he received 3 matches and £55.00 fine for the red card received for this incident. I also noted that Mr Mousa Ali was made the subject of a Sine Die suspension by the Football Association commencing on 3<sup>rd</sup> May 2024, therefore the appropriate sanction imposed in this case shall be back dated to commence on 3<sup>rd</sup> May 2024.

### **Mitigation**

49. After carefully reviewing all of the evidence it was clear that Mr Mousa Ali had been provoked by his opponent as his opponent had slapped Mr Mousa Ali in the face prior to Mr Mousa Ali punching Mr Russell-Destouche in his face.

50. The acceptance of the charge and the early **Guilty Plea** submission would also attract credit when determining the appropriate charge in this case.

### **The Sanction**

51. I reminded myself of the sanction range available to me when determining the appropriate sanction for a breach of **FA Rule E3.1** – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour). I was required to place this sanction within a sanction category relating to teams playing outside of the National League System, according to the level of seriousness that I determined to be appropriate. My choice of category was **Low, Medium, or High**.

52. Having noted that Mr Mousa Ali's conduct included deliberately punching an opposition player, I considered the seriousness of Mr Mousa Ali's actions to be such that I must place this matter in the **High** range for sanction. Having done so, the recommended sanction range available to me was a suspension of 3-10 matches and a financial penalty of £70.00 -£125.00. I would enter the sanction range at 3 matches and a fine of £70.00 prior to considering Aggravating and Mitigating factors in this case. I did consider there to be some serious **Aggravating factors** in this case, namely:

- i. Mr Mousa Ali deliberately punched Mr Corey Russell-Destouche by approaching him from behind, therefore Mr Russell-Destouche would be unprepared and unable to defend himself against the force that would be used against him by Mr Mousa Ali.
- ii. There was considerable force used in the punch to cause the injuries sustained by Mr Russell-Destouche, the impact of which knocked Mr Russell-Destouche to the ground.
- iii. Punching a person with force in their head region is an extremely dangerous and reckless act. Forceful blows to the head can cause serious injury and sometimes worse. Thankfully and mercifully, that did not happen in this case, but one has to feel that this was more down to luck than judgement on the part of Mr Mousa Ali.
- iv. The actions of Mr Mousa Ali caused injuries to Mr Russell-Destouche which were such that Mr Russell-Destouche required hospital attendance and hospital treatment.

53. I also identified the following **Mitigating factors** in this case, namely:

- i. Mr Mousa Ali was clearly provoked by Mr Russell-Destouche. Mr Russell-Destouche had just slapped Mr Mousa Ali before Mr Mousa Ali punched Mr Russell-Destouche.
- ii. Mr Mousa Ali accepted the charge and entered an early “**Guilty Plea**”.
- iii. Mr Mousa Ali has a **Clean Record** in respect of Misconduct over the previous 5 years.

54. Having entered the sanction range at 3 matches I would add 2 additional matches for the force used in the punch. I would add a further 3 matches due to the attack being made from behind as there was therefore no way that Mr Russell-Destouche could defend himself. I would add a further 2 matches to the suspension total for the injuries caused to Mr Russell-Destouche in this attack. **The Aggravating factors**, when added to the entry level, take the total suspension from all football to 10 matches, prior to considering Mitigating factors in this case.

55. In determining the appropriate financial sanction to impose I would increase the entry level financial sanction after carefully considering the **Aggravating factors** in this case. I would add £20.00 to the entry total of £70.00 for the force used in the punch. I would add a further £30.00 to the total for the attack being made from behind as there was

therefore no way that Mr Russell-Destouche could defend himself. I would add a further £25.00 to the total for the injuries caused to Mr Russell-Destouche in this attack. The Aggravating factors, when added to the entry level, take the financial sanction to a total of £145.00 which I noted to be £20.00 above the recommended sanction guideline. I found this unavoidable due to the seriousness of Mr Mousa Ali's actions in this matter. This total was prior to considering the Mitigating factors in this case.

56. I would allow discounts for the **Mitigating factors** identified in this case. I would allow a discount of £25.00 for the provocation received by Mr Mousa Ali. I would allow a further £30.00 for charge acceptance and early **Guilty Plea**, and I would allow a further £20.00 for previous **Clean Record** relating to Misconduct. The collective discount would see the final financial sanction reduced to a total of £70.00 which I considered to be fair, reasonable, and proportionate in this matter.
57. After careful consideration of all of the circumstances in this case, I determined that the appropriate sanction for Misconduct Contrary to FA Rule E3.1 to be:
58. Mr Altaher Mousa Ali to serve a 6-match suspension from all football. This shall commence on 3<sup>rd</sup> May 2024 and shall replace the FA Interim Suspension Order suspension that was imposed against Mr Altaher Mousa Ali on that date.
59. I noted that Mr Altaher Mousa Ali received a 3-match suspension from all football as a result of the red card that was applied in respect of this incident. That sanction was the FA Standard Sanction automatically applied for red card violent conduct breaches. Any matches already served from that 3-match sanction shall be deducted from the 6-match suspension imposed in this sanction. Therefore, by way of example: If Mr Mousa Ali has already served 2 of the 3 matches imposed for the red card then those 2 matches shall be deducted from the 6 matches imposed in these Written Reasons. In this example that would leave 4 matches to serve. **Please note** – this is just an example.
60. A monetary fine of £70.00 (Seventy Pounds) is imposed. I noted that the red card sanction automatically applied in this incident attracted a fine of £55.00 including a £15.00 administration charge. If that £55.00 fine has been paid in full, then the £55.00, less the £15.00 admin fee, shall be deducted from the £70.00 fine imposed for this

charge. By way of example – If the £55.00 fine and fee has been paid, then it would leave £30.00 of the £70.00 fine left to pay. **Please note** – this is just an example.

61. For the avoidance of doubt: If the red card £40.00 fine has not been paid then the 370.00 fine imposed in the these Written Reasons will need to be paid in full. Any monies paid so far (excluding the £15.00 admin fee) in relation to the red card shall be deducted from the £70.00 leaving the balance to ay.

62. 10 Club Points awarded.

63. The sanction is formally imposed.

64. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed: *Ian R. Stephenson*

FA National Serious Case Panel Chair

29th May 2024.

