

Football Association Regulatory Commission

In the matter of a Sanction on M Balotelli of Liverpool FC

Reasons for Regulatory Commission Decision 18 December 2014

1. These are the written reasons for an FA Regulatory Commission decision made on 18 December 2014
2. The Regulatory Commission members were Mr. R Burden (Chairman), Mr. S Ripley and Mr. T Win. Mr. M Ives of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
3. Mr. Balotelli had been charged with misconduct for a breach of FA Rule E3 in respect of an image that was posted on his Instagram account on 1 December 2014 which was abusive and/or improper, contrary to FA Rule E3(1).
4. The FA further alleged that the breach of rule was an “Aggravated Breach” as defined in Rule E3(2), as it included a reference to ethnic origin and/or colour and/or race and/or nationality and/or religion or belief.
5. Mr Balotelli had accepted the charge but had submitted requests for leniency as part of his plea in mitigation.
6. The Regulatory Commission had the following evidence before them:
 - A copy of the image in the Instagram
 - A letter dated 4 December 2014 from Mr Balotelli in which he said that the image had originally been posted by another Instagram user and had appeared on Mr Balotelli’s timeline. Mr Balotelli went on to say that he had re-posted the image using his smart phone.

Mr Balotelli added that he deeply regretted posting the image and that he had removed it as soon as it was brought to his attention by other users that the image could cause offence. He said that he was shocked to find the image was offensive because, out of sheer naivety, he had not understood the implication of the comments which appeared on the image. He said that the image was probably on his Instagram account for less than 10 minutes but it was reposted and published by the press. Mr Balotelli also said that he had mistakenly believed that the image contained a light-hearted anti-racist message.

In his letter, Mr Balotelli also said that he had suffered from racism on a great number of occasions. He added that he is of Ghanaian heritage and that his maternal grandmother was Jewish and had escaped Nazi Germany.

- Some press cuttings reporting some racial comments aimed at Mr Balotelli.
- A twitter post in which Mr Balotelli had apologised for the image in question.
- A letter from Himsworths Legal, Mr Balotelli's Legal Representatives, in which they set out the background to the offence, emphasised that it had occurred through ignorance and thoughtlessness and stressing the work that Mr Balotelli carries out in the fight against racism.

Himsworths Legal gave some examples of cases which, they suggested, bore comparisons with this case, and suggested that a match ban would not be proportionate to Mr Balotelli's conduct in this offence.

- The FA's Charging Guidelines on Media Comments and Social Networking cases
- A Witness Statement from Mr Balotelli giving more details regarding the image, his use of social media and his fight against racial prejudice.
- A memo to Mr Ives from Amina Graham of the FA's Governance and Regulation Division, in which she said that, ordinarily, a sporting sanction of 2-3 matches would be appropriate for this type of offence but that the FA accepted the forceful mitigation presented by Mr Balotelli and that this could enable us to exercise our discretion more favourably.

7. We noted that the image could, at first glance, be read as anti-racist. Indeed the heading was “Don’t be racist!” However, on full reading of the image, it concluded with the words “jump like a black man and grab coins like a Jew”, words that would clearly cause offence and which correctly gave rise to the FA’s Charge.
8. We were not influenced by the submissions regarding comparative cases but we believed that the other parts of Mr Balotelli’s submissions were sincere and entirely honest. We also noted his prompt withdrawal of the image, his cooperation with The FA enquiry and his apology through social media.
9. Mr Ives informed us that, whilst we did have flexibility for leniency, under the guidance for this type of offence there would be an expectation of a sporting sanction and the minimum sporting sanction therefore for consideration was a one match ban.
10. We decided that Mr Balotelli should receive a suspension for one first team match, be fined the sum of £25,000 and attend a mandatory educational course. We asked that such course should be personalised for Mr Balotelli, properly recognising his background as described in his submissions.

Roger Burden (Chairman)

21st December 2014