



GHANA FOOTBALL ASSOCIATION

P.O. Box AN 19338 Accra North - Ghana. Tel: +233-0549791968

Fax: +233-30-2666697 / 2668590 E-mail: info@ghanafa.org. Website: www.ghanafa.org

Our Ref:

GFA/ADH/DC/VOL.038/22

July 13, 2022

Dear all,

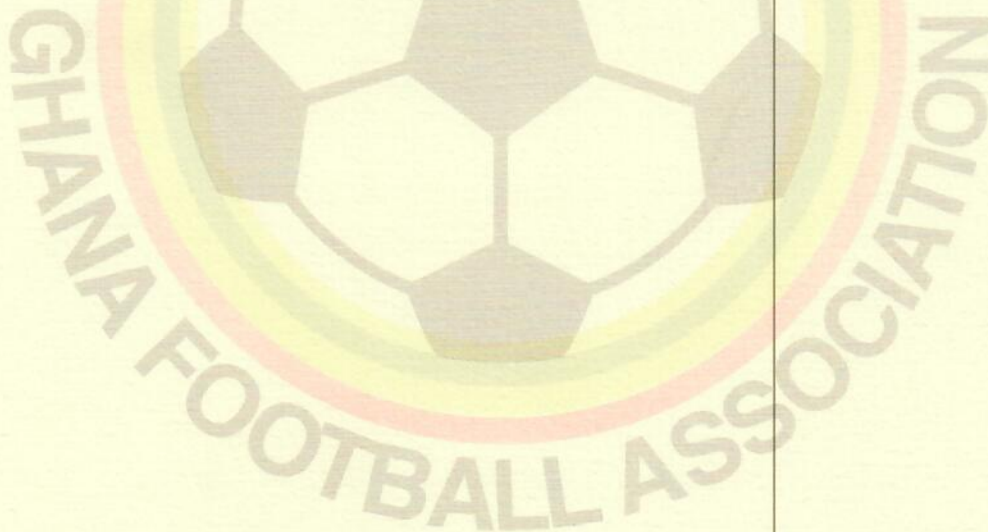
**DECISION ON THE APPEALS COMMITTEE
IN RE APPEAL BY ASHANTIGOLD SC, INTER ALLIES FC & OTHERS**

Please accept our compliments.

Please find attached the GFA Appeals Committee's decision on the above-mentioned case for your attention and compliance.

Sporting Regards,

SECRETARY FOR JUDICIAL BODIES



DECISION OF THE APPEALS COMMITTEE* RELATING TO THE APPEALS AGAINST THE DECISION OF THE DISCIPLINARY COMMITTEE IN RESPECT OF CHARGES AGAINST ASHANTIGOLD SC, INTER ALLIES FC AND RELATED PERSONS ARISING OUT OF THE MATCH PLAYED BETWEEN ASHANTIGOLD SC AND INTER ALLIES FC AT THE LEN CLAY STADIUM, OBUASI

DATE 1ST JULY, 2022.

The facts relating to the charges preferred against Ashantigold SC, Inter Allies FC and their players and officers are extensively stated in the decisions of the Disciplinary Committee. We would therefore not be repeating all the facts in our decision.

The Disciplinary Committee elected to give two separate decisions in respect of the two clubs, their players and officers even though the charges all arise out of the same match. That is a choice the Disciplinary Committee was entitled to make but we do not intend to do same. We shall consider all the appeals filed by the clubs, players and officers in this decision.

The Ghana Football Association, acting through its Prosecutor, preferred a number of misconduct charges against the two clubs, their players and officials. They were charged under Article 34 of the Ghana Premier League Regulations, Article 18 of the Ghana Football Association Disciplinary Code and Article 27 of the GFA Code of Ethics.

The facts leading to these charges are that Ashantigold SC and Inter Allies FC engaged in a match of convenience when the two teams played at the Len Clay stadium on 17th July, 2021.

The appeal before us places an obligation on us to study the entire appeal record and the submission of all parties before arriving at our decision. We have reviewed all the documents and also watched a video of the match played between Ashantigold SC and Inter Allies FC.

This appeal is by way of rehearing so we shall not be following the grounds of appeal as listed by all the parties in the processes filed. We shall review the record

A.K. J

and apply the regulations of the Ghana Football Association in establishing the guilt or otherwise of the clubs, their players and officers.

We note from the record that Inter Allies furnished the Ghana Football Association with an investigative report pursuant to a directive from the Ghana Football Association. Ashantigold SC on the other hand only submitted a letter to the Association denying any allegation of any involvement in the playing of a match of convenience.

We note further that the Ghana Football Association conducted extensive investigations into the said match and obtained crucial information from third parties. The said report is the basis of the charges leveled against the clubs, players and officers of the two clubs.

Our task is to review all those documents and determine whether the game was played competitively or not. If we establish that it was not played competitively then the Ghana Football Association would have shifted the burden to the clubs, players and officials to provide evidence to the contrary. It is important to state that the judicial bodies of the Ghana Football Association do not operate as Courts in the Republic of Ghana. The processes used by these bodies are both inquisitional and adversarial. The judicial bodies have the power to rely on all official documents of the Ghana Football Association in determining all cases. However, in all cases, the parties must be accorded the opportunity to challenge any evidence being relied upon by the said judicial body. Members of the Association have an obligation to cooperate fully with all the judicial bodies of the Ghana Football Association. It is important to emphasise that no member of the Association can assert a right not to provide information to the Association because the information provided incriminates the said member.

Article 34(5) (a) and (b) of the Premier League Regulations provides as follows;

“34(5)(a)- Any GFA or club official, or club or player or participant of a match who instigates, commands, counsels, solicits, procures, or in any manner purposely aids, facilities, encourages or promotes the playing of a fixed match or a match of convenience involving his club or involving other clubs, the result of which may in one way or the other, affect his club, commits a grievous offence

A. K. J

and the offender shall be referred to the Disciplinary Committee for appropriate sanctions”

“34(5)(b)- For the avoidance of doubt, it shall be a misconduct for any club, club officials or a player or any participant of a match to offer or attempt to offer either directly or indirectly, any consideration whatsoever to another club, or player or to any match official, with a view to influencing the result of any match, or for any club to play a match in a non- competitive spirit.

For the purpose of this rule, the determination of the competitiveness or otherwise of a match shall be done by the GFA Disciplinary Committee or the Ethics Committee” (Emphasis Ours)

Our duty is to review the appeal record and express our opinion on whether or not the body below was right in determining that the match, subject matter of this appeal, was not played in a competitive manner.

The Disciplinary Committee was furnished with a report from Inter Allies and the investigation team of the Ghana Football Association. In its report to the Ghana Football Association dated 22nd July, 2021, Inter Allies FC stated as part of its findings as follows;

“FINDINGS OF THE COMMITTEE

The Committee painstakingly interviewed each and every one listed above thoroughly and at the end came up with the following findings;

It emerged from the interactions with the above-mentioned persons that the 5-1 score line first came to the notice of the players upon reaching Obusai where some of the Ashantigold players began to trumpet the said score line. Some of the players became alarmed when the 5-1 score line was being mentioned by almost all the football fanatics in and around the hotel. The chanting of 5-1 became intensive when the team arrived at the stadium for pre-match formalities.

Richmond Lamptey recounted how a player from Ashantigold called Seth Osei in No. 33 jersey approached the former to enquire from him and asked “ mo mpenyinfo no akachere no annaa” to wit has your bosses informed you of the score line, which Richmond retorted in negative.....”

A. K. S

The report further stated as follows;

“ACCOUNT OF NII AMOAH

Nii Amoah is not an officer of Inter Allies but has always been around the team especially on away matches. Amoah went to Obuasi with the team.

Amoah, before the Committee, denied knowledge of hearing 5-1 score line and was of the view that all that happened was a mere speculation. The Committee at the course of its work saw the need to re-invite Amoah to clarify some statements attributed to him by one of the players. To our surprise, Amoah admitted on phone that he was contracted by an unknown person who discussed about the match with him. When the Committee probed further, Amoah was reluctant to give further information about the incident but only admitted that the said unknown person sent an amount to him. Amoah told the committee on the phone that his lawyer has all the evidence to furnish the Committee. However, due to lack of time the Committee could not wait to meet the lawyer for the so called evidence”

We note that Ashantigold SC failed to furnish the Ghana Football Association with a report even though the Association in a letter dated 19th July 2021 expressly asked for a report.

The report of the Ghana Football Association investigation team, led by the prosecutor of the Ghana Football Association, contains extensive information on communication between Nii Amoah (or whatever other names he uses) and officers of Ashantigold SC. The report details information provided to the Committee by Nii Amoah (Emmanuel Nii Amoah) and we hereby reproduce paragraphs 11-16 of the report.

“11. In the first meeting with Emmanuel Nii Amoah, he stated he got a call the week leading to the match. He stated again that Dr. Kwaku Frimpong called him and informed him that he is interested in the match and wanted to win 5-1 against Inter Allies FC and later went on to say he wanted to send some money so that he uses that money for his underground work. Nii Amoah stated that two days later, thus on Thursday 15th July, 2021 he got another call. According to him, the call was from Emmanuel Frimpong (CEO of AshantiGold SC). Emmanuel Frimpong made reference to the discussion Emmanuel Nii Amoah had with Dr Kwaku

A. K. J

Frimpong and that he wants to send him an amount of GH¢10,000.00. Emmanuel Nii Amoah stated that he gave a MOMO agents number (Isaac Quist) to Emmanuel Frimpong to send money through that number. Emmanuel Frimpong called to confirm if he has received the money and Nii Amoah answered in the positive. According to Emmanuel Nii Amoah, he never contracted any player or management member to inform about the approaches from Ashantigold SC.

12. Emmanuel Nii Amoah stated that, Dr. Kwaku Frimpong and Emmanuel Frimpong called him several times and also sent him money through a mobile money vendor prior to the match hence we request for his mobile money records and the mobile money record of his MOMO vendor for the period 12th July, 2021 to 12th August, 2021. On 16th of August, 2021, Nii Amoah met the investigation team for the second time. He came along with some documents that were requested. Thus his mobile money records and that of the MOMO Agent and also stated that call records will be ready from the network provider in due course. The mobile money records were checked and he was asked some questions in relation to it. After going through the mobile money records of both Emmanuel Nii Amoah and Isaac Quist, it was found out that, there was an inflow of an amount of GH¢10,000 in Isaac Quist mobile money records from (Prince kwarteng) in two tranches on 15th July 2021.

13. The mobile money agent of Emmanuel Nii Amoah (Isaac Quist) received GH¢5,000 at 9:59am and another GH¢5,000 at 10:00am. The mobile money vendor sent the GH¢2,000.00 that evening to Emmanuel Nii Amoah around 7:52pm and sent another GH¢5,000.00 on 18th July, 2021. Nii Amoah again received GH¢2,194.00 from his vendor (Isaac Quist). He then explained that the instructed the mobile money agent to send part of the balance to friends which he indicated in the mobile money records of his MOMO agent. On 17th of August 2021, Nii Amoah submitted his call records to the Integrity Officer at the secretariat.

14. The investigative team invited Emmanuel Nii Amoah for the third time on 26th August, 2021 to answer some questions in relation to his call records he had submitted earlier. Before the interrogation commenced, Nii Amoah submitted a printed document which indicated a whatsapp conversation between Emmanuel Frimpong (CEO Ashanti Gold SC) and Nii Amoah on 25th of August, 2021. The

A. K. S

message indicate Emmanuel Frimpong's attempt to know the progress of the investigation. Emmanuel Nii Amoah stated that Emmanuel Frimpong informed him about the match being fixed for betting purposes and also stated Dr Kwaku Frimpong confirmed that he wants the match to end 5-1 in favour of Ashanti Gold SC. He made some statements that Emmanuel Frimpong had sent him on whatsapp, a betting slip that indicated Emmanuel Frimpong staking a bet on the said match. The investigative team requested that we inspect his phone to assist investigation. He stated that all the text messages and Whatsapp messages surprisingly disappeared from his phone.

15. During the interrogation Emmanuel Nii Amoah was asked about the text conversation between himself and Emmanuel Frimpong on the matchday which he indicated that all text conversations were around the match. He stated all text messages between himself and Emmanuel Frimpong during the match has also disappeared from his phone.

16. On 19th August, 2021, Emmanuel Frimpong met the investigation team and was asked about what he knows about the match being fixed, he stated he knows nothing about it. He was also asked if he contacted any individual associated with Inter Allies FC and he answered in the negative and also answered to a question he does know anyone called Emmanuel Nii Amoah, he was asked again if he sent an amount of GH¢10,000 to Emmanuel Nii Amoah, he answered again in the negative. He also stated that he heard some fans chanting score lines and according to him he heard them chanting 3-2, 5-1 and others. Dr Kwaku Frimpong also appeared before the investigation team on the 19th of August, 2021. He indicated that some individuals want his downfall and explained that some individuals influenced Hashmin Musah to score the two own goals. During the interrogation he stated he had the evidence to back his claims and will make it available to the investigation team. Dr Kwaku Frimpong was asked if he discussed the game with anyone affiliated with Inter Allies FC, he answered no. He also stated he has not spoken to anyone to discuss the match and never promised anyone money prior to the match. He was asked if he instructed anyone to send money to Emmanuel Nii Amoah, he answered no. Dr Kwaku Frimpong and Emmanuel Frimpong denied knowing Emmanuel Nii Amoah, and further stated that they did not call him.

A. K. S

We note from the report of the investigative team that both Dr Kwaku Frimpong, president of Ashantigold and Mr Emmanuel Frimpong, who is the CEO of the club, denied knowing Emmanuel Nii Amoah (Nii Amoah) and also denied calling him on the telephone.

In paragraphs 18 and 19 of the Statement of Defence filed before the Disciplinary Committee by Ashantigold SC which was signed by the CEO Emmanuel Frimpong, this is what was stated;

“18. The Respondent says that sometime in July 2021, the President of Ashantigold FC, Dr Kwaku Frimpong gave him a number and directed that he speaks with the person as he had indicated that Inter Allies FC who had already been relegated was looking to offload some of its players to other premier teams.

19. The Respondent called the number and spoke to one person who mentioned his name as Nii Gogo an official to Inter Allies FC. Nii Gogo confirmed that he had told Dr Frimpong that Inter Allies was seeking to offload players. The Respondent expressed interest in only one player, Richmond Lamptey and they spoke extensively about him and nothing more in further phone conversation”.

We find that Ashantigold SC’s President and its CEO had the telephone number of Nii Amoah (also known as Emmanuel Nii Amoah or Emmanuel Nii Amoah Gogo as stated in the defence of Ashantigold SC).

We note with interest that Emmanuel Nii Amoah, Dr Kwaku Frimpong and Emmanuel Frimpong all failed to produce evidence of their SMS and Whatsapp communication to the investigative team of the Ghana Football Association on messages exchanged prior to and during the match, the subject matter of the instant appeal. The Investigative Committee of the GFA was however furnished with information by Emmanuel Nii Amoah indicating a communication between him and Emmanuel Frimpong relating to the investigations by the Ghana Football Association. Apart from this Whatsapp message, all the parties failed to share their several SMS and whatsapp messages with both the investigative team and the Disciplinary Committee. We have already indicated that the judicial organs of the Association resort largely to inquisitional means in determining matters submitted to them. The clubs, players and officers had a duty to disclose all telephone

A. K. S

communication, including SMS and whatsapp messages to both the investigative team and Disciplinary Committee.

In particular, the CEO of Ashantigold had a duty to provide evidence of all the 43 text messages exchanged between him and Emmanuel Nii Amoah between 3.12pm and 4.57pm when the match was being played. As a member of the GFA, Mr Emmanuel Frimpong should have procured all the 21 messages exchanged during the match via sms with Emmanuel Nii Amoah from his telecommunication company and passed on same to both the investigative team and the Disciplinary Committee.

Indeed the evidence obtained by the Committee on mobile money received by Emmanuel Nii Amoah through his MOMO agent from an agent in Obuasi supports the telephone evidence obtained by the investigative team. We are not in this ruling concerned about whether the match was played in a non-competitive manner for betting purposes. What we are seeking from a review of the evidence is to establish whether or not the match was played competitively or not.

We take judicial notice of the fact that most followers of football in Ghana have concluded, upon watching a video of the game, particularly all the seven (7) goals, that the game was not played in a competitive manner. We have watched the video of the match and we are also of the view that the match was not played competitively.

The evidence available to the committee below clearly supports the conclusion that the match was not played competitively. We are also of the view that the match was not played under competitive circumstances.

The regulations of the Ghana Premier League and ancillary Regulations all provide for sanctions to be imposed on all the actors involved. The actors involved were Dr Kwaku Frimpong, Mr Emmanuel Frimpong, all players and technical officers of both clubs who participated in the game as well as Emmanuel Nii Amoah. The Disciplinary Committee did not err in its application of the Regulations of the GFA and we do not intend to vary any part of the decision against Ashantigold SC and its players and officers and the decision against Inter Allies, its players and officers. The Disciplinary Committee was right in imposing different categories of

A. K. N

sanctions on the clubs, players and officers. The Committee has explained the reasons for the sanctions imposed and we do not intend varying any.

We note however that Emmanuel Nii Amoah is not in the records of the GFA as a current officer of Inter Allies FC and therefore he is not subject to the jurisdiction of the Disciplinary Committee. However, the Ghana Football Association has the power to ban him from all football related activities in the Country for his role in ensuring that the match was not played in a competitive manner. The GFA may also write to the owners of all approved match venues to ban Emmanuel Nii Amoah. Crucially, the GFA should petition the Ghana Police to prosecute him and all relevant persons for their roles in arranging a match of convenience.

The Disciplinary committee gave all persons involved a hearing but some elected not to appear before the Committee. We are of the view that the Disciplinary Committee was right in imposing sanctions on all the persons charged.

We are also not expressing any views on what the GFA should do in respect of the number of teams that should participate in the Premier League because of some of the sanctions imposed but we wish to state expressly that it does not in any way enure to the benefit of any club relegated from the Premier League.

A. K. S

In the circumstances, we dismiss the appeal filed by Ashantigold SC, Inter Allies FC, Dr Kwaku Frimpong, Mr. Emmanuel Frimpong and all other players and officers of the two clubs.

We endorse all the sanctions imposed by the Disciplinary Committee on the clubs, players and officers.

AGBESI K. DZAKPASU

CHAIRMAN



*AGBESI K. DZAKPASU

FELIX ANYINSAH

FRANK ADDO

MABEL AKU BANESSEH

ABDUL AZIZ MUSAH