

**The Football Association**

**DISCIPLINARY COMMISSION**

**Sitting on behalf of the Middlesex Football Association**

**In the matter of a non-personal hearing of a charge against**

**Amin Ballaid (Hillingdon Borough Football Club)**

**Non-personal hearing by WebEx**

**Monday 20<sup>th</sup> May 2019**

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The Board of Appeal members were Messrs Paul Tompkins (Chairman) Peter Barnes & Billy Thomson.

Mr Mark Ives of FA Judicial Services acted as Secretary to the Board of Appeal.

All of the above persons were appointed by The Football Association.

Amin Ballaid did not attend and was not represented. No representations were made on his behalf either by the player or his club.

The following is a record of the points which the Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing. For the avoidance of doubt, the Commission emphasise that all correspondence before it was taken into account and considered when making the decision and the Appeal Board had before it evidence gathered by Middlesex FA including two pieces of video footage.

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These are the written reasons of a Commission convened to consider a charge of a breach of FA Rule E3 against Amin Ballaid, a player for Hillingdon Borough Football Club. This related to an incident in the Spartan South Midlands Football League One match between Hillingdon Borough FC First and Winslow United FC First on 23rd February 2019.

**1. The Charge**

Middlesex FA charged Amin Ballaid as follows:

“Mr Ballaid is hereby charged with misconduct for breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that saying to the match official, “I will see you after the

game and I'll show you what I am going to do to you", and entering the referee's dressing rooms to tamper with their belongings is contrary to FA Rule E3(1)."

## **2. Observations of evidence:**

The Commission had before it the referee's report, further emailed evidence from the referee and emailed responses from both assistant referees, responding to a request for comment from the Middlesex FA. There were two pieces of video evidence.

## **3. Response from the player and his club.**

No response had been received from the player or his club. The Commission was satisfied that the charge had been properly communicated to the club and had before it a copy of the charge letter referring to the evidence to be used in support of the charge. In the absence of any response the Commission considered that the player had had notice of the charge, had had the opportunity responding but had not done so. The Commission therefore proceeded on the basis that the charge had been denied and considered the evidence before it.

## **4. The Rules**

Pursuant to The FA Handbook 2018-19 Season, FA Rule E3 provides as follows:

"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."

## **5. The Burden and Standard of Proof**

In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means 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. Therefore, if the evidence is such that the Commission can say, 'we find it more probable than not' the burden is discharged, but if the probabilities are equal it is not.

## **6. Evidence before the Commission**

The Commission had before it:

- i) Referee's report of Luke Gill dated 25<sup>th</sup> February 2019
- ii) Email from Luke Gill dated 7<sup>th</sup> March 2019
- iii) Email from Yashar Yekta (Assistant Referee) dated 26<sup>th</sup> February 2019
- iv) Email from Yashar Yekta (Assistant Referee) dated 7<sup>th</sup> March 2019

- v) Email from Newton Gordon (Assistant Referee) dated 28<sup>th</sup> February 2019
- vi) Phone footage taken by one of the referee team at 16:58 on 23<sup>rd</sup> February 2019
- vii) Footage of security CCTV

## **7. Consideration of the charges.**

(i) On the first charge of saying to the match official, "I will see you after the game and I'll show you what I am going to do to you", the Commission found the charge proved. The only evidence which the Commission had before it was the referee's report, which the Commission found credible. There was no denial or representation of any sort from the player before the Commission and on the balance of probabilities the charge was found proved.

(ii) On the second charge of entering the referees' dressing rooms to tamper with their belongings the Commission considered the evidence before it.

Firstly it had to be decided whether Mr Ballaid entered the referees' dressing room. It was clear from the CCTV footage taken at some time during the second half that a player had entered the referees' dressing room and the player was visually identified by all three match officials as Mr Ballaid. Mr Ballaid had made no denial.

It was also clear from the match officials' testimony that the interference with their personal belongings had occurred during the second half, ie the period in which Mr Ballaid had been sent off.

Furthermore it was Mr Ballaid's own club who had provided the CCTV footage of the corridor outside the dressing room. Although the Commission only had a brief piece of footage it concluded that had there been video evidence showing anyone else entering the referees' dressing room during the second half and thus assisting Mr Ballaid's case then it was up to the club to have produced it but it had not done so. It was clear to the Commission from the comments being made during the replay of the CCTV footage that the club officials understood what was being alleged and the seriousness of the allegations.

The officials had described how their room had been "trashed" and all described how personal belongings had been interfered with and strewn around the room. There was no doubt that this was an intentional and severe invasion of their privacy. Additionally all three officials identified a "substance" on the bag of the referee, which two officials identified as looking like semen and the third as a "liquid substance" which "definitely wasn't water".

The Commission deliberated as to whether the identity of the substance was important or whether the act of ransacking the room was sufficient and decided that they needed to make a finding on the nature of the substance. Once again the lack of a plea, any statement or any evidence by or on behalf of the player was telling. The club, Hillingdon Borough, were aware on the day of the game of the

nature of the allegation as can be heard from some of the comments made while the CCTV footage is being shown immediately after the game. Yet no response was made to the charge.

Once again the Commission was left only with the evidence of the three officials.

### **8. Evidence of the officials.**

The Commission found the evidence of all three officials to be compelling. The slight divergence in their three testimonies indicated a lack of collusion but their versions were all consistent on the important points. The phone footage was contemporaneous with the incident and actually showed the discovery of the “substance” so was accepted as convincing.

### **9. Findings**

The Commission studied the evidence very carefully, being conscious of the burden and standard of proof. The Members noted again that neither Amin Ballaid nor Hillingdon Borough FC had responded to the charge nor made any attempt to deny the allegation notwithstanding its seriousness.

The CCTV video evidence clearly shows a player walking from the pitch towards the dressing rooms and entering what was established by the officials as their dressing room. The player re-emerges shortly afterwards. The Commission members were all satisfied from the officials’ evidence that the player in the club video is Amin Ballaid.

The unchallenged evidence of all three officials backed up by the phone footage was that their room had been trashed and their possessions had been deliberately interfered with. They were also unanimous that a substance, probably semen, had been deposited on the referee’s bag.

Given the considerable disruption and ransacking which was carried out there was no doubt that those actions were intentional and deliberate. In the absence of any other evidence, on the balance of probabilities, the panel accepted that the substance was semen.

### **10. Decision**

The decision of this Appeal Board is unanimous and is as follows.

The Commission finds it more likely than not that Amin Ballaid:

- (i) Is the player seen in the club video,
- (ii) Is seen entering the officials’ dressing room,
- (iii) Was responsible for ransacking the officials’ dressing room and
- (iv) Deposited semen on the referee’s bag.

In summary, the Commission unanimously found the charge against Amin Ballaid as proved in full.

### **11. Previous Disciplinary Record**

The Commission had no details of any previous misconduct offences on the record of Amin Ballaid and were content to treat his record as clear.

### **12. Mitigation**

No mitigation was offered.

### **13. Sanction**

The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA. The Commission found this to be an intentional and deliberate act to continue with the threat issued to the referee on the pitch and the Commission considered the act of depositing semen on the referee's bag to have been similar to that of an assault, albeit on the officials' possessions but in the certain knowledge that it would be found by them shortly afterwards. As such the Commission regarded the act of depositing semen in this way to be considered in the same way as an assault on a match official and could have been regarded as an assault on all three. It was considered to be a worse action than spitting at a match official for which a minimum sanction would be a 5 year suspension and therefore the Commission decided on a punishment higher than the minimum term.

The Commission unanimously decided to impose the following sanction:

- (i) Amin Ballaid is to be immediately suspended from all football for seven (7) years.
- (ii) There is no fine and there were no order as to costs.

### **14. Appeal**

This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Paul Tompkins (Chairman)  
Peter Barnes  
Billy Thomson

Friday 14<sup>th</sup> June 2019.