

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf of the Surrey County Football Association in the case of

DHANISH AZAM

Discipline Commission: Royston Schafer, Chair
Mike Edwards
Peter Sowton

Secretary: Ravel Cheosiaua

Date: 24th January 2024

INTRODUCTION

1. This is the decision and written reasons of the Disciplinary Commission considering the case of Dhanish Azam (DA) of Woking Tigers Football Club. This is a consolidated hearing also involving Woking Veterans F.C. and Woking Tigers F.C.

2. By necessity, this is a summary document, and does not purport to contain all the evidence and submissions. For the avoidance of doubt the Commission carefully considered all the verbal and written evidence, before us.

3. On Saturday 28th October 2023 a match took place between Woking Veterans Saturday (2nd X1) F.C. and Woking Tigers F.C. in the Guilford & Woking Alliance League.

4. The match official, Filippas Samaras submitted an extraordinary incident report form to the Surrey F.A. stating that he was informed at the half time interval that racial abuse had taken place. It was alleged that the centre back of the Woking Veterans team was called a “*white cunt*”. The match official explained that as he did not hear the comment he was unable to do anything. At the end of the match a fight developed between the Woking Veterans centre back and the player alleged to have called him a “*white cunt*”. Both teams got involved together with their spectators. There were other instances where the referee was required to issue sanctions against participants. This included the Woking Veterans physio who when treating an injured player tried to convince the referee that a penalty should have been awarded. An opposing player (Shamraiz Akhtar) said “Give it a rest mate” the physio allegedly said “Shut up or I

will give you a rest”. Both were yellow carded. Mahran Salim was given a yellow card for pushing an opponent and calling him a “cunt”.

5. The report was submitted to the Surrey County Football Association which then became the subject of an investigation under the case number 11499760M.

CHARGE

6. On 27th November 2023 DA was the subject of the following charges issued by the Surrey F.A.

7.

Charge 1: FA Rule E3 – Improper Conduct (including foul and abusive language)

Charge 2: FA Rule E3 (2) – Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.

The Rule Provides.

F.A. Rule E3

“(1) A participant shall at all times act in the best interest 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.”

“(2) A breach of E3 (1) is an “Aggravated Breach” where it includes a reference whether express or implied, to and one or more of the following: - ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability”.

THE REPLY

8. DA was required to provide a response to the charge by 11th December 2023.

9. He responded by denying the charge and requested that the case be heard by a Commission of the Football Association as a personal hearing.

DISCIPLINARY COMMISSION

10. The Commission appointed by the Football Association to adjudicate on this case was Royston Schafer (Chair), Mike Edwards and Peter Sowton. Ravel Cheosiaua was appointed as the secretary to the Commission.

11. For the purpose of fairness, the Commission is independent from the relevant parties and as such they do not have any conflict of interest. The decision of the Commission is based solely on the evidence provided both oral and written.

THE HEARING

12. The hearing was held on Wednesday 24th January 2024 using the virtual platform, Microsoft teams.

13. The Commission were provided with and read the bundle of papers, which consisted of 20 A4 pages.

EVIDENCE IN SUPPORT OF THE CHARGE

14.

- (i) Charge sheet detailing the charge and allegation.
- (ii) An extraordinary incident report and team sheet from the match official, Filippas Samaras
- (iii) A statement from Mitchell Beck.

15. The first witness was Mitchell Beck (MB). He was questioned by the commission.

He confirmed that the participant (DA) was the person who had allegedly made the discriminatory remarks to him.

He stated that he wasn't involved in the tackle with DA and when the alleged discriminatory remark was made MB went straight to his manager to report it.

He stated that his manager spoke to the referee when the ball next went out of play.

He stated that he didn't speak to the referee directly at that stage and left it to his manager.

He stated that the referee spoke to him at half time and stated that he didn't hear it so couldn't do much about it. He said he would have a word with the other team.

MB was asked if the referee spoke to the other team and stated that the referee went over to the other team but he didn't know what had been said.

MB was asked what had taken place at full time and whether there had been problems between both teams. MB stated that there was a corner kick and Woking Tigers had a lot of players up. MB alleged that DA came towards him but other players got him away.

MB was asked if he was 100% sure that it was DA who had made the comment "*White Cunt*" and stated that he was 100% sure it was him. MB was asked how he felt when he heard the comment. He stated that there had been an incident about 18 months to 2 years ago when one of their players was racially abused. MB stated he worked with people of all different nationalities and it should not be in the game today.

MB stated he knew the referee was too far away from the scene of the alleged discrimination to have heard it so that is why he went to his manager.

MB was asked if he heard what his manager had discussed with the referee and stated he didn't hear all the details of what he had said.

MB was asked how he felt at that time and stated he was annoyed but it wasn't down to him to deal with it.

MB stated he left it to the referee and his manager to deal with. He confirmed his manager had given him the thumbs up and that he had spoken to the referee, which meant he did not have to do anything else. MB was asked when it occurred and felt it was around the 35th minute mark.

At half time the manager spoke to MB and wanted to know if MB was going to lose his head. MB stated that he was okay because it was being dealt with and it wasn't down to him to do anything else.

MB was asked if anyone else had heard this and stated the centre back and goalkeeper were the closest but when they were spoken to they stated they were aware something had been said but didn't know what had been said so couldn't back him up.

MB was asked if he had responded to the comment and stated that he didn't and that is why he spoke to his manager.

MB was asked what took place at the end of the match and stated that he didn't go near DA again because he was their centre back. At the end of the game there was a corner and they had a lot of players up. He didn't know if DA came up but the match finished fairly soon after this. He stated that DA came towards him and was stopped from doing so by other players and nothing happened.

He was asked why DA had come towards him and stated it was the anger he showed in his face.

MB was asked what had happened since this incident and stated he had been asked to make a statement.

We played another team where a similar thing had happened to them but they didn't take it any further.

Asked what his thoughts were he stated that it shouldn't be in today's game.

There were no further questions so he was thanked and left the meeting.

16. The next witness was Lee Cooke, the secretary of Woking Veterans F.C.

He stated that he was not at the match and on that basis he was asked how he felt he could assist by giving evidence to the commission, given that his evidence would be hearsay. He agreed with that view and gave an overview of what he would do if such a situation took place within his club.

There were no further questions so he was thanked and left the meeting.

17. There were no further county witnesses so we asked DA if he wished to make an opening statement.

DA stated that he denied all the allegations and racism has no place in the game.

DA stated he had been racially abused in the past and didn't agree with hardly anything that MB had stated in his evidence.

DA was asked what had taken place during the incident with MB. He stated he had no recollection of anything happening and didn't remember the face of MB. DA stated he definitely did not say anything to him.

DA agreed he wore the number 19 shirt.

DA was asked if he had heard "Give it a rest mate" and he stated he had no memory of that. He stated he would never say that.

DA stated he didn't know anyone in his team who would say that.

DA was asked what had happened at the end of the game and stated that at the end of that game he heard nothing. He stated he didn't know what was said to the managers.

DA was asked if he had seen MB go towards the referee and stated he did not see that.

DA was asked what had happened at half time and if he was aware of any dialogue. DA stated definitely not.

DA was asked if he discussed anything with the referee and stated he had not.

DA was asked if he had gone towards MB at the end of the game and stated and stated he disagreed with that and had no interaction with him at all.

DA stated he did not know anything of the allegation that had been made for about 2 weeks until he was made aware by Samurais (Akhtar). DA stated he was shocked and thought they had got him confused with someone else. He stated he was unable to get it into his head. DA was asked if he had made any comments to anyone during the game and stated that he definitively didn't say anything. It was put to DA that the referee had indicated this was a feisty game and DA agreed that it was a hard game. It was put to DA that he had been identified as being the player who made the discriminatory remark and DA stated that MB was lying. DA was asked if there was any reason why MB should lie and DA said "No". DA was asked if he knew MB and he stated that he didn't. There were no further questions.

18. We then called his only witness Shamraiz Akhtar who is the secretary of Woking Tigers F.C. He was asked to tell the commission about the game having confirmed that he was present during the match in question. He stated that the game was pretty much okay with 2 main incidents. In the 2nd half one of the Woking Tigers players kicked out and the referee blew his whistle. The other player lashed out and the Tigers player reacted. Both were shown a yellow card and then the Woking Tigers player used the "C" word and was sent off. He stated the Woking Veterans were going in with some tough challenges. In the last 30 seconds the Tigers were attacking and had a shot at goal but it went wide. The Woking Veterans centre back has practically strangled our player so he ran to the incident. Some of the veterans player pulled their players away and we pulled our players away. The referee didn't really see the incident because he was shaking hands with some of the players. On questioning him he stated he was the closest player to the incident. He described how he played as a centre midfield player and was outside of the penalty box when there was some words exchanged and that the centre back grabbed our player and tried strangling him. That is when the other players got involved. He agreed it was a feisty game and there were some strong challenges. He stated that Woking Veterans were questioning every decision. It was put to him that an alleged racist comment had been made in the first half and he stated that if something like that had occurred then it would have really kicked off because of how the Veterans were acting during this game. It was put to him that the alleged racist comment had been reported to the Veterans manager. He stated that he spoke to the Veterans manager after

the game and he never mentioned it. Asked what action he would have taken he stated that he would have dealt with it.

He was asked if the referee had said anything to him after the game and he stated that the referee said something had been said but he didn't hear it. Our player was sent off for using the "C" word.

He was asked what action he would have taken if he had been aware of the allegation. He stated he would have spoken to all the players.

He was asked if he had taken it further and stated that he had spoken to the club chairman. This allegedly took place a couple of weeks after this match.

He was aware that the referee had not heard the alleged discriminatory remarks.

He stated he was aware of the process should this occur in the future.

He was asked if he could recall the incident in the first half and stated he didn't know what incident was being referred to.

He was asked if he could recall the opposing manager talking to the referee in the first half.

He stated he was not aware and only heard about it after the game. He stated that he was quite friendly because they were talking to each other before the match started.

Regarding the specific allegation he stated he had no recollection of what had been said.

There were no further questions so he was thanked and left the meeting.

19. DA was asked if he wished to sum up his case and stated that he disputed everything MB had said.

20. DA was asked if he had received a fair hearing and stated he had.

21. The standard of proof is the civil standard of the 'balance of probability'. In simple terms that means the Commission must be satisfied on the evidence, that it was more likely than not that words used was discriminatory.

OUTCOME

22. As the charge had been denied it was the responsibility of the Commission to consider the evidence that had been presented. This was one persons word against another. There was no corroborative evidence in this case. Despite the fact that the referee had not heard the alleged discriminatory remarks, he would have been a useful witness because he could have confirmed if he had approached the Woking Tigers F.C.

players during the half time interval. His report did not help the commission and needed to be much more thorough than it was. It was disappointing that the Woking Veterans players and officials had not supported MB in this hearing. The commission spent some time discussing the case and came to the unanimous decision that the case did not meet the required threshold and therefore was not proven.

23. DA was informed of the commission's findings and his deposit is to be returned.

23. This decision is subject to the right of appeal under the relevant Football Association regulations.

Royston Schafer (Chair)
Mike Edwards
Peter Sowton

26th January 2024.