

**IN THE MATTER OF FOOTBALL ASSOCIATION DISCIPLINARY  
PROCEEDINGS**

**BETWEEN:**

**THE FOOTBALL ASSOCIATION**

**-and-**

**MR SOULEYMANE BAMBA**

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**WRITTEN REASONS OF THE  
REGULATORY COMMISSION**

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1. By charge letter dated 13 December 2016, Mr Souleymane Bamba, of Cardiff City FC, was charged with misconduct for a breach of FA Rule E3 Improper Conduct against a Match Official, including abusive and/or insulting and/or threatening language and/or behaviour in respect of an alleged incident in the English Football League Championship fixture between Ipswich Town FC v Cardiff City FC.
2. A personal hearing was held at Wembley Stadium on 21 December 2016. The Commission consisted of Ifeanyi Odogwu (Chairman), Alan Knight MBE (Independent Football Panel Member), and Marvin Robinson (Independent Football Panel Member). The Secretary to the Commission was Mark Ives, Head of The FA Judicial Services. Those attending before the Commission were as follows:
  - Souleymane Bamba (Participant charged)
  - Neil Warnock (Manager, and representative)
  - David Beeby (Secretary, Cardiff City FC)
  - Kevin Blackwell (Assistant Manager)
  - David Williams (FA Regulatory Advocate)
  - Charles Breakspear (Match Referee, *via WebEx videoconference*)

**Background**

3. On 10 December 2016, Ipswich FC played Cardiff FC in the English Football League Championship fixture. After the match the Referee, James Adcock, sent an

Extraordinary Incident Report to The FA recording that, during play Mr Bamba had been hurt by a careless challenge. Mr Adcock had initially played advantage. During a stoppage in play, and whilst being treated by his club physio, “...Mr Bamba reacted in an aggressive nature and pushed his own physio to the ground. He then stood up and started reacting to an opponent, pointing and shouting abusively in a threatening manner as he tried to approach them. Players from his own side at this point were ushering him to make his way to the touchline. Whilst making his way towards the touchline, he was very aggressive and abusive shouting and pushing anyone within his vicinity. When he got within a few yards of the touchline he shouted to the fourth official ‘I’m fucking coming for you’ and marched towards him pointing close to his face. I therefore made my way partly towards the edge of the technical area, and where he was being led off, and sent him from the field if play for foul and abusive language (threatening behaviour). Following showing the red card for foul and abusive language, and him leaving the touchline, his own manager tried to calm the situation down, to which then was witnessed an aggressive attitude and altercation with them both. Coaching staff from Cardiff were then able to march Sol Bamba towards the dressing room area and play continued somewhat 2 1/2 minutes later.”

4. Mr Adcock confirmed to the FA in a subsequent statement dated 16 December 2016, that he did not personally hear Mr Bamba’s comments to the Fourth Official. The Fourth Official told him what Mr Bamba had said to him after the match.
5. On 12 December 2016, the FA received an Extraordinary Incident Report statement from the Fourth Official, Charles Breakspear. In that statement, he included:

*“In the 69<sup>th</sup> minute of play after the ball had left the field of play, the referee Mr James Adcock did invite the Cardiff City FC physio to enter the field of play and assess Mr Bamba. Once the physio had arrived to Mr Bamba & knelt down Mr Bamba did shove the physio out of the way aggressively who ended up on the ground.*

*Mr Bamba then did get to his feet & aggressively walked towards the referee Mr Adcock/ Mr Douglas of Ipswich Town FC gesturing. Mr Bamba was stopped from reaching Mr Adcock & Mr Douglas by Mr McGoldrick of Ipswich Town FC & Mr*

*Gunnarsson/Pilkington of Cardiff City FC. Mr Pilkington then did move Mr Bamba away towards the above.*

*Mr Bamba then did head towards the edge of the field of play with the physio, as he's approached the edge of the field of play Mr Bamba became more aggressive, threatening & abusive towards myself by shouting "I'm fucking coming for you" pointing in my direction repeatedly. As Mr Bamba approached the technical area where I was positioned Mr Warnock of Cardiff City FC did enter the field of play to try and calm Mr Bamba down in which Mr Bamba became more aggressive, threatening & abusive towards myself pointing in my direction & trying to make physical contact with myself.*

*I decided to calm the situation by stepping backwards to try & create space/ distance from Mr Bamba enabling Mr Warnock/ Mr Blackwell to move Mr Bamba away from my position...*

*...At this time I had informed Mr Adcock of Mr Bamba actions & Mr Adcock took the appropriate actions of dismissing Mr Bamba from the field of play for foul & abusive conduct whilst still on the field of play."*

6. The FA obtained a statement from Kelvin Morton, Referee Assessor, dated 11 December 2016. In that statement he included:

*"...Away 14 got to his feet and violently pushed his physio over. He had clearly lost his composure and had to be restrained from moving towards Home 22 and/or the referee. He then turned and moved towards the junctions of the half way line and touchline and aggressively pointed at the fourth official from close range. He was then approached by his manager and other away team members of the coaching staff and continued to act in an aggressive way. Pushing was witnessed. Post match the fourth official informed me that the words used to him by Away 14 were 'I'm fuckin' coming for you'...' (sic)*

7. The incident was also captured by video footage, which was available to the Commission and the parties.
8. On 16 December 2016, Mr Bamba admitted the charge and requested a personal hearing to make a personal plea. Mr Bamba denied the allegation he used the words *'I'm fucking coming for you'* as alleged in the match officials' report. He submitted an undated statement which included:

*"In or around the 69<sup>th</sup> minute I felt Douglas had committed a dangerous tackle in a deliberate attempt to injure me. Following the tackle I was angered that the Referee had not thought this tackle was serious enough to award an immediate free-kick and punish their player.*

*When play was eventually stopped I got up from the ground to make my feeling known to the Referee before being encouraged to leave the field of play by my teammates. I felt the Fourth Official must have seen the tackle by Douglas so as I left the field of play I raised my foot to show to the Fourth Official that Douglas had gone over the top of the ball as the tackle was extremely high and I said 'Hey. He's gone over the top'. As I walked toward him I said 'you must have fucking seen that' whilst pointing in the direction of the Fourth Official. I am 100% certain that I did not use the words 'I'm fucking coming for you' as this is not something I would ever say.*

*I admit that pointing the finger close to the Fourth Official's face is an aggressive action, however it was not my intention to come into contact or to physically touch the Fourth Official. My behaviour was out of character and is something I am deeply apologetic and embarrassed about as I respect the Match Official and know my actions were not setting a good example to my teammates or the fans who would have seen the incident."*

9. Mr Bamba also submitted statements from Neil Warnock, and Kevin Blackwell. Both witnesses supported Mr Bamba's version of events.

## **The Personal Hearing**

10. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence of a point, or submission, in these reasons should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all written, video and oral evidence in respect of this case.
11. The Improper Conduct charge had been partly accepted by Mr Bamba, however he denied using the threatening language of “*I’m fucking coming for you*”. This aspect of the charge would have a significant impact on the level of sanction, and therefore the Commission determined this discrete issue in the first instance before considering sanction.
12. The FA opened its case, outlining the allegation that Mr Bamba used the words ‘*I’m fucking coming for you*’ as alleged in the match officials’ report.
13. The video footage of the incident was played repeatedly throughout the hearing.
14. Mr Breakspear, the Fourth Official, appeared via video link and gave evidence first. He retracted from his initial position that Mr Bamba repeatedly shouted “*I’m fucking coming for you*” as set out in his report, having reviewed the footage before the hearing. He maintained that Mr Bamba made the alleged comment once, and this was at the point where he was closest to Mr Breakspear and being held back by Mr Warnock. He was sure that he heard this comment, but did not hear other comments made by Mr Bamba before or after this comment, due to a combination of crowd noise his attention being drawn to some Ipswich Town substitutes who were encroaching on to the field of play.
15. When challenged by Mr Warnock on behalf of Mr Bamba, Mr Breakspear accepted that there were a number of inconsistencies between his report and the video footage.
16. During Mr Bamba’s evidence, he firstly apologised for his conduct and expressed his wish to apologise to Mr Breakspear. He accepted that his behaviour was aggressive.

He denied saying the words “*I’m fucking coming for you*” at any stage during the incident. He said that he had no reason to say this as Mr Breakspear had not done anything to him, rather what he repeatedly said was, “*he went over the top*” and “*you must have fucking seen that*” in reference to the tackle.

17. Mr Warnock and Mr Blackwell both corroborated Mr Bamba’s version of events and their evidence was consistent with their previous statements.

18. During closing submissions, Mr Williams accepted that there were inconsistencies with Mr Breakspear’s evidence but suggested that these were not fatal. Mr Warnock submitted that Mr Breakspear’s evidence was unreliable as there were too many discrepancies.

## **Findings**

19. The applicable standard of proof is 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.

20. Rule E3(1) at page 112 of The FA Handbook Season 2016-2017, states the following:  
“*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.*”

21. As mentioned above, the Improper Conduct charge had been partly accepted by Mr Bamba, however he denied using the threatening. The determinative issue therefore was simply whether the Commission was satisfied on the balance of probability that the FA had proved that Mr Bamba said “*I’m fucking coming for you*”.

22. Clearly, there was a conflict between the two versions of events, thus credibility was a key factor.

23. The Commission found Mr Breakspear's evidence inconsistent in key parts and unreliable which rendered the evidence as not credible. In his initial report, it was suggested that Mr Bamba made this threat repeatedly as he approached the official, however in his live evidence Mr Breakspear said that Mr Bamba had actually said "*I'm fucking coming for you*" once and that this was when he was standing face to face with the official, and not while he was approaching him and pointing.
24. Mr Breakspear also did not mention in his initial report or subsequent statement that he was unable to hear what Mr Bamba said before and after this comment due to the crowd noise or by being distracted by other players. Moreover, Mr Breakspear's account that he informed Mr Adcock immediately of what Mr Bamba's had said was inconsistent with Mr Adcock's further statement that he was told after the match.
25. In contrast, the Commission found Mr Bamba to be credible and consistent in his evidence.
26. The video footage of the incident was also significant, although it was not independently conclusive as to whether Mr Bamba said the words or not. However, the Commission were of the view that the allegation that Mr Bamba said "*I'm fucking coming for you*" at the point identified by Mr Breakspear was unlikely when the incident was viewed in totality.
27. Having tested the evidence on this issue, the Commission unanimously found on the balance of probabilities that the FA had not proved Mr Bamba had said "*I'm fucking coming for you*" to the Fourth Official.

## **Sanction**

28. Mr Williams reminded the Commission that the charge had been accepted, and that Mr Bamba's actions justified additional sanctions, notwithstanding the Commission finding that the disputed allegation of threatening language was not proved. He submitted that it was unusual for a player to react in the way Mr Bamba did, and the duration of the incident aggravated the charge.

29. The Commission heard submissions in mitigation on behalf of Mr Bamba. He had not been guilty of any misconduct offences previously. His record of one caution in the previous five seasons was described as exemplary, particularly as he plays as a centre back. Credit was given to Mr Bamba in this regard.
30. Credit was also applied to Mr Bamba's acceptance of the charge.
31. Clearly, Mr Bamba's conduct in approaching Ipswich Town's player and the Fourth Official with such aggression was totally unacceptable, and any sanction must reflect this. However, the Commission considered the allegation that he had used threatening language to the Fourth Official as the most serious, and therefore the level of sanction would have been significantly higher had this been found proved.
32. Mr Bamba has already served a two-match suspension for the red card he received at the match. Any further sanction must take this into account.
33. For this type of incident, an appropriate level of match based sanction would usually be four matches in total (including the two matches already served), however due to the mitigation above, the Commission order against Mr Bamba, which is unanimously considered fair and proportionate, is as follows:
- i. Mr Bamba is suspended, with immediate effect, from all domestic club football until such time as Cardiff City FC have completed three (3) first team competitive matches in approved competitions, two of which have already been served by Mr Bamba;
  - ii. He is fined the sum of £4,000;
34. This decision is subject to appeal in accordance with the relevant regulations within The FA Handbook.

Ifeanyi Odogwu (Chairman),  
Alan Knight MBE  
Marvin Robinson



23 December 2016