

IN THE MATTER OF
LONDON FOOTBALL ASSOCIATION
AND
AMATEUR FOOTBALL ALLIANCE

-v-

ALGERT DOBRA
(CASE REFERENCE 11048941M)

AND

PS BIRLIKSPORFC
(CASE REFERENCE 11050543M)

AND

SERKAN KARAKAS, ERKAN KARAKAS, OZCAN ULGUDUR
(CASE REFERENCES 11050552M, 11050551M, 11050549M)

REASONS FOR DISCIPLINARY COMMISSION DECISIONS
WEDNESDAY 4th JANUARY 2023

Warning – This document contains offensive and/or discriminatory language.

INTRODUCTION

1. These are written reasons for the findings of a consolidated Disciplinary Commission ('the Commission'), held on behalf of London FA (LFA) and the Amateur Football Alliance (AFA) on Wednesday 4th January 2023. The Commission considered charges against: Algert Dobra (AD), a player from Atletico Grammar (Atletico); PS Birliksporfc (PSB); three players/officials from PSB, Serkan Karakas (SK), Erkan Karakas (EK) and Ozcan Ulgudur (OU). All offences are

alleged to have taken place during a fixture ('the match/game') in the Barnet Sunday League, Division 6, between Atletico and PSB on Sunday 27th November 2022.

Comment: In accordance with FA Regulations, because of the common evidence linking these cases, all charges were considered by the same disciplinary panel. The Commission noted that written reasons are required where there is an aggravated element to the charge, or for any serious case involving an assault or physical contact or threatening behaviour towards the Match Officials or for any personal hearing involving assault by participant on participant. In the above cases this would apply to AD only. Accordingly, these written reasons will make no further reference to the charges against PSB, SK, EK or OU. If required, decisions and findings in those cases can be obtained direct from LFA.

PARTIES

2. The Commission members were Anthony Rock (Chair), Hollie Ball and Paul Tompkins (all members of the Football Association's National Serious Case Panel).
3. Debs Sowton (Hampshire FA), a member of the FA's National Secretaries Panel, acted as Secretary to the Commission.
4. AD was represented by an Atletico teammate, Alfie Fordham.

MISCONDUCT CHARGE NOTIFICATION

5. By AFA Misconduct Charge Notification, dated 21st December 2022, the following charges were raised:
 - a. Charge 1 - FA Rule E3 - Improper Conduct (including foul and abusive language).
 - b. 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.

FA RULE E3

6. The relevant sections of FA Rule E3 (The FA Handbook Season 2022-2023, Chapter 10, Part E, Paragraphs E3.1 and E3.2) state:

E3.1: 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.

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

CHARGES

7. AD was charged when, during the match, he allegedly used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to Nationality. This refers to his comment(s) ‘*I don’t speak that ugly language*’ or similar.

PLEA

8. On 21st December 2022, via the FA’s Whole Game System, AD pleaded not guilty to the charges and requested a personal hearing.

WRITTEN EVIDENCE

9. The written evidence available to the Commission consisted of:
- a. FA Extraordinary Incident Report Form, dated 27th November 2022, submitted by the Referee, Robert Campbell.
 - b. FA Participant Misconduct Report Form, dated 27th November 2022, submitted by the Referee.
 - c. Witness statement, dated 7th December 2022, submitted by the Referee. Included pictures of the registered players from both teams.
 - d. Witness statement, dated 7th December 2022, submitted by AD.
 - e. Witness statement, dated 11th December 2022, submitted by Baran Demirtas (Atletico player).
 - f. Witness statement, dated 12th December 2022, submitted by Matthew McDonald (Atletico player).
 - g. E-mail dated 12th December 2022, from AD to Jordan Critchlow (LFA). Included the Atletico team sheet (starting eleven and substitutes) and a link to three video clips.
 - h. AFA Misconduct Charge Notification (AD), dated 21st December 2022.

- i. FA Whole Game System screenshot (Case 11048941M) showing the charge response from AD.
- j. Two e-mails dated 31st December 2022, from Serkan Karakas to Jordan Crichlow.
- k. Four attachments, date not known, submitted by Giuseppe Sollo (EFNS Chairman). EFNS were one of the teams playing on the adjacent pitch to the game between Atletico and PSB. The attachments were sent to the Commission on 4th January 2023 (day of the hearing), and copied to AD three hours before the hearing commenced.

Note: in regard to the evidence at paragraph 9k above, at the start of the hearing AD was asked if he wished to submit a request for the hearing to be postponed, but said that he had seen the evidence and was content to continue.

VERBAL EVIDENCE IN SUPPORT OF THE CHARGES

10. We first heard evidence from the Referee, Robert Campbell.

- a. In or about the 93rd minute, PSB players and officials disputed his decision to award a last minute penalty to Atletico (at the time PSB were winning 3-2). He had to abandon the game, before the penalty was taken, due to the violent and aggressive actions of PSB players and officials. Their actions were targeted at the Atletico No 6, who he later identified from the squad photographs as AD.
- b. Following his decision to abandon the game, he walked over to the touchline and spoke with the PSB Manager, Serkan Karakas. Serkan informed him that the opposition had been making racist comments to his players. The Referee informed Serkan that he had not heard any racist comments during the game. Erkan Karakas, Serkan's brother, then informed him that he had been racially abused. Neither Serkan nor Erkan specified what the racist comments were. At this point players were still arguing on the pitch, pushing and shoving and saying things to each other. The Referee took the decision not to intervene further but told Serkan that he would report the incident. The Referee confirmed to the Commission that at no point during the game did he hear AD use any discriminatory language.
- c. In his match report the Referee reported the violence which had taken place at the end of the game. He also believed he had included the racist allegation in a text to the Barnet Sunday League. The Referee said that this was a typical game with the normal amount of aggression and arguing. He was focussed on getting the penalty taken and, with his

back turned to most of the players, did not see who started the pushing and shoving. However, it was definitely PSB who were the main instigators. He wasn't able to confirm when the alleged racist comment was made because he didn't hear it. The first he knew of any racist allegation was when he spoke to Serkan after the game had been abandoned.

11. We next heard evidence from the PSB Manager, Serkan Karakas.

- a. Serkan said that there had been a misunderstanding with e-mail addresses and that is why PSB had not responded to the charges. He had submitted a statement to the Barnet Sunday League and asked if he could read his statement to the Commission. The Chair asked him to focus on those areas which involved the alleged racist comments made by AD.
- b. Although a registered player, Serkan was the team manager on the day. He was standing in the coaches area throughout the game. During the game, players in his team were racially abused. He could not identify which players were making racial remarks although stated Atletico Nos 6 and 8 were the two players making the comments. Serkan said that he personally heard comments of a racist nature. These included comments such as *'fuck off you fat foreigners'* and *'you fat cunt, you're too slow'*. He reported those comments to the Referee and asked the Referee to stop them doing it.
- c. When questioned by the Commission, he said that he couldn't remember AD's face and couldn't recall every racist comment made. He didn't know the nationality of the Atletico players, but until the hearing itself had supposed AD to have been English and was surprised to find he was of Albanian heritage". He said that everybody was getting hot headed and words were being thrown around. He heard the comment, *'I don't understand the stinky language'*.
- d. When asked by Alfie Fordham if he had heard AD make that specific comment, Serkan said no, he hadn't. He was also asked if he understood the context of the comment. Serkan said that he didn't understand the context but had spoken to his brother about it. It was Serkan's opinion that AD was not questioning the Turkish words being used, his comment was aimed at the language and was racist. He did not hear any of his players say to AD, *'why did you say that, you are not English'*. One of his players did ask AD if it was right for him to say such things. As a club, PSB does not tolerate such language.

Serkan thought the opposition were complaining because he was speaking to his own players in Turkish. The opposition tried to say that the comment was said as a joke and not made with any racist intent. Serkan disagreed and said that the comment was intended to be an insult and that people shouldn't make a joke of someone's culture.

- e. Serkan couldn't understand why the Referee had not heard the comment. It was made just as the penalty was about to be taken. At the time things were quiet and everyone must have heard it. The Referee told him that he hadn't heard anything. It was unbelievable that the Referee had missed it. He regretted not being able to produce video evidence. The video operator had forgotten to press the record button.

12. In support of the charges we lastly heard evidence from the PSB player, Erkan Karakas.

- a. Erkan said that it had been a stressful game. He had received a number of abusive comments about his weight and how slow he was. Those comments didn't really bother him. As the penalty was about to be taken, AD was speaking with two teammates and not directly at any opposition player when he made the comment about not understanding the stupid Turkish language. The comment was not directed at any PSB player. Erkan heard the comment and found it very offensive. He reacted immediately, confronted AD and a fight broke out. There had been two other incidents before the penalty which involved AD. In fact, throughout the game, AD was problematic, making comments and winding people up. He thought the Referee would be able to confirm that.
- b. At the time of the comment, Erkan did not know that AD was Albanian. The comment was made in English and AD looked more English than most of the other players on the pitch. Erkan told the Referee what had happened and quoted the words to him. He was conscious that the Referee had already threatened to abandon the game so did not make any further comment. The Referee said that he would report it. Erkan was asked to state the words he reported to the Referee. He said the exact words were, *'doesn't know nothing about their stupid language'*.
- c. Erkan acknowledged that he had over reacted and wished to apologise to AD personally for his actions. He was 100% sure that his actions made the situation worse. But, whilst he could accept people trying to put him off his game by making comments about his weight and speed, he could not accept people making racist comments. When asked if he understood the context of the comment, Erkan said that anyone in his position would

probably have reacted in the way he did. The comment was offensive to his Turkish heritage. After the game he did try to contact AD to apologise, but AD had already left.

VERBAL EVIDENCE IN DEFENCE OF THE CHARGES

13. In defence of the charges, we first heard from the accused, AD.

- a. AD said that, as the penalty was being taken, he was talking with a teammate, Matt McDonald. A couple of weeks before, they had both been involved in a similar incident with Italian players and AD had responded to some of the Italian language being used. One of the PSB players had already been sent off for grabbing AD round the neck and things were very confrontational. Matt thought AD had said something in Turkish which had annoyed the PSB players. AD admitted saying to Matt, '*I don't speak that ugly language*'. AD didn't know why he had used the word ugly. He said, at times, mates make stupid comments to each other.
- b. The PSB players tried to imply that the comment was racist. AD said that, whilst it may have been stupid and offensive, it was not racist. Older players tend to be more nationalist than the younger ones, and that is probably why Erkan and others reacted to the comment in the way they did. For them to accuse him of being racist made no sense. When asked by the Commission if he thought it was acceptable to use such language amongst friends, AD replied that how the comment is said, and the context in which it is used, is key. He agreed with the point that discrimination is discrimination, regardless of the context, and accepted that, even when used between teammates, the comment had the potential to be offensive.
- c. AD was adamant that his use of the word ugly was never intended to be offensive but accepted that it was not a nice word. He has been friends with Matt for so long and thought they were having a private conversation. He was not aware of Erkan Karakas standing behind them. If he had been then he wouldn't have used the word. He didn't think Turkish was an ugly language and couldn't really say why he used the word. The first he knew of any formal investigation was when AFA sent him an e-mail requesting observations. A league official did ring him and asked for a statement. The official said that the league would deal with it.
- d. AD was asked about his frame of mind at the time of the incident. He said that, whilst he

had been grabbed round the neck, he was not frustrated or aggressive. He didn't respond to the grab. He admitted to being a wind up merchant but had no intention of offending the opposition. Although the PSB players were assaulting him, he did nothing in retaliation. He thought that probably wound them up even more. Although the video evidence did not clearly show it, when he made the comment to Matt they were standing shoulder to shoulder. He heard Erkan say, '*what did you fucking say, what did you fucking say*'? He was surprised by Erkan's comment as he didn't intend others to hear it.

- e. AD said that there was a great ethos in the club and the whole squad were together. During the game he was talking to some of his Albanian players in their own language. For Serkan Karakas to state that he heard them making racist comments and that the Atletico No 8 (Callum Wick) was involved in such comments was not right. The No 8 was actually protecting AD from the opposition. Atletico also had two Turkish players and for AD to be accused of making racist comments about their language was just wrong.
- f. AD said that he has a good knowledge of other cultures and languages. During his time in this country he has been the subject of racial abuse but has never acted in a racist way towards others. He is not racist and is annoyed that he has to go through the process of a personal hearing. If he had to relive the situation again then he would not have used the word ugly as part of the sentence. He would simply have accepted the 3-3 draw and gone home.

14. We lastly heard evidence from the Atletico player, Baran Demirtas.

- a. Baran was an Atletico substitute and did not hear AD make the alleged comment. He saw opposition players grabbing and attacking AD. He was aware of players saying he said this and they said that, but was not aware that AD was being accused of making a racist comment. Baran said that he personally didn't find the comment offensive but could understand why others might do so. AD told Baran that he made the comment as a joke. Baran accepted that such a comment is very subjective and whilst one person may find it funny someone else may not. Baran stated that three or four of the PSB players were offended by the comment.
- b. He has known AD for over 10 years and has never known him to be offensive. The video showed that at no time was AD aggressive.

CASE SUMMARY/CLOSING SUBMISSION

15. Given an opportunity to make closing remarks, Alfie Fordham said that this was a grey area. AD had come forward and accepted he made the comment. He wanted to help the process. Whilst his comment was misjudged, he didn't say it out of animosity or disrespect and felt that the context of the comment was particularly important. If given the chance to review/amend what he said then there would be a different outcome. AD has no previous involvement in anything of a racist nature and both he and the club acknowledge that they do not want to be back in front of a Commission again.

SUMMARY OF EVIDENCE

16. The foregoing is a summary of the verbal and written evidence provided in the case against AD. It does not purport to contain reference to all the points made. However, the absence in these reasons of any particular point or submission should not imply that we did not take such point or submission into consideration.
17. The Commission found all witnesses credible and particularly honest and open. From the outset AD admitted making the comment, '*I don't speak that ugly language*'. He claimed to have made the comment as a joke and that it was never meant to be discriminatory or aggressive. If he had known Erkan Karakas was stood behind him at the time, then he would not have used the word ugly and probably wouldn't have made the comment. He accepted that, even though he was in a conversation with a teammate, the comment had the potential to be offensive. Although he was being physically attacked by PSB players, at no time did he act in an aggressive or confrontational way. He admitted to being a bit of a wind up merchant and thought that he probably wound up the opposition.
18. Evidence from his teammates in defence of the charge did not see AD's comment as hateful or racist, but thought that it could have been offensive to some and understood why others may have found it so. Whilst AD's comment was not made directly to Erkan it was made within earshot, whether intentional or not, and he was clearly offended by it.
19. The catalyst for the incident was the awarding of a penalty to Atletico in the last minute. Things turned confrontational and there was much pushing, shoving and physical contact between the players. The video evidence and evidence from the Referee, Serkan Karakas and Erkan Karakas added some context to what went on at the end of the game but had no fundamental bearing on the case.

BURDEN OF PROOF

20. The burden of proof is on the County FA meaning it is for AFA to prove the case to the appropriate standard. The applicable standard of proof in these cases is the civil standard of the balance of probability. The balance of probability standard means that the Commission must be satisfied that the occurrence of an alleged event or events was more likely than not to have taken place.

FINDINGS

21. The Commission were grateful that AD had accepted that he made the comment “I don’t speak that ugly language” and was honest in his evidence that this had referred to the Turkish language being spoken by the opposition team. The Commission accepted that AD had not intended for the comment to be heard by the opposition and equally had not intended to cause any offence. Nevertheless, AD’s comment was heard by at least one person, Erkan Karakas, who found the comment offensive and racially motivated. While AD considered the context important, the Commission did not accept that something intended to be a joke was not capable of being offensive. Equally, it is not sufficient to say that, after context was given, some of the opposition team (who were Turkish) were not offended by the comment. The Commission was satisfied that it was enough that it was capable of causing offence and indeed that it had done so to some of the team. In fact, even with some context given, the witnesses who appeared from PSB remained clear that they found the comment both offensive and racially motivated. The use of the word ‘ugly’ made the comment offensive and therefore abusive. The Commission was satisfied that the reference to the Turkish language made the comment aggravated by reference to nationality and/or race. The Commission therefore concluded that the comment was abusive and was aggravated by reference to nationality.

22. On the balance of probability, the Commission unanimously found both charges, **proven**.

FA GUIDELINES/CATEGORISATION OF THE OFFENCE/DISCIPLINARY RECORD

23. The Commission considered the FA Sanction Guidelines and categorisation of the offence before hearing AD’s disciplinary record.

- a. FA Guidelines/Regulations for the 2022/2023 Season in regard to the entry point/standard minimum sanction for an aggravated misconduct first offence (FA Handbook, Chapter 11, Part A General Provisions, Appendix 1): 6 match suspension and subject to an

education programme. The Commission also noted that they may impose any one or more of the other penalties as provided by paragraph 40 of Part A to Chapter 11.

- b. The Commission placed the offence in the low category attracting the standard minimum sanction of a 6-match suspension.
- c. The Commission noted that AD has an exemplary record with no previous proven charges of misconduct.

PLEA FOR LENIENCY

24. In a plea for leniency, Alfie Fordham said that AD was not someone who set out to cause problems. AD recognised there were arguments for and against what he said and that he should not have made the comment. From the beginning he was eager to contact the league and to see the process through. It was important that this was seen as an education journey rather than a punishment. AD clearly had stuff to learn. AD founded the team and was very active within the league. It was important for him not to be removed from all football activity.
25. AD was given the opportunity to have ‘the last word’. He agreed with Alfie’s summary that he should not have made the comment. He made it as a joke and had no intention of being discriminatory or racist. A minimum 6 game ban would kill him. He has just finished university, is now really fit and has done so well from his involvement in football. A 6 game ban would probably mean missing the rest of the season, but he acknowledged that it is what it is and he has to accept the punishment.

SANCTION

26. Taking into account the FA Guidelines and Regulations, nature of the offence, misconduct record, mitigating and aggravating factors and plea submitted, the Commission concluded that the following sanction is to be imposed:

AD: to incur a 6 match suspension and fined £50. He is also to complete an on-line education programme before the suspension is served, the details of which are to be provided by AFA. Failure to comply with this order will result in a Sine-Die suspension being issued against him until he has fulfilled the order in its entirety. His Club, Atletico Grammar, is to incur 6 disciplinary penalty points. For the avoidance of doubt, AD may continue with the administration of his Club during his suspension.

Note: The entry point for disciplinary penalty points is 5. Penalty points are not a deduction of points from any league standings, but are added to the cumulative total within a club's disciplinary record/total.

27. In accordance with FA Regulations there is a right of appeal against the decision.

Anthony Rock (Chair)

Hollie Ball

Paul Tompkins

Friday 6th January 2023