

DISCIPLINARY COMMISSION

BETWEEN :

GLOUCESTERSHIRE FA

and

JAMIL MALIK

DECISION AND REASONS

Disciplinary Commission constitution (Non-Personal Hearing).

Abdul S. Iqbal QC (sitting alone)

1. This document sets out the written reasons for the decision in this Non-Personal hearing Disciplinary Commission (“the Commission”).

1. The charge.

2. By “*misconduct charge notification*” dated 15th July 2021, Gloucestershire Football Association (“the FA”) alleged that Jamil Malik (“JM”), during a match (“the match”) between Newent Town Reserves and Longlevens 3rd team on 3/7/21, acted in an improper way by using violent conduct and threatening and/or abusive language / behaviour towards an opposition player.

3. The FA alleged that JM had punched Finlay Clift (an opposition player) causing injury.

4. Accordingly, the FA charged JM with :

- i. Assault by a participant upon a participant on 3/7/21 contrary to rule E3.1 of the Rules of the Football Association 2020/21 ;
- ii. Alternatively, improper conduct (including violent conduct and threatening and/or abusive language/behaviour) on 3/7/21 contrary to rule E3.1 of the Rules of the Football Association 2020/21.

5. It appears from correspondence that JM cannot now be contacted by his club Newent Town FC. However, Newent Town FC have admitted the charge on JM's behalf and in JM's absence in correspondence with the FA dated 17th July 2021.

(2) The facts.

Evidence adduced by the FA.

6. The FA adduced evidence from the following witnesses.

(i) Richard Meredith

7. The Commission had a brief written statement from Richard Meredith dated 4th July 2021.

8. The evidence of the witness can be summarised as follows :

- i. The witness was the referee in the match ;
- ii. During the match, JM and Finn Clift (a Longlevens player) were "*head to head*" and then JM threw a "*ferocious punch*" to the left eye of Finn Clift ;
- iii. The punch caused a sickening sound and it was plain that Finn Clift was injured ;
- iv. This was a deliberate act of violence on the part of JM.

(ii) M Davies

9. The Commission had a brief written statement from M Davies dated 12th July 2021.

10. The evidence of the witness can be summarised as follows :

- i. The witness was a spectator ;
- ii. Two opposing players were on the halfway line when a few words were exchanged between them ;
- iii. As the Longlevens player went to walk away, the Newent player (JM) swung a punch at the other player and struck him in the side of the face leaving him very dazed ;
- iv. The witness took the injured player to hospital where it was confirmed that he had a fracture to his cheek and jaw that later required surgical intervention to repair the fractures.

(iii) Chris Little

11. The Commission had a brief written statement from Chris Little dated 11th July 2021.

12. The evidence of the witness can be summarised as follows :
- i. The witness was a spectator and is the Longlevens Development Manager ;
 - ii. At one point in the match, Finn and Jamil went to face to face with each other after a foul had been awarded ;
 - iii. Finn took a step back from Jamil who then punched Finn directly in the side of the face / eye ;
 - iv. Finn was taken to hospital and investigations revealed that he had sustained a fractured eye socket and jaw ;
 - v. These injuries required surgery and the extent of the damage and long-term implications is not yet clear¹.

Evidence adduced by JM / Newent Town FC.

(i) Phil Clarke

13. The Commission had a written statement from Phil Clarke, undated.
14. The evidence of the witness can be summarised as follows :
- i. The witness was a spectator and is the Secretary of Newent Town FC ;
 - ii. Minutes from the end of the game, Jamil received the ball from a throw in and Finley went straight through the back of him ;
 - iii. The referee blew for a foul ;
 - iv. As Jamil got back to his feet, Finley went head-to-head with him and said "*yeah what are you gonna do?*". Another Longlevens player shouted "*he ain't going to do nothing!*";
 - v. This provocation pushed Jamil over the edge and he swung a right hook at Finley ;
 - vi. Jamil was sent off by the referee ;
 - vii. Finley was dazed and it soon became clear that he was injured ;
 - viii. Jamil apologised to some others around him and said "*I am so sorry, I just lost it for a*

¹ The fact there has been maxillo-facial surgery after hospital admission on 3/7/21 is confirmed by a letter from Gloucestershire Royal Hospital entitled "*Immediate GP discharge summary*" dated 7/7/21.

second ;

- ix. Jamil wanted to apologise to Finley but Finley's father would not let him ;
- x. Jamil was given an opportunity in that match for the first time by Newent FC and the club is unable now to locate him or contact him ;
- xi. Newent FC wants nothing more to do with JM ;
- xii. The police were informed and later a policeman arrived ;
- xiii. Newent Town FC have sent best wishes to Finley and apologised for the behaviour of Jamil.

(3) The Commission's factual findings.

15. The burden of proof is borne by the FA to prove the allegation upon the balance of probability.

16. The Commission noted that the allegation of assault by a participant on a participant is a serious assertion and cogent evidence is required upon the balance of probability to establish that allegation.

17. In open correspondence, Newent Town FC have accepted the charge brought by the FA. This is in circumstances where JM cannot now be located and where JM has failed to respond to attempts to locate him.

18. Nonetheless, having considered all of the evidence before the Commission, the Commission concludes that the allegation is proved by overwhelming evidence from both teams that JM assaulted a fellow participant, namely Finlay Clift, by punching him to the face.

19. The Commission concludes on the balance of probability that :

- i. There was a foul upon Jamal Wilks and there was some verbal abuse between JM and Finlay Clift as a result ;
- ii. JM lost his temper and assaulted Finlay Clift by punching him once to the face area ;
- iii. That punch caused a fracture of the cheekbone and jaw that required surgical intervention ;
- iv. Finlay Clift is recovering from the injury but the prognosis is uncertain ;

- v. Accordingly the Commission found the allegation of assault by a participant on a participant was proved on the balance of probability.

(4) Sanction in relation to the breach of rule E3.1

- 20. The age of JM is not clear to the Commission² albeit it is plain he is not a youth player.
- 21. The Commission considered the *FA Sanctioning Guidelines 20/21* in relation to breaches of rule E3.1 for assault by a participant on a participant.
- 22. JM has no previous FA disciplinary findings.
- 23. JM has not responded to the charges levelled at him because he cannot be located by Newent Town FC or indeed it appears by those that know him personally.
- 24. In relation to aggravating factors, the Commission finds :
 - i. JM has failed to co-operate at all with the FA or indeed with Newent Town FC ;
 - ii. The injuries caused to Finlay Clift are plainly very serious consisting of two facial fractures requiring surgery
- 26. In relation to mitigating factors, the Commission finds :
 - i. There was on the balance of probability a limited element of provocation in the sense that Finlay Clift fouled JM and there was some provocation by comments made by other opposition players immediately before JM punched Finlay Clift ;
 - ii. There is evidence of some remorse on the part of JM immediately after this assault when JM wished to apologise for his behaviour.
- 27. The Commission applies the “*Outside NLS League*” sanctioning guidelines.
- 28. Balancing the aggravating and mitigating features, the Commission concludes that this case falls between “mid” and “high” in terms of seriousness but towards the upper end of that range.
- 29. Balancing the aggravating and mitigating features, the appropriate sanction is :
 - i. 4 years suspension from all football related activity ;

² The “Participant’s Disciplinary Record” shows no date of birth.

- ii. A fine of £150.00 ;
 - iii. Newent Town FC will have 5 penalty points imposed as a result of the misconduct by one of the players the club fielded in the match.
30. The above sanctions are formally imposed.
31. There is the right to appeal these decisions in accordance with FA Regulations.

ABDUL S. IQBAL QC
Chair, Disciplinary Commission

23rd July 2021