

THE FOOTBALL ASSOCIATION DISCIPLINE COMMISSION

(on behalf of London Football Association)

In the Consolidated Matters of

Izci Eren (GS FC)

and

Eoin Doran (GS FC)

and

Ismet Sumbul (GS FC)

and

GS FC

and

Sercan Kartas (GS FC).

Reasons for Discipline Commission decision Thursday 20th September 2018.

The Discipline Commission members were Messrs' Brian M. Jones (Chairman), Francis Duku and Keith Allen, all appointed by The Football Association.

Mr Mark Ives the Head of Judicial Services of The Football Association acted as Secretary to the Commission and was assisted by Mr Carl Long the Investigation and Customer Support Officer from the London FA.

The hearing was held at the offices of The Football Association at Wembley Stadium, London on Thursday 20th September 2018 commencing at 19.00.

The following is a record of the salient points which the Discipline 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 Discipline Commission emphasise that all correspondence was taken in to account and considered when reaching the decision.

CHARGES:

Messrs Eren, Doran and Sumbul were each charged as follows:

FA Rule E3 – Improper Conduct (including violent conduct and threatening and/or abusive language/behaviour) in a match against Dumlupinar Yeni Malatya Spor on the 20th May 2018.

(NOTE: All the charges referred to in these Written Reasons arose out of the same match and the hearings in accordance with FA Regulations were consolidated and heard the same night by the same Commission).

The details of the charge as contained in the Misconduct Charge Notification dated 15th June 2018 are as follows:

E3H – Mr Eren (Doran/Sumbul) is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3(1), moreover, in an act of violent conduct and/or threatening and/or abusive language/behaviour that Mr Eren (Doran/Sumbul) has contributed to a melee after the final whistle which endangered the match referee.

Each of the above named persons pleaded not guilty to the charge and requested a personal hearing.

GS FC (the Club) was charged as follows:

FA Rule E20 – Failed to ensure Players and/or Officials and/or Spectators conducted themselves in an orderly fashion.

The details of the charge as contained in the Misconduct Charge Notification dated 25th May 2018 are as follows:

GS FC are hereby charged with misconduct for breach of FA Rule E20 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that the actions of their Players/Officials/Spectators was contrary to FA Rule E20(a). It is alleged that they did not conduct themselves in an orderly fashion.

The Club accepted the charge and requested the matter be heard by correspondence only.

Sercan Kartas was charged as follows:

FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).

There was an alternative charge under FA Rule 3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour).

The details of the charge as contained in the Misconduct Charge Notification dated 25th May 2018 are as follows.

Mr Kartas is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3(1), moreover, that the individual has made alleged physical contact against the Match Official.

In addition, Mr Kartas is also charged under FA Rule E3(e) for threatening and/or abusive language/behaviour.

Mr Kartas accepted the charge and requested the matter be heard by correspondence only.

HEARING:

1. The members of the Discipline Commission had before them a bundle of documents for each case and which they had read before convening.
2. The main documents in the bundles consisted of the following:
 - Misconduct Charge Notification (Charge letter) for each charge referred to above.
 - The Football Association Extraordinary Incident Report Form relating to the various incidents prepared by the Match Official Fernando Lopez dated 22nd May 2018.
 - The Football Association Extraordinary Incident Report Form prepared by the Assistant Referee 1 Umberto Bernini dated 22nd May 2018.
 - Emails between the London FA and Fernando Lopez, dates various.
 - Emails between the London FA and Abdulaziz Olol, dates various.
 - Emails between the London FA and Umberto Bernini, dates various.
 - Emails between the London FA and Soner Mustafa (League Official), dates various.
 - Emails between the London FA and Mehmet Mimoglu, dates various.
 - Email statement by Ozgun Koc dated 26th May 2018.
 - Team sheet for GS FC dated 20th May 2018.
 - Emails between the London FA and The Football Association, dates various.
 - A series of photographs.
 - A CCTV recording from an elevated position.

- A CCTV recording from ground level.
- YouTube recording.
- Letter from Mehmet Mimoglu (Turkish Community Football League) to the London FA dated 24th May 2018.
- Email statement by Nyron Dyer 27th May 2018.
- Email statement by Onur Alkaya dated 26th May 2018.
- Email statement by Danyal Veli.
- Email statement by Oktay Amasyali.
- Email statement by Baran Cicek dated 1 June 2018.
- Photograph of injury to Fernando Lopez's left leg.
- Statement by Eoin Doran.
- Email statement by Ismet Sumbul dated 21st May 2018.
- Whole Game System Printout of Charge Response for each charge.

3. The Football Association Extraordinary Incident Report Form dated 25th May 2018 completed by Fernando Lopez is set out below:

"Immediately after the final whistle, a member of the Officials from GS FC who could be identified as Mr SERCAN KARATAS, came running into the field of play towards me, grabbed me from my neck and shoulder, and threw me to the ground. After this I regained balance and stood up again, and ran away off Mr Karatas, who started to pursue me with undoubtedly sole purpose of committing a violent attack on my person.

I suffered light bruises on my left shoulder and neck pain.

SPECTATORS

After the first goal from GS FC, a group of about 30 spectators with the colours, flags, scarfs and banners of GS FC, lighted up 3 flares in the stand, lasting for about 30 seconds.

After the final whistle, and while I was being pursued by the Official from GS FC MR KARATAS, (see other misconduct report) a group of about 20 spectators wearing tracksuits and tshirts with the colours of GS FC, came into the field of play from the stand where they were sitting, and tried to chase me as I was running trying to avoid Mr KARATAS.

In this new development of the events, as all this group of about 20 spectators closed my escape way, one spectator tried to kick me on the leg, not achieving his purpose, and immediately afterwards, one other spectator wearing the tracksuit of GS FC tackled me on my left leg, taking me down to the ground.

Once on the ground, most of the above mentioned spectators crowded around me with the undoubtedly purpose of committing acts of violence on my person, taking advantage of my situation and their number. I could feel several feet hitting me on my back and legs.

Almost immediately most of the players from Dumlupinar and other spectators came to my defence and protected me from any further attacks until I could safely leave the field of play.

The moments I was on the ground everything seemed very confusing.

From this assault, I resulted with a Laceration on my left shin where the spectator tackled me.

There is several video evidence as the game was live streamed. Also there is CCTV takes from the venue.

Upon reviewing the images GS player Number 8 identified as Mr Iczi Eren is shown around the ensuing melee around my lying persona on the ground, in what seems to be as attempts to throw kicks with his foot at me. Several witnesses on the ground told me later in my office they recognised this player and his actions.

GS player number 23 identified as Mr Emrah Coskungonul is shown around the melee, in what seems to be active and violent attempts to open his way towards me while throwing kicks with his foot at me. In the team sheet there is a mistake with his shirt number, but the identity of the player was confirmed by witnesses that know him.

GS player number 4 identified as Mr Ismet Sumbul is shown approaching the melee (the tall player with a bandage on his knee), and struggling to open his way between the people around me, in what it seems to be an attempt to reach me while I was on the ground. Witnesses on the ground confirmed he was attempting to kick me on the floor. He had to be restrained by some Dumlupinar players who forced him away.

High praise and appreciation to all players to all players and officials from Dumlupinar, who came in my defence and helped me while I was lying on the ground. It was their quick intervention that helped difuse the situation without any other more serious incidents.”

4. The Football Association Extraordinary Incident Report Form dated 25th May 2018 completed by Umberto Bernini is set out below:

“Just after the final whistle a player from GS bench ran into the field of play towards the referee, grabbed him from the neck and pushed him to the ground. Fernando managed to run away but a lot of GS supporters wearing scarfs and colours, and a few players (N23– N8- N4) and possibly others, managed to grab him again he was tackled to the ground. As there were a lot of people I saw people kicking and trying to punch him. It was only the help of the Dunlupinar players, supporters and league officials, that they managed to protect him. It was very difficult to see exactly what was going on, but it was horrendous and a very shocking experience, to see a match official attacked in this way.”

EVIDENCE:

The referee **Fernando Lopez** was the first witness to be called before the Commission.

5. He confirmed that his report was true and that he had nothing to add to or detract from that report.
6. The witness, the three participants and the Commission looked at all three of the recordings referred to above in order to assist the witness with his evidence.
7. The participants were able to ask questions of the referee, but it was most noticeable that they each apologised to the referee for the behaviour of their “spectators” on the day. The apologies were clearly sincere.
8. The referee was extremely fair in his evidence and admitted that he could not identify who assaulted him other than Mr Kartas. He could not say, with any degree of certainty what part any of the three participants before him had played, or what their intentions were at the material time.
9. At the time, as shown by the CCTV evidence, the referee was on the floor. He could not be seen in the recording at the time the three participants arrived at the melee.
10. He agreed that to be the case after having considered the CCTV evidence with the participants asking questions.
11. It seemed that he had identified the three participants from the CCTV evidence and from what he had been told by others.
12. For the record Mr Eren was number 8, Mr Doran number 23 and Mr Sumbul number 4. It was noted from the referees Extraordinary Incident Report that GS player number 23 was identified as Mr Emrah Coskunganul. He says that in the team sheet there was a mistake with his shirt number but *the “identity of this player was confirmed by witnesses who know him”*.

13. That seems to be strong evidence, but in his statement Mr Doran makes an admission as follows :

"I am a new player for GSFC, having joined very late on in the season. I feel that the boys are a strong knit, passionate group of young men – all of whom have welcomed me into there team, and community – I am of Irish descent. I believe I have been identified incorrectly as EMRAH, but I was wearing number 23 on the day. I would like to inform you of my actions on the day". (sic).

14. Bearing in mind that admission, the referee and those who identified number 23 to him as being Emrah Coskungonul must have been mistaken.

15. It also became apparent that two of the three had been sent off, one in the 91st and the second in the 92nd minute of the game which ended on 95 minutes.

16. One sending off was for two yellow cards (dissent) and the other was for pulling on the referees arm, but he confirmed that was only "light contact".

17. Very genuinely, after reviewing the CCTV evidence and listening to and then answering various questions from the participants, the referee told the three participants and the Commission that he apologised for people having to attend the hearing if he had got the identity of the participants wrong, or if he had got their intentions wrong.

18. He had identified them from the CCTV recording by their numbers on their shirts and saw them enter the melee and could see that they were trying to open a way towards him. He did not know what their intentions were.

The assistant referee **Umberto Bernini** was the next witness to be called.

19. He also confirmed that his report was true and accurate and that he had nothing to add or detract from the same.

20. Like the referee Mr Bernini was able to consider the CCTV evidence when being asked questions by the participants and by the Commission members.

21. Mr Bernini was clearly trying to be helpful, but unfortunately on closer inspection and in conjunction with the CCTV evidence his oral evidence was not at all convincing and could not be safely accepted.

Mr Abdul Olol was the next witness to be called.

22. He confirmed that his statement was true and that he had nothing to add or detract from the same.

23. Mr Olol is a qualified referee, but was not officiating at the game but was there to watch Fernando Lopez.

- 24.** He was watching from the side of the pitch and could not help the Commission with the part that the three participants took in the “melee”.
- 25.** However his evidence does deal with the E20 charge against the club and the charge against Mr Kartas.
- 26.** The Commission were very impressed by the manner in which the referee Fernando Lopez presented and the way he gave his evidence. He was helpful and sensible in his evidence, and there can be no doubt that no referee should be exposed to the unbelievably appalling behaviour that took place at that match. He must have been in terrible shock and many a lesser man would have hung up his whistle, and could not be criticised if he had done so.
- 27.** By the same token each of the three participants presented their questions in a calm, polite and sensible manner. That was a very pleasant surprise, having watched the behaviour of some people in the CCTV recording.

CONCLUSION:

- 28.** At this juncture the Commission adjourned to consider the evidence heard and to reconsider the written evidence of the three participants.
- 29.** It was perfectly clear that each was saying, as per their statements, that they only entered the melee to prevent the matter escalating and to do what they could to try and protect the referee.
- 30.** We reminded ourselves that the standard of proof is the civil standard of the ‘balance of probability’. That means the Commission is to be satisfied, on the available evidence that the incident was more likely than not to have occurred. Put simply we had to weigh up the evidence before us and decide which version was most probably true.
- 31.** The CCTV evidence was absolutely crucial and simply did not show that any one of the three participants actually assaulted the referee or even got near enough to do so.
- 32.** They certainly entered the melee, but they were not the first there and indeed two of them were very late in arriving.
- 33.** We therefore revisited the charges against each participant.
- 34.** We could not see or identify any violent conduct by any of them. Likewise we could not see any threatening behaviour and there was no evidence whatsoever of any abusive language.
- 35.** The members of the Discipline Commission were therefore unanimous that on the balance of probability, after considering all the available evidence, and especially the CCTV evidence, that the charges under FA Rule E3 could not be found proven against the three participants in attendance.

- 36.** If the charges were to be found proven against these three participants then all the people taking part in the melee should have been charged accordingly. Without any contradiction whatsoever there were many people taking part in the melee before the three participants appearing before the Commission actually arrived at the melee.
- 37.** The charges against Messrs Eren, Doran and Sumbul were therefore dismissed as the London FA's evidence did not fulfil the obligation to find the charges proven.
- 38.** The personal hearing fees are to be returned.

GS FC

- 39.** We reminded ourselves that the club had accepted the charge issued against them under FA Rule E 20.
- 40.** This must have been an extremely distressing and a most disturbing spectacle to view, not only for the referee and his colleagues (and indeed the opponents) but for any person unfortunate enough to see it at first hand. It was bad enough watching the CCTV and YouTube recordings. This was a Cup Final and no doubt there would be a good number of spectators, including young people, women and children in attendance.
- 41.** The League and other players have expressed their concerns and disgust with the events that took place, and as stated above the three participants who appeared before the Commission made open and unexpected but sincere apologies to the referee for what happened that day. That was helpful.
- 42.** However the incident was shown widespread across YouTube and also made the National Press and no doubt the Local Press.
- 43.** One thing the Commission have to consider when considering any sanction is the overall perception of the impact that this totally unacceptable behaviour gives to the general public and its effect on the reputation and integrity of the game worldwide.
- 44.** As stated this was unbelievably appalling behaviour and it is hoped never to be repeated at a football match, at whatever level, in this Country. It is probably the worst behaviour that has ever been seen in England at any level of football.
- 45.** It cannot be stressed enough that this was a most serious incident and the Commission, notwithstanding the record of the club, and their early admission considered that the FA Sanction Guidelines were totally insufficient and that this matter was aggravated to the extent that any fine must be well above the Guidelines.
- 46.** Using The FA Guidelines the case clearly falls in the High Category where the range of fine for teams in Step 5 – 7 of the National League System would be £150 to £250 and outside the National League System would be £75 to £150. This club plays outside the National League System.

MITIGATION:

47. Other than as stated above no formal mitigation was put forward.

SANCTION:

48. The Club be warned as to its future conduct and be fined the sum of £700.

SERCAN KARTAS:

49. We reminded ourselves that Mr Kartas had accepted the charge under FA Rule E3.

50. It was Mr Kartas who ran towards the referee at the end of the match, grabbed the referee by the neck and shoulders and threw him to the ground. The referee regained his balance, stood up and ran away with Mr Kartas in pursuit. The referee was then brought to the ground and when the melee started.

51. That is all clearly shown on the CCTV and YouTube evidence. Mr Kartas admitted the charge and he was identified by others to the London FA.

52. He was the perpetrator/instigator of this wholly unpleasant and shocking incident and was the catalyst for what happened thereafter.

53. If he had not acted in the way described above, it is highly likely that nothing else would have happened.

54. All that has been said in relation to the Club charge can be repeated here in relation to Mr /Kartas.

55. Mr Kartas, understood to be a former Chairman of the club, has been the cause of serious reputational damage to the club, the League and football in general.

56. The FA Guidelines for such a charge at any level of the Grassroots game, recommends a 182 days suspension plus up to a fine of £150 but with a minimum recommendation of 84 days suspension and a £100 fine.

57. With the greatest of respect to The Football Association, such recommendations in the circumstances of this particular case are unrealistic, inappropriate and totally and undeniably insufficient. It is noted that the Commission has the authority to deviate from the Sanction Guidelines where there is appropriate reason to do so - the severity of this case and what followed adequately provides that reason.

MITIGATION:

58. None was put forward by Mr Kartas.

SANCTION:

59. Mr Kartas be fined the sum of £800.

60. Mr Kartas to receive a Life (that is a Permanent) Suspension from all football and football activity.

61. These decisions are subject to the relevant Appeal Regulations.

Brian M. Jones (Chairman).

Francis Duku

Keith Allen

Saturday 25th September 2018.