

GHANA FOOTBALL ASSOCIATION
DECISION OF THE G.F.A ETHICS COMMITTEE
ON ALLEGED MISCONDUCT BY MR. YAW BOATENG GYAN

0.1 MEMBERS PRESENT – ADJUCATORY

PHYLLIS M. CHRISTIAN, ESQ.	- CHAIRPERSON
MS. LINDA OFORI-KWAFO ESQ.	- MEMBER
DR. CHARLES TAKYI	- MEMBER

MEMBERS PRESENT

DR. ISAAC ANNAN ESQ.	- VICE CHAIRMAN
MR. WILFRED NENEH ADDICO	- MEMBER

0.2 IN ATTENDANCE

0.2.1 WILLIAM BOSSMAN	- SECRETARY
0.2.2 OBED TUFFOUR	- INTEGRITY OFFICER

0.3 PARTIES

0.3.1 YAW BOATENG GYAN	- BOARD CHAIRMAN, BOFOAKWA
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BACKGROUND

By a letter dated October 27th 2020, the General Manager of Dreams Football Club (Dreams FC), on behalf of the Club, lodged an official complaint to the FA against the Board Chairman of Bofokwa Tano FC, namely Mr Yaw Boateng Gyan. The complaint related to certain comments made by the said Yaw Boateng Gyan on an Accra-based radio station Angel FM which Dreams FC considered ‘very serious’. Specifically, Mr Gyan was allegedly heard to have made comments suggesting that unnamed officials of Dreams FC had influenced the exit of player Andrew Appau from the national U20 team.

The official complaint by Dreams FC was made against the club Bofokwa Tano FC and its said Chairman Yaw Boateng Gyan.

The matter was referred to the Ethics Committee (EC) on October 30, 2020. Upon taking the time to review the audio evidence before it, the EC determined that the said Chairman Yaw Boateng Gyan did indeed have a case to answer and resolved to investigate the matter.

PROCEEDINGS

Following this decision to investigate the matter, a series of actions were taken by the EC:

- By a letter dated **November 23rd, 2020**, the FA informed the said Chairman Yaw Boateng Gyan of the commencement of investigations into the allegations made against him. In the letter, Mr Gyan was charged to prove his comments that “*unnamed officials of Dreams FC influenced the exit of player Andrews Appau from the National U20s team*”. Failing this he would be considered to be in breach of Infringements of the Laws of the Game as set out in Article 11(2)(a),(b) & (d) of the GFA Disciplinary Code (2019), **Offensive behaviour and violations of the principles of fair play**. These provisions charge Members and Clubs, as well as their players, officials and any other member and/or person carrying out a function on their behalf, to respect the Laws of the Game, as well as the Statutes and regulations, directives, guidelines, circulars and decisions of GFA, CAF and FIFA. The provisions further charge them to comply with the principles of fair play, loyalty and integrity.

(2) For example, anyone who acts in any of the following ways may be subject to disciplinary measures:

- a) violating the basic rules of decent conduct;*
- b) insulting a natural or legal person in any way, especially by using offensive gestures, signs or language;*
- d) behaving in a way that brings the sport of football and/or GFA into disrepute;*

The letter further pointed out that Mr Gyan could be in breach of Article 22 (1), (2) & (3) of the GFA Code of Ethics (2019) **Discrimination and Defamation:**

- 1. Persons bound by this Code shall not offend the dignity or integrity of a country, private person or group of people through contemptuous, discriminatory or denigratory words or actions on account of race, skin colour, ethnicity, nationality, social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason.*
- 2. Persons bound by this Code are forbidden from making any public statements of a defamatory nature towards GFA and/or towards any other person bound by this Code in the context of GFA events.*
- 3. Violation of this article shall be sanctioned with an appropriate fine of at least GHc5,000 as well as a ban on taking part in any football-related activity for a maximum of two years. In serious cases and/or in the case of repetition, a ban on taking part in any football-related activity may be pronounced for a maximum of five years.*

The invitation requested Yaw Boateng Gyan to submit a Written Statement by November 27, 2020 or request to appear in person.

- In his response dated **25 November 2020**, Mr Gyan elected to appear before the EC in person. He also requested unedited copies of the audio and any other evidence. Furthermore, he enquired of the Investigatory and Adjudicatory Chamber proceedings, and report of the EC in regard to his case.
- By its response to Mr Gyan dated **December 24, 2020**, the FA provided a copy of the audio and clarified the procedures as regards the work of the EC. The letter also reiterated the earlier invitation to him to appear before the EC on December 30, 2020 at the GFA Secretariat at 4.30pm, failing which the Committee would adjudicate in his absence. He was reminded of his duty to cooperate with the Committee pursuant to Article 18 of the GFA Code of Ethics.
- Chairman Yaw Boateng Gyan responded by a letter dated **28th December 2020** in which he requested that the meeting be rescheduled to January 17 2021 “or any other date thereafter convenient to the EC’ for him to appear, pleading that he was in Sunyani making preparations for his late father’s funeral.
- On **October 25, 2021**, the EC requested the said Chairman Yaw Boateng Gyan to submit, by close of work on Thursday October 28, 2021, a written statement of defense to the charges levelled against him, failing which the Committee would proceed to adjudicate the case. He was once again reminded in that same letter, of his duty to cooperate with the Committee under Article 18 of the Code of Ethics.
- On **October 28, 2021** Chairman Yaw Boateng Gyan duly submitted a written statement.
- Following receipt and review of the above October 28, 2021 letter, Mr Gyan was requested to attend a hearing at the EC on **November 11, 2021** at 4.30pm.
- In his response dated **10th November 2021**, Mr Gyan indicated that he was not in Accra and would be unable to attend the hearing. Once again, he requested that the meeting be rescheduled to any date in December 2021 or any other date convenient to the EC, while apologizing for any inconvenience caused.
- By a communication dated **January 6, 2022**, Yaw Boateng Gyan was once again invited to meet with the EC on January 11, 2022.
- An email response from his lawyers at 10.37am on the appointed day of **11th January 2022**, stated that the said Chairman Yaw Boateng Gyan had indicated to them that he would not be able to attend the meeting, and wished to rely on his written submission sent to the Committee in November 2021.

FINDINGS

1. In the view of the EC, the audio evidence featuring the utterances of Mr Gyan, presents a case to answer.
2. Having reviewed his response, the EC noted that Yaw Boateng Gyan sought to defend his position based on the assertions of third parties, upon which he makes his own deductions:

“I wish to state that, I made the said statement on a radio based on an information I gathered from a different station and confirmed by some of my friends who are managers of football clubs in Ghana in respect the player. The information was that an unnamed official of the complainant is intending to manipulate the selection process of players at the Under 20 camp and if the said player does not register for the Complainant’s club he will not call up into the team”.

The above purportedly assisted him to arrive at his own conclusions, having himself considered eventual matters transpiring:

“I monitored the said player and subsequently found out that the said player has not registered for the complainant’s club and did not get a call up into the Under 20 team”.

In his written statement dated October 28, 2021 Mr Gyan then proceeds to stand by his position, namely that his comments were in order. He does so by indicating that he deemed his comments to be fair because they related to what he claimed to be *“the shortfalls in the Administration of GFA”*. He went further to express his belief that the comment did **not warrant the invitation** from the EC.

Nevertheless, Mr Gyan continued thus, that:

“ if the complainant finds the said comments unfair I wish to unreservedly apologise to the club and say that I will be circumspect in my future utterances in respect of the administration of football in Ghana.”

3. The effect of his lawyer’s communication on 11th January 2022 as cited above, was that the said Chairman Yaw Boateng Gyan was closing his case.

GROUNDINGS OF DECISION

In its judgement, the EC does not consider the above explanation in Mr Gyan’s written response as providing sufficient justification to have warranted his utterances, nor does it diminish the effect of his utterances in the minds and perceptions of the general listening public. Mr Gyan sought to go beyond the contours of proof by relying, not on his own facts, but by apparent hearsay, and then sought to utilize this information in a way that was not sufficiently compelling in itself to justify his remarks.

As such, the EC did not regard his explanation as compelling enough to exonerate him. Members therefore considered that a hearing would offer an opportunity for him to transform this impression being formed in their minds, as well as for him to demonstrate an earnest apology which, based on the nuanced contradictions inherent in his correspondence above, did not seem convincing.

However, he failed to avail himself of this opportunity.

The Committee therefore concludes that the excuses given by his written response alone are inadequate to decimate the charges levelled against him. Also, as indicated above, all circumstances taken in totality do not demonstrate genuine remorse.

COMMITTEE'S DECISION

1. That Mr Yaw Boateng Gyan having made comments deemed to be of a defamatory nature by the EC has violated Section 22(3) of the GFA Code of Ethics, and Article 11(2)(a),(b) & (d) of the GFA Disciplinary Code (2019) and is sanctioned with a fine of GHC5,000 as well as a ban on taking part in any football-related activity for two years with effect from the date of this decision.
2. That Mr. Yaw Boateng Gyan is hereby charged to issue a public retraction of the said comment and shall provide audio evidence of the performance of same to the Committee.
3. That Mr. Yaw Boateng Gyan is served with a warning to be of good behavior, in accordance with Section 2 Article 7(1) (a) (Disciplinary Measures) of the GFA Code of Ethics.
4. Should Mr. Yaw Boateng Gyan be dissatisfied with or aggrieved by this Decision, he has within One (1) day of being notified of the grounds of the decision, a right to appeal to the Appeals Committee of the Ghana Football Association, in accordance with Article 55(3) of the GFA Disciplinary Code.



**Phyllis M. Christian, Esq. Chairperson,
Ethics Committee,
Monday January 24, 2022**