



CAF DISCIPLINARY BOARD
DECISION 010 – CAI – 28.11.2022

General Secretary
Tunisia Football Federation

To the attention of Club Africain (Tunisia)
Copy to: Young Africans (Tanzania)

Cairo, 12th December 2022

Re: Decision Complaint Club Africain - Match 85 Young Africans (Tanzania) vs. Club Africain (Tunisia) played in the frame of CC 2022-2023

Dear Sir,

Arising out of the Disciplinary Board's meeting held on 28th November 2022, the Board was comprised of:

Mr. Raymond Hack (South Africa)	Chairman
Mr. Issa Sama (Burkina Faso)	Member
Mr. Youssef Ali Djae (Comores)	Member
Mr. Samugabo Mustapha (Burundi)	Member

At its meeting held on 28th November 2022, the Board examined all the documents relevant to the above-mentioned case.

I. FACTS:

1. The visiting Club Africain sent a complaint that four individuals booked rooms in their hotel and attempted to bribe the housekeeping lady, in order to disperse a spray in the rooms of the club's delegation to affect the respiratory system and would seriously affect the players during the match.
2. The police intervened to intercept these individuals and carry out specific analyses of the toxic product.
3. The commissioner of the above-mentioned match indicated in his report that he was seized by Club Africain and that he went to check on the delegation in their hotel. He then met with the hotel director who informed him that 4 people came to take rooms like other customers and that they gave the lady who does the cleaning of the rooms a product to spray in the rooms of the players. She reported them to the director who alerted the police, yet when the police arrived the 4 people had disappeared. The director informed the match commissioner that the police brought the cleaner and the said products for investigation.

4. The allegations were sent to Young Africans club, who have responded by mentioning that the club's officials were never involved in the allegations brought forward by Club Africain and that they have actually offered extra support to the entire delegation of club Africain when they came to play in Tanzania.
5. Furthermore, they indicated that Young Africans were not responsible for the hotel arrangements and neither of its officials has been involved at any given time. Club Africain made their own arrangements to Tanzania and had their own advance team responsible for the logistics.

II. CAF'S COMPETENCE TO THE CASE:

6. Pursuant to articles 40, 42 and 57 of the CAF Statutes, as well as article 3 and 87 of the CAF Disciplinary Code, the CAF Statutes, Disciplinary Code and Regulations are applicable to this procedure.
7. The competence of the CAF Disciplinary Board results from the following articles:
 - Pursuant to article 10 of CAF disciplinary code *"the disciplinary Board is authorized to sanction any breach of CAF Regulations which does not come under the jurisdiction of another body of the Confederation"*.
 - Article 3 of the CAF Disciplinary Code provides that *"By participation in the various CAF competitions, all the persons referred to in article 2 para 2 above acknowledge and accept that they are bound by this code inclusive of any regulations relating to any specific CAF competitions as well as any directives issued by the CAF Secretariat on behalf of the CAF Executive Committee, inclusive of the Laws of the Game as issued by the International Football Association Board."*
8. In the present case, and in accordance with the aforementioned articles of CAF Disciplinary Code, the CAF Disciplinary Board is competent to deal with the case.

II. Relevant provisions to the Case

9. The following relevant provisions apply to the case at hand:
10. According to Article 10 of the CAF Disciplinary Code *"The Disciplinary Board is authorised to sanction any breach of CAF Regulations which does not come under the jurisdiction of another body of the Confederation"*.
11. Pursuant to Article 30 of the CAF Disciplinary Code *"MANNER OF PROOF"* 1. *Any type of proof may be produced. 2. The only proof that may be rejected is that which violates human dignity or obviously does not serve to establish relevant facts. 3. The following are, in particular, admissible:*

12. *reports from referees, assistant referees, match commissioners and referee inspectors, general coordinators, security officer or any other person designated by CAF, declarations from the parties and witnesses, the production of documents, expert opinions and audio or video recordings.*
13. According to article 46 of the Disciplinary Code “the Disciplinary Board decides on the basis of the file, inclusive of official reports, documents and recordings presented in conformity to art. 30 and 32 of the present code”.

III. Legal Considerations

14. On a preliminary basis, the Disciplinary Board would like to recall that, according to the constant practice of the disciplinary bodies of CAF and the regulations, the Disciplinary Board is authorised to sanction any breach of CAF Regulations which does not come under the jurisdiction of another body of the Confederation.
15. In the present case, Club Africain sent a complaint that four individuals booked rooms in their hotel and attempted to bribe the housekeeping lady, in order to disperse a spray in the rooms of the club’s delegation to affect the respiratory system and would seriously affect the players during the match.
16. The allegations were sent to Young Africans club, who have responded by mentioning that the club’s officials were never involved in the allegations brought forward by Club Africain and that they have actually offered extra support to the entire delegation of club Africain when they came to play in Tanzania.
17. Furthermore, they indicated that Young Africans were not responsible for the hotel arrangements and neither of its officials has been involved at any given time. Club Africain made their own arrangements to Tanzania and had their own advance team responsible for the logistics.
18. The Disciplinary Board recalls that in accordance with the above-mentioned articles, any person or authority may report conduct that he or it considers incompatible with the Regulations of CAF to the legal bodies. Complaints shall be made in writing. The burden of proof is on the claimant.
19. The Disciplinary Board recalls that article 46 of CAF Disciplinary Code states that the Disciplinary Board shall adjudicate on the basis of the file, inclusive of official reports, documents and recordings presented.

IV. DECISION:

20. The CAF Disciplinary Board decided to dismiss the complaint of Club Africain due to the lack of evidence or concrete proof that the above-mentioned incident was deliberate or involved members of Young Africans.

Best Regards,

**CONFEDERATION AFRICAINE
DE FOOTBALL**

A handwritten signature in black ink, appearing to be "RH", written over a light blue circular stamp.

Raymond Hack
Chairman of CAF Disciplinary Board