

WRITTEN REASONS OF THE FAST TRACK TRIBUNAL



IN THE MATTER OF A WRONGFUL DISMISSAL CLAIM BROUGHT BY:

LIVINGSTON FC

ON BEHALF OF AYMEN SOUDA

1. These are the written reasons for a Determination made by a Fast Track Tribunal which convened on 30th October 2019 to deliberate this Claim.
2. In the 49th minute of the Premier League fixture between Livingston FC and Heart of Midlothian FC on the 26th August 2019, the player, Mr Aymen Souda, was dismissed from the field of play by the Referee for A1: Serious Foul Play.
3. The Claimants submitted a Claim of Wrongful Dismissal on behalf of Mr Souda. In support of this Claim, the Claimant provided video footage showing the incident in question and a written statement on behalf of the player regarding the incident leading to his dismissal.
4. In summary, the Claimant's submission was that the player did not commit, in their words, an act of '*violent conduct*', as the player '*was following the ball, had no intention of hurting the opponent, and subsequently didn't as the Hearts player got up and played on with no problem*'. They suggested that the challenge was not '*violent conduct*' as the player made a genuine attempt to score a goal from an overhead kick. They maintained he made no contact with the Hearts player's face as suggested by the Heart's player's '*theatrics*' which they thought forced the Referee into thinking the Hearts player was caught in the face by Mr Souda. They also claimed that the Referee failed to deal with an earlier alleged offence by the Hearts goalkeeper which would have meant he should have been sent off and the incident with Mr Souda would not have happened.
5. The Referee provided a statement explaining the act which he decided was Serious Foul Play (**not** '*violent conduct*' as suggested on behalf of the Claimant) because it endangered the safety of an opponent. He further explained that Mr Souda made contact with his opponent at chest height, in a scissor kick motion which he deemed to be a Serious Foul Play offence.
6. In order for a Claim of Wrongful Dismissal to be upheld, the Fast Track Tribunal must be satisfied, by way of evidence submitted and upon the balance of probabilities, that the Referee made an Obvious Refereeing Error in dismissing the player.
7. The Fast Track Tribunal viewed video footage of the incident and carefully considered the written submissions from the Claimants. It also considered the definition from Laws of the Game in relation to Serious Foul Play: (*ref IFAB Laws of the Game 2019/20 p111*).

Serious Foul Play is defined as a tackle or challenge that endangers the safety of the opponent or uses excessive force or uses excessive force or brutality. Any player who lunges at an opponent in challenging for the ball from the front, side or behind, using one or both legs, with excessive force or endangers the safety of the opponent is guilty of Serious Foul Play.

Having considered all the evidence, the Fast Track Tribunal decided that the Claimants had unsuccessfully demonstrated that an Obvious Refereeing Error had occurred.

The Tribunal noted that the Claimant had submitted a claim on the basis that their player had been sent off for Violent Conduct. The Tribunal further noted that the player was in fact sent off for Serious Foul Play and not Violent Conduct. They were however content to proceed with the claim on the basis of conducting a review on whether the Referee had made an Obvious Refereeing Error. They felt it would be unfair to dismiss the claim on the basis that the Claimant seemed to either have misread or misinterpreted the reason for the sending off, or were unable to distinguish the difference in the definitions of these offences in the Laws of the Game. The Tribunal noted the comments from the Claimant that an earlier offence had been missed by the Referee and that this led to the dismissal of Mr Souda directly. The Tribunal did not

consider this at all relevant to the claim as they were not considering the earlier alleged offence and ruled it speculative at best for the Claimant to consider this directly led to Mr Souda's offence. This statement was completely irrelevant to the claim which was lodged on the basis that the player was sent off due to an Obvious Refereeing Error.

Having reviewed the video evidence submitted by the Claimant it was clear to the Tribunal that the challenge endangered the opponent. Both of Mr Souda's feet were off the ground when he kicked his opponent on the upper body, (not the face as noted in the Claimant's appeal). This met the definition of Serious Foul Play, as noted in IFAB Laws of the Game.

8. The issue of intent as noted in the player's statement '*following the ball and had no intention of hurting the Hearts player*' is not relevant to the appeal as the Laws of the Game, in reference to Serious Foul Play, do not reference intent. The challenge clearly endangered the opponent.

The Tribunal therefore did not accept the Claimant had demonstrated that the Referee had made an Obvious Refereeing Error in dismissing the player for Serious Foul Play.

9. The Fast Track Tribunal were provided with video evidence which gave a clear view of the incident.

For a claim to be successful as per the JPP Annex K, section 10.10.4 the Fast Track Tribunal must be satisfied that it is more likely than not, in all of the circumstances of the case, that an Obvious Refereeing Error has occurred. That is the error is clear, self evident or easily perceived' (*glossary JPP*).

The Tribunal noted that the Referee was close to the incident, had a clear and unobstructed view, and had no hesitation in determining at the time that this was a red card offence.

10. Based on this the Tribunal were unanimous that the Claimant failed to demonstrate in their submission that the Referee had made an obvious error resulting in the wrongful dismissal of the player.
11. The Determination of the Fast Track Tribunal is final and binding on all parties, and is not subject to Appeal.