

Our Ref: MBS/UJS/VO/004/22

25th of APRIL, 2022

**THE CHAIRMAN/PRESIDENT
THE JUDICIARY COMMITTEE
OF WORLD AMPUTEE FOOTBALL FEDERATION
TURKEY.**

Dear Sir/Madam,

**APPEAL AGAINST THE DECISION OF THE WORLD AMPUTEE FOOTBALL
FEDERATION “WAFF” IN RESPECT OF THE EXCLUSION OF GHANA IN
THE UPCOMING WORLD CUP, 2022**

Respectfully Sir/Madam, we are Lawyers for **Ghana Amputee Football Association, and we file this appeal at express instructions of the National Paralympic Committee of Ghana.**

PROCEDURE

We invoke the jurisdiction of the Judicial Committee of WAFF pursuant to Article 16.1 of the Constitution of WAFF and same provides as follows;

“A National Association which is involved in a dispute with the WAFF may appeal at any time to the Judiciary Committee for review and mediation.”

BACKGROUND TO OUR APPEAL

Ghana won the Cup of African Nations for Amputee Football in Tanzania in 2021, but is being denied the opportunity to play over circumstances I will try to explain here with tons of email placed in sequence.

There was a change in leadership at WAFF in 2020 and that led to the new administration asking all members to re-register with a deadline of September 30, 2021. These documents were the registration documents in one country and a WAFF registration documents.

Ghana Amputee Football Association, registered with the National Sports Authority through the National Paralympic Committee (NPC), sought an intervention letter from NPC-Ghana to indicate registration and recognition, which was submitted in September 2021.

However, Ghana was informed that these documents didn't meet the standard documents required for registration. WAFF ruled out Ghana in that respect. Ghana however went ahead to make its payment of the fees due to be done on October 31, 2021 but attempts to pay by online means had issues because a message to Mateusz to know if that was possible, didn't get a response. Ghana

was given two addresses to contact by email on October 28, after the request was made on October 3.

Finally, payment was made through Ghana's players in Turkey as that is the headquarters. The players contacted the President and made payment after holidays prevented them from payment by October 31. Payment was made on November 1, 2021.

Sir/Madam, notwithstanding the aforementioned industry exhibited by the Ghana team to ensure minimum compliance with the requirement of WAFF, Ghana received a correspondence dated 22nd day of April, 2022 making Ghana a reserve team and not a priority to participate in the upcoming World Cup, Turkey 2022. What this decision meant is that Ghana is not considered as a member of WAFF. In fact this position is confirmed having recourse to the Website of WAFF that listed countries from Africa with the exclusion of Ghana.

It is in the light of the foregoing that Ghana files this appeal challenging the decision of WAFF.

LEGAL ARGUMENT

Sir/Madam, we humbly want to anchor our submission on Article 1 of WAFF constitution that provides as follows;

"... WAFF operates under international law and is subject to the law of the country of its domicile."

The rule of natural justice are the rule laid down by the court for the purpose of protecting the right of an entity or individual against adoption of arbitrary and as well as miscarriage of justice in determining questions affecting the right of an entity or individual by a judicial authority or quasi-judicial authority. This principle of natural justice is express by the twin pillar principles; Audi Alteram Partem (hear both sides in dispute), and Nemo Judex in Casua Sua (no one should be a judge in his own cause). So therefore, the decision maker or deciding authority should act in good faith and give a fair hearing to both parties in dispute, he should not act in favour of one party. If he knows that he cannot be impartial, he should politely decline sit in judgment over the matter, this is because the rule of natural justice prohibits interest and bias in the case of a judge.

Respectfully, we have based our argument on this principle on the strength of open bias exhibited by WAFF new leadership to exclude Ghana in the upcoming World Cup, 2022. In fact, some leaders of WAFF started chatting with the coach and some players and asked that, documents be sent afresh. The same documents were sent to them and they agreed Ghana had the right documents, thus is now recognized but would be given consideration as the first option should another country fail to meet world cup participation fee deadlines.

While communications were going on between the NPC-Ghana and WAFF and the African Federation, the General Secretary of WAFF, Simon Baker sent a letter claiming Ghana was banned in 2018, a falsehood, and that WAFF was working with our subordinate organization Ghana Amputee Football League Clubs Association (GHALCA) for restructuring of the sport in Ghana and also that Ghana was no more going to be considered at all as reserve team.

The falsehood, the bypassing add up to confirm that, there was an agenda against Ghana and the apparent reason was that, Theodore worked closely with Rick Hofmann, the immediate past president of WAFF who has issues with the current leadership of WAFF.

When Ghana won the African Cup, Simon Baker, in a Facebook comment, congratulated the players but said he wanted the current administration of Rev Adesah and Theodore to go. This was a betrayal of his intent.

That intent explains why WAFF told NPC-Ghana it wouldn't work with any committee comprising Theodore and Rev Adesah, without giving any reason. This was during resolution discussions where WAFF asked for a committee to work on its world cup participation.

CONCLUSION

In conclusion, we want to submit that by the numerous pronouncements of Simon Baker and other conduct exhibited by WAFF during the communication stage, it became apparent on the face of the records that WAFF intended to take Ghana out of the World Cup.

We must note that Ghana is a member of WAFF and re-registration is not enough to deny Ghana our glorious membership with WAFF to the extent of denying Ghana participation. If indeed and in fact that WAFF wants to streamline its operation and maximize its membership, by paying our participation fees and submitting our WAFF documents would have been enough for Ghana to be accepted in the tournament.

By this submission, we are fully convinced that the decision of WAFF was made contrary to international law and standard rule of engagement. And we would be very glad if it is review in favour of Ghana and same announced immediately.

We humbly submit.



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DATED AT “MOOMIN & BOTTA” SOLICITORS, KUMASI THIS 25TH APRIL, 2022

.....E-Signed.....

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