

DISCIPLINARY COMMISSION

In the Matter of
Basketball England
v
Gediminas Libas

COMMISSION

The Commission members appointed by Basketball England were:

Chairman: Thomas Cleeve
Member: Andre Costa
Member: Gerald Daish

Rachel Scase acted as Secretary to the Commission.

The hearing took place online via Microsoft Teams on 24/02/2022 commencing at 4.15pm.

Mr Libas elected to have the matter dealt with by correspondence only and was not present at the hearing.

CHARGE

Basketball England charged Mr Libas on 02/02/2023 with the following:

1. Breach of Disciplinary Code 5.4: Language or Behaviour aggravated by reference to a protected characteristic.

It was alleged that Mr Libas used language or behaviour that made reference to race and/or colour, this specifically refers to monkey noises being made during the game.

RESPONSE

Mr Libas denied making monkey noises and instead stated he was making a hound barking sound to spook a player from Big Dog Ballin.

COMMISSION'S FINDINGS

The Commission considered the following:

- Report from Aaron Tucker, Big Dog Ballin;
- Statement from Jack Garrett, Big Dog Ballin;
- Statement from Jake Martindale, Big Dog Ballin;
- Statement from Lloyd Browne, Big Dog Ballin;
- Statement from Mark Stallard, Big Dog Ballin;
- Statement from Jason Davies, Big Dg Ballin;

- Links to full game footage;
- Statement from Jay Tyre, Referee;
- Statement from Gediminas Libas, Meru;
- Statement from Marius Eidrigevicius, Meru;
- Email containing statements and a screenshot provided by the Suffolk Basketball League; and
- Three video clips from the game, provided by Big Dog Ballin.

The Commission noted that the noises were heard by a number of people in attendance at the match, the majority of whom described them as monkey noises or chants. In addition, the Commission unanimously agreed after watching the video footage that Mr Libas was making monkey noises and not hound barking as stated by him. It did not consider Mr Libas' version of events as plausible and noted that the noise was made when a black player from Big Dog Ballin was in possession of the ball.

The Commission judged that an aggravating feature of the act was its repeated and pre-meditated nature.

COMMISSION'S DECISION

The Commission unanimously found, on the balance of probability, the charge of a Breach of Disciplinary Code 5.4 PROVEN.

SANCTION

1. Mr Libas is suspended from all basketball activity for TEN matches.
2. Mr Libas is fined £150.
3. Mr Libas is required to attend an equality education session.

RIGHT OF APPEAL

There is a right of appeal against this decision under Regulation 13 of the Disciplinary Code.

Chairman Thomas Cleeve

Date 02/03/2023