

1988 February 15

(A LOIZOU, SAVVIDES, PIKIS, JJ)

1. CHRISTOS SAVVA MATHIKOLONI,
2. STEPHANOS SOFOCLEOUS,

Appellants,

v

THE POLICE,

Respondents

(Criminal Appeals Nos. 4967 & 4968)

Sentence -- Riot, contrary to sections 70, 72 and 20 of the Criminal Code, Cap 154 and common assault contrary to section 242 of the same code — Offences stemming from act of hooliganism during a football match — Appellant No 1, a builder, 25 years of age, with clean record — Four months' imprisonment for the riot and three months' for the assault — Not manifestly excessive 5

Sentence — Assaulting a police officer in the execution of his duty contrary to section 244(6) of the Criminal Code, Cap. 154 — Offence stemming from act of hooliganism during a football match — Appellant No. 2, a young man of 19, with clean record — Five months' imprisonment — Not manifestly excessive 10

The first appellant, a builder of 25 years of age with clean record, was sentenced for the offences of riot and common assault to the aforesaid terms of imprisonment, sentences to run concurrently. The second appellant, a young man of 19 with clean record was sentenced for assaulting a police officer to the aforesaid term of imprisonment. 15

The above offences stemmed from acts of hooliganism during a football match.

Held, dismissing the appeals 20

Incidents of hooliganism that appear with disturbing frequency in our football grounds have to be stopped and those, who cannot control themselves, should realize that there is a severe price to be paid for their misconduct.

Appeals dismissed.

Appeals against sentence.

Appeals against sentence by Christos Savva Mathikoloni and Another who were convicted on the 8th January, 1988 at the District Court of Larnaca (Criminal Case No. 8179/87) as follows:
5 Appellant 1 on one count of the offence of taking part in a riot contrary to sections 70, 72 and 20 of the Criminal Code Cap. 154 and on one count of the offence of common assault contrary to section 242 of the Criminal Code and appellant 2 on one count of the offence of assaulting a police officer contrary to section 244(b)
10 of the Code and were sentence to 4 months' and 3 months' imprisonment (appellant 1) and to 5 months' imprisonment (appellant 2).

Appellants appeared in person.

Gl. HadjiPetrou, for the respondents.

15 A. LOIZOU J. gave the following judgment of the Court. The two appellants were prosecuted with two others, before the District Court of Larnaca for offences which stemmed from acts of hooliganism during a foot-ball match between «ANORTHOSIS» Club, of Farnagusta and «AEL» Club, of Limassol, that was taking
20 place at Antonis Papadopoulos Stadium on the 10th May, 1987.

It appears that this match had great importance in the championship results for «AEL». On account of that it attracted a far greater number of supporters of that club than of «ANORTHOSIS». The supporters of «AEL» were mainly
25 occupying the wooden stands on the west side of the stadium to the left of the place reserved for officials, whereas the supporters of «ANORTHOSIS» were occupying the stands beyond them. Thus the two sections were forming an angle of almost ninety degrees. There were on duty at that point twelve policemen
30 under the command of Chief Inspector A. Elias. Five minutes before the conclusion of the match and whilst the result was three goals to one in favour of «ANORTHOSIS», about fifty supporters of «AEL» among them the appellants came down from the stands they were occupying and proceeded towards the yard of the
35 stadium and started shouting, gesticulating and throwing stones, they rushed towards the stand where the supporters of «ANORTHOSIS» were and they started hitting them. At the same time flags were lowered from their poles and burnt and the Police called reinforcements. The first appellant was among those taking

part in the riot and he also assaulted unlawfully, unknown persons, whereas the second appellant assaulted Police Constable Mavis in the due execution of his duty.

The first appellant was found, on his own plea guilty of taking part in a riot contrary to sections 70, 72, and 20 of the Criminal Code, Cap 154 and of common assault contrary to sections 242 of the Code. He was sentenced to four months' imprisonment on the first count and three months' imprisonment on the second count, sentences to run concurrently.

The second appellant was found, on his own plea guilty of the offence of assaulting a police officer in the due execution of his duty contrary to sections 244(b) of the Code and he was sentenced to five months' imprisonment

The facts placed before the learned trial Judge gave in detail the circumstances under which the offences with which the two appellants and indeed the two other persons charged with them. There was a dispute, however, as to who provoked the incidents and evidence on that issue was rightly heard being a matter relevant to mitigation.

The learned trial Judge also heard from counsel appearing on behalf of the two appellants all that had to be said in mitigation relating to the personal circumstances of each of them. They are both first offenders and of young age. The first appellant is a builder, twenty-five years of age and the second appellant a soldier nineteen years of age, facts noted by the learned trial Judge, and rightly so in our view. In passing sentence, however, he stressed the fact that foot-ball grounds should be places of fair competition and not battle grounds and places of vandalism, and further noted that such incidents are frequently occurring in recent years and that was a factor not to be ignored by the Courts.

We have heard both appellants in mitigation who stressed their young age and referred to their past good conduct as well as to the possible delay that the term of imprisonment may have in the case of the second appellant in his proceeding abroad for higher studies. We have, however, come to the conclusion that the sentences imposed on them are not manifestly excessive, in the circumstances, justifying the interference of this Court on appeal.

We fully endorse the approach of the learned trial Judge that incidents of hooliganism that appear with disturbing frequency in our foot-ball grounds have to be stopped and that those who

cannot control themselves should realize that there is a severe price to be paid for their misconduct. Sportsmanship carries with it the element of being a gentleman and not a hooligan and decent behaviour should be the rule and not the exception, during such
5 athletic events.

.For all the above reasons the appeals are dismissed.

Appeals dismissed.