



**REAL FEDERACION ESPAÑOLA DE FUTBOL**

Las Rozas (Madrid), 17 de Octubre de 2007

Sr. Presidente  
Real Club Recreativo de Huelva SAD  
Huelva

REF: Jugador Ersen Martin Ref: No 07-00811/sak

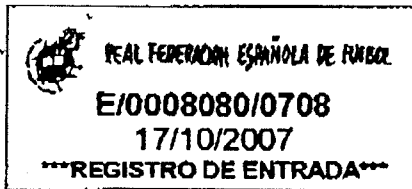
Estimado Presidente:

Le adjunto la documentación remitida por FIFA, con fecha 17 de octubre de 2007, referente al jugador Ersen Martin.

Reciba un cordial saludo,

Atentamente,

Fdo. Emilio A. García Silvero  
Jefe del Departamento de Asuntos Legales  
Y Comités Disciplinarios.



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**To:** Real Federación Española de Fútbol **Date:** 17 October 2007  
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**To:** Turkish Football Association **Total pages:** 5  
Fax: +90-212/282 7016 **(incl. this page)**

Club Trabzonspor Futbol  
c/o Mr Marco del Fabro  
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**Re:** Provisional Registration of the player, Ersen Martin  
(Spanish Football Federation / Turkish Football Association)  
(Ref.Nr. 07-00811/sak)

**Fédération Internationale de Football Association**

FIFA-Strasse 20 P.O. Box 8044 Zurich Switzerland Tel: +41-(0) 43-222 7777 [www.FIFA.com](http://www.FIFA.com)

Dear Sirs,

Please find attached the decision passed in the aforementioned matter by the Single Judge of the Players' Status Committee on 16 October 2007.

Yours faithfully,

On behalf of the  
Players' Status Committee

Maja Kuster Hoffmann  
Deputy Head of Players' Status

**Fédération Internationale de Football Association**

FIFA-Strasse 20 P.O. Box 8044 Zurich Switzerland Tel.: +41-(0)43-222 7777 Fax: +41-(0)43-222 7878 [www.FIFA.com](http://www.FIFA.com)

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## **Decision of the Single Judge of the Players' Status Committee**

passed on 16 October 2007,

by **Mayer-Vorfelder** (German),

Single Judge of the Players' Status Committee,

on the request made by the

**Spanish Football Federation**

for the provisional registration of the player, **Ersen Martin**,  
for its affiliated club, **Real Club Recreativo Huelva S.A.D.**

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**I. Facts of the case**

1. On 30 August 2007, the player Ersen Martin and the Spanish club, Real Club Recreativo Huelva S.A.D., concluded an employment contract valid from 1 September 2007 until 30 June 2009.
2. On 31 August the Spanish Football Federation (RFEF) requested the Turkish Football Association (TFF) to issue the International Transfer Certificate (ITC) for the player Ersen Martin.
3. On 5 September 2007, the RFEF contacted FIFA asking for its assistance in obtaining the ITC from the TFF for the player Ersen Martin based on the employment contract signed between the said player and Real Club Recreativo Huelva S.A.D.
4. In this respect, Real Club Recreativo Huelva S.A.D. explained that it had concluded on 31 August 2007 with Club Trabzonspor Futbol a transfer agreement regarding the player Ersen Martin. According to the said transfer agreement both clubs agreed that the Spanish club had to pay the transfer amount of EUR 1,000,000 until 11.59 p.m. of the same date. After the failure of transferring the amount in due time, as a result of a wrong IBAN number, the Turkish club declared the agreement as invalid. The Spanish Club stated that it paid the amount on 3 September 2007 but the Turkish club did not accept the late payment. Therefore, the Spanish club is of the opinion that it acted "*bona fide*" and that no valid reason exists for the refusal of the ITC.
5. FIFA informed the TFF about all the details of the matter at stake, submitting the relevant documents received from the RFEF and asking them to either issue the relevant ITC for the player Ersen Martin or to provide FIFA with any valid reasons they might have for refusing to do so.
6. On 10 September 2007 respectively on 1 October 2007, the TFF answered FIFA's request explaining that according to its club, Trabzonspor Futbol, the player still has a valid contract till 31 May 2008. Furthermore, the transfer agreement dated 31 August 2007 with Real Club Recreativo Huelva S.A.D. was not fulfilled because the payment did not take place within the prescribed time period. Besides, Club Trabzonspor Futbol denied that a wrong IBAN number has been indicated. Finally, Club Trabzonspor Futbol pointed out that the player Ersen Martin expressed clearly with his letter dated 19 September 2007 his wish to rehabilitate

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International Transfer Certificate for the Player Ersen Martin  
(Spanish Football Federation / Turkish Football Association)

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In Turkey and to stay as a consequence with the Turkish club. Therefore the TFF refuses to issue the ITC.

7. FIFA asked the RFEF for explanation, whether finally the player wishes to play for the Spanish or the Turkish Club. Hereupon Real Club Recreativo Huelva S.A.D. submitted a letter dated 25 September 2007 signed by the player Ersen Martin, according to which the player expressed his wish to play for Real Club Recreativo Huelva S.A.D.
8. Club Trabzonspor Futbol denied the authenticity of the letter dated 25 September 2007 and maintained that the player told his Manager that he never signed such a letter.
9. After all, FIFA asked the RFEF and the TFF for the original copy of this letter. On 8 October 2007 the player complied with the request and submitted the original copy of the letter dated 25 September 2007.

## **II. Considerations of the Single Judge of the Players' Status Committee**

1. First of all, the Single Judge of the Players' Status Committee established that on the basis of art. 23 par. 3 and Annex 3 art. 2 par. 6 of the Regulations for the Status and Transfer of Players (hereafter: the Regulations), he was competent to deal with the present request for authorisation to provisionally register the player in question.
2. Subsequently, and after a careful study of all documents at his disposal as well as of the parties' statements, the Single Judge started his deliberations by taking note that the Spanish club, Real Club Recreativo Huelva S.A.D. and the Turkish club, Trabzonspor Futbol, concluded on 31 August 2007 a transfer agreement regarding the player Ersen Martin. Due to this transfer agreement, the player Ersen Martin and the Spanish club, Real Club Recreativo Huelva S.A.D. signed on 30 August 2007 an employment contract valid until 30 June 2009.
3. Entering into the substance of the matter, the Single Judge acknowledged that the Turkish club, Trabzonspor Futbol, objected to the issuance of the ITC explaining that it concluded an employment contract with the player which is still valid until 31 May 2008.
4. Equally, the Single Judge took due note of the content of the player's letter dated 25 September 2007, by means of which he expressed his wish to play for

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the Spanish club. In this context, the Single Judge took into account that the Turkish Club is contesting the authenticity of the aforementioned letter.

5. In this respect, the Single Judge stressed that, as a general rule, he has no penal competence to judge over the alleged falsification of documents but that such affairs fall into the jurisdiction of the competent criminal authority.
6. However, the Single Judge emphasized that there exist no reason to not believe in the authenticity of the relevant document, since upon FIFA's request a copy of the original document had been provided directly from Germany with the player's sender.
7. The Single Judge pointed out that, in particular, a possible (financial) dispute between clubs on the execution of the transfer agreement may not affect and interfere with a player's career.
8. In this respect, the Single Judge stated that the present decision related to the authorisation to provisionally register the player in question is without prejudice to any possible future decision which might be passed by the competent bodies as to the substance of a dispute between two clubs or any other litigation.
9. In light of all of the above, the Single Judge decided to authorize the Spanish Football Federation to provisionally register the player Ersen Martin with its member club, Real Club Recreativo Huelva S.A.D.

### III. Decision of the Single Judge of the Players' Status Committee

The Spanish Football Federation is authorized to provisionally register the player, Ersen Martin, with its affiliated club Real Club Recreativo Huelva S.A.D. with immediate effect.

For the Single Judge of the  
Players' Status Committee:

Markus Kattner  
Deputy General Secretary

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International Transfer Certificate for the Player Ersen Martin  
(Spanish Football Federation / Turkish Football Association)