

Date: 20 May 2022

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Cc:
CONCACAF

Notification of the grounds of the Decision

Ref FDD-10807

Dear Madam, Dear Sir,

Please find attached the grounds of the decision passed in the aforementioned case by the Chairperson of the FIFA Disciplinary Committee on 21 April 2022.

We would appreciate your taking due note of this decision and ensuring its implementation.

Yours faithfully,

FIFA

A handwritten signature in black ink, appearing to read 'C. Schneider'.

Carlos Schneider
Director of the FIFA Judicial Bodies

Decision of the FIFA Disciplinary Committee

passed on 21 April 2022

DECISION BY:

Jorge Ivan Palacio (Colombia), Chairperson

ON THE CASE OF:

Panamanian Football Association

(Decision FDD-10807)

REGARDING:

FIFA Disciplinary Code, Article 12 – Misconduct of players and officials (FDC 2019)

FIFA Disciplinary Code, Article 16 - Order and security at matches (FDC 2019)

I. FACTS OF THE CASE

1. The following summary of the facts does not purport to include every single contention put forth by the actors at these proceedings. However, the Chairperson of the FIFA Disciplinary Committee (**the Committee**) has thoroughly considered any and all evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline of its position and in the ensuing discussion on the merits.
2. On 30 March 2022, a match was played between the representative teams of Panama and Canada in Panama City (Panama– Attendance 8,325 spectators – Final score 1-0) in the context of the Preliminary Competition of the FIFA World Cup Qatar 2022™, CONCACAF Zone (**the Match**).
3. In this context, according to the report of the Referee of the Match (**the Referee Report**), the Panamanian team received nine (09) individual sanctions on its players and officials (8 yellow cards and 1 red card) as follows:

Team A

Cautions, Avertissements, Amonestaciones, Verwarnungen

A	B	C	D	E
15	DAVIS Eric	15	A	Unsporting Behaviour
6	MARTINEZ Cristian	47	A	Unsporting Behaviour
3	CUMMINGS Harold	57	A	Unsporting Behaviour
8	CARRASQUILLA Adalberto	89	A	Unsporting Behaviour
7	RODRIGUEZ Jose Luis	90+5	A	Unsporting Behaviour
1	MEJIA CAJAR Luis	90+7	D	Delaying Restart

“Incidents caused by Players or Officials:

Yellow card was issued to Panama Assistant Coach, Javier Sanchez Jara, in the 15 minute for dissent by word and action. In the 41st minute, Panama Head Coach, Thomas Christiansen was shown a yellow card for dissent by action after kicking a ball away in protest of the referees decision. In the 84 minute, Assistant Coach Javier Sanchez Jara was shown red card for deliberately leaving the technical area acting in a provocative and inflammatory manner toward the match officials. (...)”

4. In addition, according to the report of the Match Commissioner of the Match, the Panamanian team received nine (09) individual sanctions on its players and officials (8 yellow cards and 1 red card) as follows:

Team A

Cautions, Avertissements, Amonestaciones, Verwarnungen

A	B	C	D	E
15	DAVIS Eric	15	A	Unsporting Behaviour
6	MARTINEZ Cristian	47	A	Unsporting Behaviour
3	CUMMINGS Harold	57	A	Unsporting Behaviour
8	CARRASQUILLA Adalberto	89	A	Unsporting Behaviour
7	RODRIGUEZ Jose Luis	90+5	A	Unsporting Behaviour
1	MEJIA CAJAR Luis	90+7	D	Delaying.

“Incidents caused by Players or Officials:

*1. **The Assistant Coach from Panama Javier Sanchez Jara, was cautioned in the 15th minute for dissent by word and action. In the 84th minute, Assistant Coach Javier Sanchez Jara from Panama was shown red card for leaving the technical area acting in a provocative manner toward the Match Officials.***

*2. **Panama Head Coach, Thomas Christiansen was shown a yellow card in the 41st minute for dissent by action, kicking a ball away.”***

5. Furthermore, the Match Commissioner mentioned the following incidents in his report (**the MC Report**):

“Incidents caused by Spectators:

1. During the pre-match ceremony, while the National Anthems were playing, two red colored flares were turned on the east side tribune.

2. During the 83th minute while the players (some substitutes and starters from both teams were arguing next to the Canada technical area, a cardboard cup filled with liquid was thrown from the west side tribune without hitting no one, falling next to the technical area and Fourth Official area. (...)”

6. In connection with the above, the Match Commissioner enclosed within the MC Report photographic evidence in relation to the *“flares on the east side tribune during the pre match protocol”* and *“Cardboard cup thrown to the technical areas zone”*.
7. Furthermore, the FIFA Security Officer reported the following in connection with the Match within his Incident report (**the Security Report – free English translation**):

“General comments:

When the Panama anthem started in the stadium, fans from the West Sector lit two flares and several fans climbed on the perimeter fence during the whole anthem. The reaction of the police and private security was immediate but not forceful.

At approximately 83 minutes there was an argument between players and coaching staff on the substitutes' benches of both teams. A fan threw a glass of liquid near where the players were arguing without hitting any of them. Following this incident, the police increased security in the eastern sector.”

8. In connection with the above, the Security Report was further supported by photographic evidence (also enclosed within the Security Report) in relation to the incident(s) as described therein.
9. In view of the foregoing, on 31 March 2022, disciplinary proceedings were opened against the Panamanian Football Association (**the Respondent**) with respect to the potential breach of arts. 12 and 16 of the FIFA Disciplinary Code (**FDC**). In particular, the latter was provided with the Referee Report, the MC Report and the Security Report (collectively, **the Match Reports**) and was granted a six-day deadline

within which to provide the Secretariat to the FIFA Disciplinary Committee (**the Secretariat**) with its position.

II. RESPONDENT'S POSITION

10. On 06 April 2022, the Respondent provided its position, which can be summarised as follows (*free English translation*):

- The sending off of Mr. Sanchez Jara during the Match is understood to be in light of art. 12 (1) (c) FDC, even though at no time was there any *"incitement to referring error"* and Mr. Sanchez Jara's attitude was not intended to be inflammatory or provocative.
- In the previous two (2) minutes of the Match, there was a discussion about a possible disallowed goal by the Canadian team. This goal, after being consulted by the referee through the VAR, was indeed disallowed and therefore Mr. Sanchez Jara's *"appeal"* was far from inciting refereeing error and rather sought to incite the *"referee's own correctness"*, as there could have been an objective error if this play was not re-refereed.
- The Respondent has absolute respect for the referee's decisions, however it is important that the Committee can assess the context of the play, and looking at the video footage of the Match it can be observed that the attitude of Mr. Sanchez Jara was never aggressive or inflammatory, and accepts the referee's decision.
- Mr. Sanchez Jara can only be seen to be questioning the linesman about the reason(s) for the referee's decision and did not seek to provoke an incorrect decision – his attitude never being aggressive towards the referee or the linesman.
- With regards to the two behaviours linked to art. 16 (2) (c) FDC, the Respondent acknowledged the existence of the flares, and considered it important to point out that the flares were identified as *"Smoke of colour AX-60"* and that the *"supplier of the same highlights the differentiation"* between pyrotechnic material and the *"technical smoke"*.
- The technical data sheet in relation to the smoke demonstrated that the duration of the smoke does not exceed 3-4 minutes in any case, the smoke contains no hazardous substances and that the smoke is considered to be a non-toxic substance to humans.
- In the Referee Report under the sections 'Incidents caused by Spectators' and 'Other Incidents before or after the Match', the Referee reported no incidents.
- The Respondent does not seek to indicate to deny that *"these events"* took place, but does seek to point out, as established in the Security Report, that when *"these events"* occurred, the police and private security acted *"immediately"*. The former is demonstrated as the Match started at the scheduled time and without and trace of *"this event"* affecting the development of the Match.
- The flares were an isolated incident thanks to the stadium's *"foreseen security"*. The security personal and policemen were able to act quickly and effectively in the face of *"this event"* in order to prevent it from being significant in the development of the Match, to the point that the Referee did not even highlight in his report in which specific areas the flammable objects were used.

- The Respondent is always aware of “*these prohibited attitudes*” and is raising awareness among fans. Proof of the aforementioned is demonstrated by a ‘story’ which the Respondent posted on its social networks a few hours before the start of the Match, warning of the prohibition on carrying glass or plastic containers, as well as smoke or lasers.
- With regards to the throwing of a small cardboard cup containing water which can be interpreted as an infringement of art. 16 (2) (b) FDC, the Respondent highlighted that the throwing of any object should not be excused, however pointed out that in relation to the cardboard cup there was no intention of aggression or attack, neither on the refereeing staff nor on the members of the Canadian team.
- At the time of the throwing of the cup, the Referee had just disallowed an illegal goal by the Canadian team and the fans expressed joy as a result – the action was a celebration of the former and not a desire for aggression. The Respondent understands that euphoria does not justify such behaviour, but considered the intention or lack of malice important to take into account.
- Among thousands of fans, one (1) threw a cardboard cup with water over the fence. The event was isolated and the preventative measures taken by the Respondent to avoid any access to other glass or plastic containers were effective.
- Nobody was hit by the thrown cup and liquid and the Respondent stipulated that it is seeking through the images available to identify the perpetrator in order to restrict the latter’s access to the stadiums and matches of Panama. Further, the Security Report, following the incidents, indicated that the police increased their vigilance in the eastern sector, reinforcing and taking the appropriate measures.
- The Respondent is committed to supplying its best efforts to prevent such behaviours.
- With regard to the possible infringement of art. 16 (2) (c) FDC, the Respondent considered that account should be taken of the immediate response of the police and security personnel to control the Match, and the fact that this rapid action meant that the Match was not affected for a single second.
- With regard to the possible infringement of art. 16 (2) (b) FDC, the context of the Match should be taken into account and although it is not excusable, the Respondent considered it worth nothing that the intention was not one of aggression but one of ‘celebration’.
- Within the MC Report there was a very positive assessment of all organisational arrangements of the Match.
- The Respondent requested that the circumstances as described above be taken into account in relation to Mr. Sanchez Jara’s conduct when assessing a possible sanction and “*weighing it up*”.
- The Respondent likewise requested that the facts subject to the disciplinary infringement(s) as set out in art. 16 (2) (b) and 16 (2) (c) FDC should be dispensed with, as the Respondent made every effort to avoid “*them*” and even after “*they occurred*”, in both cases immediate measures were taken to rectify them. Subsidiarily, the Respondent requested that a warning or reprimand be imposed by the Committee.

11. The Respondent provided video evidence and photographic evidence in support of its position.
12. The Committee, once again, reiterated that it has considered all the facts, allegations, legal arguments and evidence provided by the Respondent, and in the present decision had only referred to those observations and evidence regarded as necessary to explain its reasoning.

III. CONSIDERATIONS OF THE DISCIPLINARY COMMITTEE

13. In view of the circumstances of the present matter, the Committee decided to first address the procedural aspects, namely, its jurisdiction and the applicable law, before entering into the substance of the matter and assessing the possible breaches committed, as well as the potential sanctions, if applicable, resulting therefrom.

A. Jurisdiction of the FIFA Disciplinary Committee

14. First of all, the Committee noted that at no point during the present proceedings did the Respondent challenge its jurisdiction or the applicability of the FDC.
15. Notwithstanding the above and for the sake of good order, the Committee found it worthwhile to emphasise that, on the basis of art. 2 (1) FDC read together with arts. 53 and 54 FDC, it was competent to evaluate the present case and to impose sanctions in case of corresponding violations.

B. Applicable law

16. In order to duly assess the matter, the Committee firstly began by recalling the content and the scope of the relevant provisions of the 2019 edition of the FDC, which was, in its view, the edition applicable to the present issue. In particular, the Committee considered that both the merits and the procedural aspects of the present case should be covered by the 2019 edition of the FDC.
17. With respect to the applicable regulations, the Committee first referred to art. 12 FDC which reads as follows:

Art. 12 of the FDC – Misconduct of players and officials

(...)

5. *If a national or club team conducts itself improperly (for example, if individual disciplinary sanctions are imposed by the referee on five or more players – three or more in the case of futsal – during a match), disciplinary measures may also be taken against the association or club concerned.*

(...)

18. It being clear from the wording of this provision that the foregoing also covers individual disciplinary sanctions imposed by the referee upon officials as well as players - officials comprising part of “a national or club team” and in keeping with the term “(for example (...))” which is open-ended, and as such is non-exhaustive, i.e. applies against but is not limited to.

19. In continuation, the Committee subsequently referred to art. 16 FDC which reads as follows:

Art. 16 of the FDC – Order and security at matches

(...)

2. *All associations and clubs are liable for inappropriate behaviour on the part of one or more of their supporters as stated below and may be subject to disciplinary measures and directives even if they can prove the absence of any negligence in relation to the organisation of the match:*

- a) the invasion or attempted invasion of the field of play;*
- b) the throwing of objects;*
- c) the lighting of fireworks or any other objects;*
- d) the use of laser pointers or similar electronic devices;*
- e) the use of gestures, words, objects or any other means to transmit a message that is not appropriate for a sports event, particularly messages that are of a political, ideological, religious or offensive nature;*
- f) acts of damage;*
- g) causing a disturbance during national anthems;*
- h) any other lack of order or discipline observed in or around the stadium.*

20. It is clear from the wording of this provision that its main purpose is to ensure that matches are properly organised so that no incident can occur and disrupt any football match.

21. In particular, art. 16 (2) FDC contains a strict liability rule according to which an association, whether home or visiting, is responsible for the behaviour of its own spectators. In this regard, the Committee recalled that according to CAS jurisprudence, the term “supporter” is an open concept, which must be assessed from the perspective of a reasonable and objective observer¹. This means that the behaviour of the person may lead a reasonable and objective observer to conclude that the latter is a supporter of that particular club/association. Moreover, CAS specified that the behaviour of individuals and their location in and around the stadium are important criteria in determining the team they support².

C. Standard of proof

22. Firstly, the Committee recalled that the burden of proof lies with FIFA, which is required to prove the infringement under art. 36 (1) FDC.

20. Secondly, the Committee pointed out that, according to art. 35 (3) FDC, the standard of "*comfortable satisfaction*" is applicable in disciplinary proceedings. According to this standard of proof, the onus is on the sanctioning authority to establish the disciplinary violation to the comfortable satisfaction of the judging body, taking into account the seriousness of the allegation.

21. Finally, the Committee referred to art. 40 FDC, according to which the facts contained in the match officials' reports, as well as in the supplementary reports or correspondence submitted by the match officials, are presumed to be accurate, bearing in mind that proof of their inaccuracy may be provided.

¹ CAS 2015/A/3874 Football Association of Albania v. UEFA & Football Association of Serbia

² CAS 2007/A/1217 Feyenoord Rotterdam v. UEFA

22. Having clarified the foregoing, the Committee proceeded to consider the merits of the case.

D. Merits of the case

1. Issue of review

23. The Committee started to analyse the evidence at its disposal, in particular the documentation and information provided in the scope of the present disciplinary proceedings, in order to determine the potential violations of the FDC.
24. In this context, the Committee acknowledged the following elements from the Match Reports:
- a. The Respondent's representative team received nine (09) individual sanctions upon its players and officials – eight (8) yellow cards and one (1) red card – during the course of the Match (as reported by both the Referee and the Match Commissioner – **Incident 1**);
 - b. During the pre-match ceremony, whilst the national anthem of Panama was playing, two red coloured flares were lit (incident reported by both the Match Commissioner and the FIFA Security Officer – **Incident 2**);
 - c. At minute 83 of the Match, a cardboard cup filled with liquid was thrown from the west side tribune, without hitting anyone, and fell next to the technical and Fourth Official area (incident reported by both the Match Commissioner and the FIFA Security Officer – **Incident 3**);
25. With the foregoing in mind, the Committee proceeded to analyse the abovementioned incidents in order to assess (i) whether they had occurred, and should it be the case (ii) whether any provisions of the FDC had been breached.
- a. Incident 1 – the nine individual sanctions received by the Panamanian representative team during the Match**
26. To begin with, the Committee noted that it was clearly identified by both the Referee and Match Commissioner that the Respondent's representative team received nine individual sanctions upon its players and officials – eight (8) yellow cards and one (1) red card – during the course of the Match.
27. In this context, the Committee took into account the evidence before it and duly noted that the Respondent did not provide any particular submission with respect to the individual sanctions imposed on the players of the Respondent's representative team or Mr. Thomas Christiansen (Panamanian Head Coach).
28. In this respect however, the Committee acknowledged the submissions of the Respondent with regards to Mr. Javier SANCHEZ JARA (Panamanian Assistant Coach), the Committee noting that the Respondent did not challenge the individual sanction(s) imposed on Mr. Javier SANCHEZ JARA during the Match, but rather emphasised that (i) the Respondent had no intention to incite the referee to error; (ii) the Respondent did not intend to be inflammatory or provocative in his attitude; (iii) the video footage demonstrates that the attitude of the Respondent was never aggressive or inflammatory and that he

accepts the referee's decision; and (iv) the Respondent was only questioning the linesman about the reason(s) for the referee's decision, the Respondent neither being aggressive towards said linesman.

29. Therefore, the Committee, in view of the foregoing and on the basis of the case file and the assumed veracity of match officials' reports (cf. art. 40 FDC), was comfortably satisfied that the Respondent's representative team had received nine individual sanctions upon its players and officials in the context of the Match – specifically eight (8) yellow cards and one (1) red card – as reported by both the Referee and the Match Commissioner.

b. Incident 2 – the two red flares lit during the pre-match ceremony

30. Having concluded the foregoing, the Committee subsequently remarked that both the MC Report and the Security Report clearly stipulated that during the pre-match ceremony two red coloured flares were lit.
31. In this regard, given that neither the MC Report nor the Security Report specified the perpetrator(s) of Incident 2, the Committee went on to analyse the other evidence at its disposal, in particular, the photographic evidence provided by both the Match Commissioner and the FIFA Security Officer within their respective reports.
32. In this context, the Committee remarked from the photographic evidence provided that the flares can be observed to have been lit in Panamanian supporter section(s) of the stadium. As a result of the foregoing, the Committee concluded on the basis of the photographic evidence before it that the perpetrators of Incident 2 were Panamanian supporters.
33. Moreover, given that the Security Report indicated that the two flares were lit when the Panamanian anthem started to play in the stadium, any (reasonable and objective) observer could only conclude that the perpetrators of said incident were supporters of the Panamanian team.
34. In this respect, the Committee acknowledged that the Respondent did not contest that the aforementioned incident occurred or that the perpetrators of the incident were Panamanian supporters, but rather emphasised within its submissions, in particular, (i) that it was an isolated event; (ii) that the Match was not affected by the incident and; (iii) that the police and private security acted immediately in response to the incident.
35. Therefore, summarising and taking into account the above, the Committee was comfortably satisfied that during the pre-match ceremony two red-coloured flares were lit by supporters of the Panamanian team.

c. Incident 3 – the cardboard cup filled with liquid thrown at minute 83' of the Match

36. In continuation, the Committee remarked from the MC Report and the Security Report that at minute 83' of the Match, a cardboard cup filled with liquid was thrown by a supporter from the west side tribune without hitting anyone, and fell next to the technical area and Fourth Official area.
37. In this regard, the Committee observed that according to publicly available information³, the west side tribune was occupied by Panamanian supporters.

³ <https://fepafut.com/>

38. In this context, the Committee took into account the case file before it and acknowledged that the Respondent did not contest the occurrence of Incident 3, nor that the former was committed by (a) Panamanian supporter(s), but rather submitted, in particular, that (i) there was no intention of malice or attack; (ii) the action was a celebration of the disallowed goal of Canada by the Referee; (iii) the event was isolated; (iv) nobody was hit by the thrown object and; (v) the preventative measures taken by the security elements after the incident were effective.
39. Therefore, in view of the foregoing, the Committee was comfortably satisfied that at minute 83' of the Match, Incident 3 was committed by a Panamanian supporter.
40. Having clarified the above, the Committee decided to analyse the abovementioned incidents in light of the FDC, in order to assess whether any provisions of the FDC had been breached.

2. Infringements committed during the Match in light of the FDC.

41. To begin with, and as established above, the Committee had no doubt that Incident 1 involving members of the Panamanian representative team, and Incident 2 and Incident 3 involving Panamanian supporters, had occurred during the Match.
42. As previously mentioned, such incidents were reported within the Referee report, the MC report and the Security Report (collectively considered) and were not contested by the Respondent.

i) Incident 1

43. Firstly, with regards to Incident 1, the Committee recalled that pursuant to art. 12 (5) of the FDC, *"if a national or club team conducts itself improperly (for example, if individual disciplinary sanctions are imposed by the referee on five or more players – three or more in the case of futsal – during a match), disciplinary measures may also be taken against the association or club concerned"*. In other words, under art. 12 (5) FDC, disciplinary measures may be taken against associations should (players, officials or delegates of) their national team engage in misconduct.
44. In particular, the Committee highlighted once more that the term *"(for example (...))"* is open-ended, and as such is non-exhaustive, *i.e.* applies against but is not limited to.
45. Against such background, the Committee proceeded to underline that from a national team, which stands as a representation of the applicable nation on a worldwide scale, FIFA expects an unwavering and exemplary professional, decent and respectful attitude towards all members of the Football family, including opposing players and officials, match officials and fans. Such sportsmanlike behaviour is expected at all times without question, whether being on or off the pitch.
46. In this sense, the Committee impressed that any contradictory conduct and/or behaviour that is not compatible with the abovementioned principles, may leave the association of the contravening representative team concerned open to potential sanction for said misconduct - as provided for under the (non-exhaustive) scope of art. 12 (5) FDC.
47. With the foregoing in mind, the Committee recounted that nine (09) individual sanctions were imposed by the Referee on the players and officials of the representative team of the Respondent in the Match

(Incident 1), and thus determined that the former constitutes a clear breach of art. 12 (5) FDC, as expressly provided for within said article.

48. Furthermore, given the arguments brought forward by the Respondent in this respect in connection with Mr. Javier SANCHEZ JARA (Panamanian Assistant Coach), the Committee wished to emphasize that the context which lead to the issuance of the red card by the Referee (or indeed the yellow card) was irrelevant with regards to the assessment of the potential breach of art. 12 (5) FDC, and that in any case the decisions taken by the referee on the field of play are final and may not be reviewed by the FIFA Judicial Bodies in accordance with art. 9 (1) FDC and art. 14 (6) Regulations for the FIFA World Cup 2022™ Preliminary Competition.
49. Therefore, taking into account the above, the Committee considered itself bound by the assessment made by the Referee as transcribed within his report, especially when considering that i) the Match Commissioner corroborated the assessment of the Referee (that the Respondent's representative team received nine (09) individual sanctions during the course of the Match), the facts stated within the MC Report likewise being presumed to be correct pursuant to art. 40 FDC and; ii) the Respondent did not provide sufficient evidence demonstrating the inaccuracy of the Referee Report.
50. As such, the Committee had no other option but to conclude that the Respondent's representative team had behaved in an unsuitable manner, falling short of the standards of conduct expected in football in light of the nine individual sanctions received by the representative team of the Respondent during the course of the Match, and that the Respondent was therefore in breach of art. 12 (5) FDC.

ii) Incidents 2 and 3

51. Having determined the foregoing, the Committee subsequently turned its attention to Incidents 2 and 3, and recalled once more that it had no doubts that the two flares were lit, and the cup filled with liquid thrown, by Panamanian supporters.
52. As previously mentioned, such incidents were reported within the MC Report and the Security Report and were not contested by the Respondent.
53. In this regard, the Committee pointed out that art. 16 (2) FDC, as outlined *supra*, establishes a strict liability on associations in so far that they are liable for the inappropriate behaviour on the part of one or more of their supporters and may be subject to disciplinary measures, even if they can prove the absence of any negligence in relation to the organisation of the match.
54. With the foregoing in mind, the Committee acknowledged the submissions of the Respondent with respect to Incident 2, that (i) the police and private security acted immediately in response to the incident; (ii) the flares were an isolated event due to the stadium's "*foreseen security*"; (iii) the Match was not affected by the incident due to the rapid response of the police and security; and (iv) the Respondent is raising awareness of these "*prohibited attitudes*" among fans, and had posted a story on its social networks prior to the Match warning of the prohibition on carrying *inter alia* smoke or lasers.
55. Taking into account the foregoing, the Committee underlined that pursuant to art. 16 (2) (c) FDC the supporters of a representative team, within the scope of a given match, are prohibited from the lighting of fireworks or any other objects, and highlighted that the fact that two flares were lit during the pre-match ceremony by (a) Panamanian supporter(s) (Incident 2) undoubtedly constitutes prohibited conduct

within the scope of said article - the latter covering the lighting of any and all types/kinds of fireworks – the security/police response and the non-effect of the incident upon the Match in no way negating the prohibition on such conduct pursuant to art. 16 (2) (h) FDC.

56. This being established, the Committee turned its attention to Incident 3 and took into account the Respondent's submissions that (i) whilst the throwing of the cardboard cup filled with liquid could be interpreted as an infringement of art. 16 (2) (b) FDC, there was no intention of malice or attack towards the refereeing staff or members of the Canadian representative team; (ii) the action was a celebration of the disallowed goal of Canada by the Referee, and whilst the behaviour was not excusable, the Panamanian supporters were expressing joy and lacked malice; (iii) the event was isolated and the preventative measures taken by the Respondent to prevent further incident(s) were effective; (iv) nobody was hit by the thrown object and; (v) the Respondent is raising awareness of these "*prohibited attitudes*" among fans, and had posted a story on its social networks prior to the Match warning of the prohibition on carrying *inter alia* glass or plastic containers.
57. With the above in mind, the Committee recounted that pursuant to art. 16 (2) (b) FDC the supporters of a representative team, within the scope of a given match, are prohibited from the throwing of objects. Therefore, the Committee deemed that the cardboard cup filled with liquid which was thrown during the Match by a Panamanian supporter, constituted clearly prohibited conduct within the scope of art. 16 (2) (b) FDC – the lack of intention of the perpetrator, the circumstances leading to the event, the security/police response and/or the fact that nobody was hit by the object in no way negating the prohibition on such conduct pursuant to art. 16 (2) (b) FDC.
58. Therefore, taking into account all of the above, the Committee had no other option but to conclude that the Respondent was responsible for the inappropriate behaviour of its supporters in accordance with art. 16 (2) FDC. Indeed, this provision clearly provides that associations are liable for the inappropriate behaviour of its supporters, especially with regard to *the lighting of fireworks or any other objects* (lit. c – Incident 2) and *the throwing of objects* (lit. b – Incident 3).

iii) Summary

59. In view of the foregoing, the Committee concluded that the Respondent, as a result of Incident 1 as described above, was in breach of art. 12 (5) FDC. Further, with respect to Incidents 2 and 3, the Committee deemed that pursuant to art. 16 (2) FDC the Respondent was liable for the inappropriate behaviour of its supporters in each instance.
60. As a result, the Committee held that the Respondent had to be sanctioned accordingly.

3. Determination of the sanction

61. The Committee observed in the first place that the Respondent was a legal person, and as such was subject to the sanctions described under art. 6 (1) and (3) FDC.
62. For the sake of good order, the Committee underlined that it is responsible to determine the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking into account both aggravating and mitigating circumstances (art. 24 (1) FDC).

63. As established above, the Respondent was found liable for the improper conduct of its national team in accordance with art. 12 (5) FDC and for the inappropriate behaviour of its supporters (art. 16 (2) FDC).
64. With those elements in mind, the Committee went on to analyse the various circumstances of the case at stake, namely to define the potential aggravating and/or mitigating factors to be taken into account when deciding upon potential sanctions to be imposed upon the Respondent.
65. To begin with, the Committee first acknowledged that the Respondent presented a clean record during the present competition (the Preliminary Competition of the FIFA World Cup Qatar 2022™) in relation to the type of incidents which occurred during the Match.
66. Further, the Committee wished to emphasise its appreciation towards the efforts made by the Respondent prior to the Match (*its social media publication(s) conducted towards discouraging the inappropriate behaviour of its supporters*) but also during the Match (*recognising that the security elements reacted effectively and diligently to the incidents which occurred*).
67. This being said, the Committee held that it could not ignore (i) the particularly extensive number of individual sanctions received by the Respondent's representative team in the course of the Match; (ii) the risk to the safety and security posed by the flares and the object thrown to the Match attendees (whom may have been injured as a result of the former).
68. With such considerations in mind, the Committee considered that, among the range of sanctions available under art. 6 FDC, a fine was an appropriate measure to be imposed against the Respondent in respondent to the Incidents which occurred during the Match at stake.
69. As such, the Committee recalled that such fine, in accordance with art. 6 (4) FDC, may not be lower than CHF 100 and greater than CHF 1,000,000.
70. As a result, the Committee held that a fine amounting to CHF 9,000 is to be considered appropriate and proportionate given the incidents which occurred during the Match, such incidents being incompatible with the values promoted by FIFA. In particular, the Committee was satisfied that such amount would serve the necessary deterrent effect, while encouraging the Respondent to implement the necessary measures to prevent such incidents to happen again.

IV. DECISION OF THE DISCIPLINARY COMMITTEE

- 1. The Panamanian Football Association is ordered to pay a fine to the amount of CHF 9,000 for the misconduct of the members of its representative team (nine (09) individual sanctions imposed by the referee on its players and officials), as well as for the inappropriate behaviour of its supporters (throwing of objects, lighting of fireworks) in connection with the match *Panama vs. Canada* played on 30 March 2022 in the scope of the Preliminary Competition for the FIFA World Cup Qatar 2022™, CONCACAF Zone.**
- 2. The fine is to be paid within 30 days of notification of the present decision.**

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Jorge Ivan Palacio (Colombia)

Chairperson of the FIFA Disciplinary Committee

NOTE RELATING TO THE PAYMENT OF THE FINE:

Payment can be made either in Swiss francs (CHF) to account no. 0230-325519.70J, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH85 0023 0230 3255 1970 J or in US dollars (USD) to account no. 0230-325519.71U, UBS AG, Bahnhofstrasse 45, 8098 Zurich, SWIFT: UBSWCHZH80A, IBAN: CH95 0023 0230 3255 1971 U, with reference to case number above mentioned.

NOTE RELATING TO THE LEGAL ACTION:

According to art. 58 (1) of the FIFA Statutes reads together with arts. 49 and 57 of the FDC, this decision may be appealed against before the Court of Arbitration for Sport (CAS). The statement of appeal must be sent to the CAS directly within 21 days of receipt of notification of this decision. Within another 10 days following the expiry of the time limit for filing the statement of appeal, the appellant shall file a brief stating the facts and legal arguments giving rise to the appeal with the CAS.