

Disciplinary Committee

FIFA[®]

Date: 18 September 2024

Sent to:
Iraqi Football Association

Notification of the grounds of the Decision

Ref. no. FDD-19009

Dear Madam, Dear Sir,

Please find attached the grounds of the decision passed in the aforementioned case by a member of the FIFA Disciplinary Committee on 05 September 2024.

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

Yours faithfully,

FIFA



Carlos Schneider
Director of the FIFA Judicial Bodies

Fédération Internationale de Football Association

FIFA-Strasse 20 P.O. Box 8044 Zurich Switzerland
Tel: +41 43/222 7777 - Email: disciplinary@fifa.org

Decision of the FIFA Disciplinary Committee

passed on 05 September 2024

DECISION BY:

Thi My Dung NGUYEN (Vietnam), Member

ON THE CASE OF:

Iraqi Football Association

(Decision FDD-19009)

REGARDING:

Article 17 - Order and security at matches (FIFA Disciplinary Code, ed. 2023)

I. FACTS

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 member 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 27 July 2024, a match was played between the representative teams of Argentina and Iraq in Lyon, France (**the Match** - attendance 30,008 spectators – final score 3-1) in the context of the Olympic Football Tournament - Games of the XXXIII Olympiad Paris 2024™- Final Competition (**OFT**).
3. In this context, the Match Commissioner mentioned the following incident in his report (**the Match Commissioner Report**):

"About 10mins before kick-off, security personnel seized a drone from an Iraqi spectator in the main stands (Category 1) just before it was flown".
4. On 30 July 2024, disciplinary proceedings were opened against the Iraqi Football Association (**the Respondent**) with respect to the potential breach of art. 17 of the FIFA Disciplinary Code, ed. 2023 (**FDC**). In this respect, the Secretariat of the FIFA Disciplinary Committee (**the Secretariat**) made a proposal to the Respondent in accordance with art. 58 FDC, in conjunction with Annexe 1 FDC.
5. On 31 July 2024, the Respondent rejected the proposed sanction and submitted its position. Accordingly, the Respondent was informed that the present matter would be submitted to the FIFA Disciplinary Committee.

II. RESPONDENT'S POSITION

6. The Respondent's position can be summarised as follows:
 - The Respondent is not responsible for the drone incident because (i) the Respondent is not the host or organizer of the OFT, and the incident did not occur in a match played or hosted on Iraqi territory, (ii) infringements that occur in the OFT fall under the joint responsibility of FIFA, the IOC and the French Football Federation, (iii) there is no proof that the individual caught with the drone is an Iraqi fan (as international football matches attract spectators of different nationalities), and (iv) the Respondent does not have the right or authority to control the behaviour of its fans.

III. CONSIDERATIONS OF THE DISCIPLINARY COMMITTEE

7. In view of the circumstances of the present case, the Committee decided to first address the procedural aspects of the the case, i.e. its jurisdiction and the applicable regulatory framework, before proceeding to the merits of the case and determining the possible infringements as well as the possible resulting sanctions.

A. Jurisdiction of the FIFA Disciplinary Committee

8. 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.
9. Notwithstanding the above and for the sake of good order, the Committee found it worthwhile to emphasize that, on the basis of art. 2.1 FDC read together with arts. 55 and 56 FDC, it was competent to decide on the present matter.
10. In addition, the Committee recalled that, in line with art. 58 FDC, where a party rejects the proposed sanction from the Secretariat, the matter shall be referred to it for a formal decision to be rendered.
11. Moreover, in line with art. 57(1)(a) FDC, the Committee found that a member of the Committee can rule on the matter alone as a single judge.
12. In view of the above, the Committee confirmed that it was competent to evaluate the present case and to impose sanctions in case of corresponding violation(s).

B. Applicable law

13. In order to duly assess the matter, the Committee firstly began by recalling the content and the scope of the relevant provisions of the 2023 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 2023 edition of the FDC.
14. In continuation, the Committee referred to art. 17 (2) FDC in the following terms:

Art. 17 (2) 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:

(...)

h) any other lack of order or discipline observed in or around the stadium”.

15. It is clear from the wording of this provision that art. 17 (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.

C. Standard of proof

16. Firstly, the Committee recalled that the burden of proof lies with FIFA, which is required to prove the infringement under art. 41 (1) FDC.

17. Secondly, the Committee pointed out that, according to art. 39 (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.
18. 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.
19. Having clarified the foregoing, the Committee proceeded to consider the merits of the case.

D. Merits of the case

1. Issue of review

20. The relevant provisions having been recalled, and the above having been established, the Committee proceeded 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.
21. In this context, the Committee acknowledged the following elements from the Match Commissioner Report:
 - About 10 mins before kick-off, security personnel seized a drone from an Iraqi spectator in the main stands (**the Incident**).
22. With the foregoing in mind, the Committee proceeded to analyse the abovementioned incident in order to assess whether it had occurred, and should it be the case whether any provisions of the FDC had been breached.

2. Infringement committed by the Respondent

23. To begin, the Committee noted that it was clearly reported by the Match Commissioner that an Iraqi spectator had a drone in the main stands. In this respect, the Committee wished to recall that in accordance with art. 40 FDC, the facts stated in the reports or records of the match officials are presumed to be correct, although it is possible to prove the contrary. However, this has not occurred in the present case as the Respondent has not submitted any evidence to rebut the Match Commissioner Report.
24. Next, the Committee considered that the possession of a drone falls within art. 17(2)(h) FDC as it constitutes a lack of order or discipline in the stadium. Indeed, this is explicitly recognized in Annexe 1 FDC, which lists "Drone" as an "Offence", even in circumstances where there is "*no match interruption*" and "*no impact on the match*".
25. In light of the foregoing, the Committee was comfortably satisfied that a lack of order and discipline in the stadium occurred in breach of art. 17 (2) FDC, thus incurring liability of the Respondent under the principle of strict liability contained in said provision.

26. The Committee rejected the Respondent's argument that it could not be held responsible for the Incident since it was not a host of the Match and allegedly did not have the "*right or authority to control the fans' behaviour*". In this regard, the Committee emphasized that art. 17 (2) FDC is a strict liability rule according to which the Respondent is responsible for the behaviour of its own spectators, irrespective of whether it is the host of the Match.

3. The determination of the sanction

27. 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.

28. 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. 25 (1) FDC).

29. In addition to the above and as far as the Incident is concerned, the Committee emphasised the seriousness of the offence committed. In this respect, the Committee endorsed the developments of the Court of Arbitration for Sport (CAS) that the use of a drone constitutes "*a very serious threat for the security of a football match*".¹ As a matter of fact, the Committee considered that such devices could easily endanger players and/or spectators on the grounds. As such, it represents a concrete risk to the safety of those attending a match.

30. On the other hand, the Committee noted that, fortunately, the drone was seized by security personnel before the Iraqi fan was able to use it. Moreover, the Respondent had not been sanctioned for a similar incident during the present OFT or any other prior competition.

31. With this in mind, the Committee pointed out that Annexe 1 FDC provides a list of specific disciplinary measures which may be taken into consideration in drone cases and that it considers as appropriate a fine of CHF 15,000 for a first offence of possession of a drone where no match interruption and no impact on the match occurred (as *in casu*). As such, after analysing the circumstances pertaining to the present case, whilst taking into account the outstanding amounts in light of Annexe 1 FDC, the Committee decided to impose a fine of CHF 15,000 on the Respondent. The Committee found a fine of this amount in line art. 6 FDC, which provides that one of the sanctions available under art. 6 FDC is a fine not lower than CHF 100 and greater than CHF 1,000,000.

32. The Committee was hopeful that such sanction would serve the necessary deterrent effect, both on the Respondent and its supporters, while encouraging the Respondent to continue its efforts to prevent such incidents from occurring in the future.

¹ CAS 2015/A/3874

Decision

- 1. The Iraqi Football Association is ordered to pay a fine to the amount of CHF 15,000 for the inappropriate behaviour of its supporters (lack of order or discipline in or around the stadium resulting from a drone) in connection with the match *Argentina vs Iraq* played on 27 July 2024 in the scope of the Men's Olympic Football Tournament Paris 2024.**
- 2. The fine is to be paid within 30 days of notification of the present decision.**

FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION



Thi My Dung NGUYEN (Vietnam)
Member of the FIFA Disciplinary Committee

LEGAL ACTION:

According to art. 61(1)(d) of the FDC, read together with arts. 47(2) and 50(3) of the FIFA Statutes, this decision is final and binding and may not be appealed to the FIFA Appeal Committee or the Court of Arbitration for Sport (CAS).

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 the abovementioned case number.