

# Disciplinary Committee

**FIFA**<sup>®</sup>

Date: 10 January 2022

Sent to:  
Asociación del Fútbol Argentino  
gerencia@afa.org.ar;  
apatonurich@afa.org.ar

C.C:  
CONMEBOL

## Notification of the grounds of the Decision

Ref FDD-9665

Dear Sirs,

Please find attached the grounds of the decision passed in the aforementioned case by the FIFA Disciplinary Committee on 15 December 2021.

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](mailto:Disciplinary@fifa.org)

# Decision of the FIFA Disciplinary Committee

passed on 15 December 2021

## DECISION BY:

**Mr. Anin YEBOAH (Ghana) (Deputy Chairperson)**

**Ms. Polly Louise HANDFORD (England) (Member)**

**Mr. Kia Tong LIM (Singapore) (Member)**

## ON THE CASE OF:

**Asociación del Fútbol Argentino**

(Decision FDD-9665)

## REGARDING:

Art. 13 - FDC - Discrimination

## 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 FIFA Disciplinary Committee (**the Committee**) has thoroughly considered in its discussion and deliberations 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 16 November 2021, a match was played between the representative teams of Argentina and Brazil in San Juan (Argentina – Attendance 25,000 spectators – Final score 0-0) in the context of the Preliminary Competition of the FIFA World Cup Qatar 2022™, South American Zone (**the Match**).
3. Following the Match, the FARE Network provided FIFA with a report mentioning the following (**the FARE Report**):

Where were the most active Team A (Argentina) fans located?: *In the areas designated tribunas populares, upper and lower*

Where were the most active Team B (Brazil) fans located?: *Due to COVID protocols, no away fans present*

### **Incident 1:**

Where: *Throughout the entire stadium*

When: *8 mins 1st half: 15 second duration or 20:38. 40 mins 2nd half: 10 second duration.*

*Home fans sang "a estos putos les tenemos que ganar" ("we have to beat these faggots"), a usual chant in Argentina stadiums. This song refers to the inferiority of the rival, but uses a gender identity or a sexual orientation (men's homosexuality) to express that inferiority.*

*The word "puto" (ENG: "faggot") is a homophobic slur used towards gay men. It discriminates on the grounds of sexual orientation.*

**Evidence:** *Video evidence: Argentina v Brazil 11.16.2021 Chant.*

4. The FARE Report was further supported by a video footage recorded by a FARE observer present at the Match.
5. On 18 November 2021, in view of the foregoing, disciplinary proceedings were opened against the Asociación del Fútbol Argentino (**the Respondent**) with respect to the potential breach of art. 13 of the FIFA Disciplinary Code (**FDC**). In particular, the latter was provided with the aforementioned report and was granted a six (6) day deadline within which to provide the Secretariat to the FIFA Disciplinary Committee (**the Secretariat**) with its position.

## II. RESPONDENT'S POSITION

6. On 29 November 2021, the Respondent provided its position which can be summarised as follows (*free English translation from Spanish*):
- The Respondent requested the present proceedings to be closed without sanction on the Respondent.
  - The Respondent emphatically denies that the two sporadic chants of some supporters present in the stadium were discriminatory, derogatory or vexatious against the dignity or integrity of a country, person or group, in contravention of art. 13 FDC.
  - It is striking that the documentation provided does not include the report of the main referee or of the match commissioner of the Match, and only consists of the FARE Report, which does not bear the signature of the alleged on-pitch observer, nor proves that he was actually present at the stadium on the day of the Match.
  - The FARE Network cannot be considered as a match official in accordance with the regulations in force.
  - According to art. 40 FDC, the facts recorded in the reports or minutes of the match officials are presumed to be correct notwithstanding proof to the contrary. Therefore, as the FARE Network is not a match official according to the current regulations in force, it does not enjoy the presumption of accuracy or veracity, even more so when there is not even a minimal identification of the person who has supposedly carried out the FARE Report.
  - On this basis, the Respondent rejects the accusations made and requests the immediate closure of the present case.
  - Without prejudice to the foregoing, the Respondent stipulates that it will proceed to disprove and refute in detail the false accusations made in the FARE Report, thereby proving that the Respondent did not infringe any article of the FDC, and that consequently, the present proceedings should be closed without sanction.
  - The Respondent strictly complies with the national and international rules of FIFA and collaborates with the public authorities in the exercise of its own competences with regards to measures for tolerance and against discrimination in public events.
  - Amongst other activities carried out by the Respondent, the Respondent mentions the agreement with INADI (National Institute against Discrimination, Xenophobia and Racism) regarding the "*Observation of Discrimination in Football*" - currently in force - which dates back several years and consists of various actions, both within the scope of national championships and national team matches, aimed at raising awareness in society in general.

- The FARE Report refers to an alleged incident which does not constitute a discriminatory act of any kind.
- The incident described in the FARE Report has fallacies which can be deduced from a simple reading and contrast with the accompanying video footage.
- It is not proven that those chanting are all the spectators in the stadium as the FARE Report maliciously indicates, and it is impossible to see from the images alone who, and how many, spectators are chanting.
- It is however possible to see that there are only 10 seconds of a chant which cannot be considered at any time as constituting an offence for the purposes of the application of art. 13 FDC, and that the chant was sung by a very small number of spectators in attendance.
- There are no images of the alleged repetition of the chanting in the second half of the Match, on which basis the Respondent denies that such an event took place.
- As is common knowledge, the expressions which are being judged in the present case are a form of expression by the perpetrators which, despite the sexual reference, does not constitute a serious offence in any country in the region, being used habitually by people of all cultures and social strata to, in most cases, reprove an attitude or in this case to push the Respondent's team to win the Match.
- As a result, the Respondent considers that FIFA cannot deem such expressions as a serious offence and thereby mercilessly dismiss the cultural element(s) of the countries under its governance.
- Using the literal translation of a popular expression as evidence to demonstrate its seriousness is an error which would oblige FIFA from now on to translate each and every image in which a football player or spectator of any nationality appears, and to correspondingly sanction those attitudes that, although considered non-offensive in their respective countries, are considered as such in Switzerland.
- It should also be noted that "*this sound*", which the FARE Report claims to be a homophobic and discriminatory term, is made by a miniscule group of people to the point that it cannot even be heard clearly.
- In the hypothetical and unlikely event that the Committee understands that the persons are saying "*a esos putos le tenemos que ganar*", such a term does not represent an insult towards the Brazilian players and officials, whom are not even specifically named, nor does it reach the threshold of "homophobic and discriminatory", as it is only a term used in the football environment in the Respondent's country in order to encourage pursuit of victory, and which is widely accepted and does not represent any offence or insult – in the present day it is almost an idiom and not a discriminatory act.
- For all intents and purposes, the FARE Network reporter, when he points out "*The word "puto" (ENG: "faggot") is a homophobic slur used towards gay men. It discriminates on the grounds*

*of sexual orientation.*", must not understand the local idiosyncrasies or, at the very least, be biased in his assessment in order to report what FIFA wants to hear and not the reality of the situation.

- This term is commonly used by the citizens of Argentina and South America in their everyday language.
- The Respondent totally and emphatically denies that the use of this term is homophobic and discriminatory. Moreover, the way of thinking of the FARE Network reporter aggravates the Respondent as it is neither the Respondent's nature, nor that of its society in general.
- Therefore, the referred to events should be understood as a way of expression of the countries of the region, intending to support the Argentinean national team in order for it to triumph, and can never be given a sexual connotation as the FARE Report claims and which "*the Disciplinary Committee has passed on to [the Respondent]*".
- This would be forcing the language to justify a sanction. The Respondent states that it would be interesting to know whether the FARE Network reporter consulted those who chanted the chants about their sexual orientation, and to which group the chants were directed.
- Moreover, the introduction of the term into everyday language has led some authors to consider it a "fashionable" word, such as José Antonio Hernández Guerrero, who considers that "*the meaning of the sentence is not the simple sum of the meanings of the words that make it up, and the value of the oral expression depends, to a large extent, on the tone with which it is pronounced*".
- According to some studies, the common use of this type of words is one of the most complex aspects of teaching native speakers of other languages learning Spanish, as words which are considered as insults can be intrinsically simple expressions.
- Some textbooks stress the need to make it clear that the value acquired by words varies depending on the context in which they are pronounced.
- In short, the Respondent insists once again that art. 13 FDC does not apply, taking into account that the public which would have chanted such a chant are unaware of the sexuality of a team or of the opposing team's supporters and did not refer to anyone or any group in particular, the chant rather being of a general nature and in accordance with the footballing customs of "[the Respondent's] countries".
- To understand it in any other way is not to have been in the Respondent's country.
- In the hypothetical and unlikely event that the Committee does not agree with its arguments and finds that any of the terms used by a miniscule number of supporters constitutes an act which fall under art. 13 FDC, the Respondent wishes to make it clear that it condemns any kind of discriminatory behaviour and that it will continue to invest resources and time in order to prevent and combat all forms of offensive and discriminatory behaviour during football

matches, taking all necessary measures and actions to eradicate all forms of racism, discrimination and inappropriate behaviour, as it has been doing continuously and repeatedly.

- To this end, the Respondent has been running campaigns on social media which were also played on the state screen during the matches played against Uruguay and Peru at the Antonio Vespucio Liberti (Monumental) stadium, and also during the present Match. These actions were complimented by a constant participation of the stadium voice reminding every five minutes as follows:

*"Discriminatory chants of any kind are strictly forbidden. We ask the public to respect the national and FIFA regulations, as such behaviour generates the possibility of sanctions against the Argentinean Football Association and our national team. Thank you very much."*

- In relation to the campaigns, the Respondent enclosed two audio-visual campaigns (one with the players of the national team) and also the twitter links where they can be seen<sup>1</sup> - the campaigns were also replicated on Instagram and on the Respondent's official website.
- Finally, the Respondent pointed to an alleged error in the FARE Report under the section 'Pre-Match activities', whereby the FARE Report states that there were no anti-discrimination activities or banners in the vicinity of the stadium.
- The Respondent stipulated that *"this is clearly a lie"*, as inside the stadium, in the headers behind the goal posts, two banners of 7 meters wide by 25 meters long were placed denoting the following: *"WE ARE ALL BROTHERS. NO TO DISCRIMINATION. NO TO XENOPHOBIA. NO TO NO TO RACISM"*.
- Therefore, in the unlikely event that the Committee should decide to sanction the Respondent, it is uniform jurisprudence that when determining the type and extent of the sanction, the objective and subjective elements of the offence must be assessed, taking into account the aggravating and mitigating circumstances.
- In this sense, the lack of background information, the implementation of prevention campaigns, and the fact that the video provided by the FARE Network demonstrates the presence of a single chant by only a few people and for 10 seconds, should be taken into account as mitigating factors for an *"alleged conduct by a minuscule number of fans in a spontaneous manner"*.
- The foregoing being despite all the efforts and measures of the Respondent to combat this type of behaviour/attitude, and considering that it is materially impossible to guarantee that no person individually and autonomously would make such a mistake during a match of the Argentinian national team match.

---

<sup>1</sup> <https://twitter.com/argentina/status/1448766305784369154?s=11>, <https://twitter.com/argentina/status/1448674295614357505?s=11>, <https://twitter.com/argentina/status/1460698993286127617?s=24>

- The Respondent has done everything in its power to ensure that there are no discriminatory acts of any kind at matches organised by it, and undertakes to redouble its efforts if deemed necessary by the Committee.
  - In view of the foregoing, the Respondent requests the present case to be closed without any sanction imposed against it.
  - In the alternative, in the hypothetical and unlikely event that the Committee does not agree with its arguments and decides that the Respondent should be sanctioned, in accordance with the provisions of art. 24 FDC, the correct thing to do would be to apply a non-sporting sanction (e.g. the implementation of a prevention plan), given the alleged degree of offence, the single incident reported, the small number of people whom chanted, and the preventive measures put in place by the Respondent.
7. The Respondent provided supporting photographic evidence with regards to its position as outlined above.
8. 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

9. In view of the circumstances of the present case, the Committee decided to first address the procedural aspects of 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

10. 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.
11. 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 art. 53 FDC, it was competent to evaluate the present case and to impose sanctions in case of corresponding violations.

#### B. Applicable law

12. 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.
13. In continuation, the Committee referred to art. 13 FDC which reads as follows:



### **Art. 13 of the FDC – Discrimination**

1. *Any person who offends the dignity or integrity of a country, a person or group of people through contemptuous, discriminatory or derogatory words or actions (by any means whatsoever) on account of race, skin colour, ethnic, national or social origin, gender, disability, sexual orientation, language, religion, political opinion, wealth, birth or any other status or any other reason, shall be sanctioned with a suspension lasting at least ten matches or a specific period, or any other appropriate disciplinary measure.*
  
2. *If one or more of an association's or club's supporters engage in the behaviour described in paragraph 1, the association or club responsible will be subject to the following disciplinary measures:*
  - (a) *For a first offence, playing a match with a limited number of spectators and a fine of at least CHF 20,000 shall be imposed on the association or club concerned;*
  - (b) *For reoffenders or if the circumstances of the case require it, disciplinary measures such as the implementation of a prevention plan, a fine, a points deduction, playing one or more matches without spectators, a ban on playing in a particular stadium, the forfeiting of a match, expulsion from a competition or relegation to a lower division may be imposed on the association or club concerned.*
  - (...)

14. The abovementioned provision represents the continuation of art. 4 of the FIFA Statutes, which strictly prohibits discrimination of any kind and on any grounds. In particular, this provision of the Disciplinary Code aims to punish the perpetrator(s) of the discriminatory act, but also holds the clubs and association to which the perpetrator(s) belong responsible for this behaviour in accordance with art. 13 (2) FDC.
15. Through this strict liability rule, the club or association concerned is responsible for the misconduct of its supporters even if it is not at fault. As such, the Committee is empowered to sanction not only the perpetrator of the discriminatory act, but also the club/association to which the latter belongs, in order to implement FIFA's zero-tolerance policy on discrimination.
16. In particular, the Committee wished to emphasise that the abovementioned principle of strict liability is a fundamental element of the football regulatory system, as well as one of the few legal tools to prevent misconduct by supporters from occurring and going unpunished.
17. In relation to the above, 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 observer<sup>2</sup>. 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 support<sup>3</sup>.

---

<sup>2</sup> CAS 2015/A/3874.

<sup>3</sup> CAS 2007/A/1217.

18. Furthermore, the Committee highlighted that it should be kept in mind that discriminatory behaviour can be intentional but also unintentional in the sense that even if the use of the terms was not intentionally addressed to a specific person or group of persons for discriminatory purposes, these terms and expressions may still be insulting in the eyes of third parties<sup>4</sup>.

### C. Standard of proof

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

### D. Merits of the case

#### 1. Issues of review

22. 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.
23. In this context, the Committee acknowledged the following elements from the FARE Report (and video evidence provided by FARE):
- At minutes 8' (first half – **the first chant**) and 40' (second half – **the second chant**) of the Match, Argentinian supporters sang "*a estos putos les tenemos que ganar*"<sup>5</sup> throughout the entire stadium (*collectively - the chants*).
  - The first chant lasted for 15 seconds, whilst the second chant lasted for 10 seconds.
  - From the video evidence provided by FARE<sup>6</sup>, supporters were chanting "*a estos putos les tenemos que ganar*" during the Match.
24. Having established the above, the Committee began by taking into account that the Respondent rejected the accusations made in the FARE Report as the FARE Network is not a match official, the FARE Report therefore not enjoying the presumption of accuracy or veracity afforded to the reports of match officials pursuant to art. 40 FDC.

---

<sup>4</sup> Cf. CAS 2016/A/4788

<sup>5</sup> Translation from FARE Network: "*we have to beat these faggots*".

<sup>6</sup> Video titled: "*Argentina v Brazil 11.16.2021 chant*"

25. In continuation, with respect to the first chant, the Committee further observed that the Respondent did not contest that the chanting occurred, but rather challenged that (i) the chant was not homophobic or discriminatory and was not intended as an insult, but rather in the Respondent's country is culturally only a term used to encourage the pursuit of victory, (ii) the video provided by the FARE Network only demonstrates that the chant lasted for 10 seconds and cannot even be heard clearly, (iii) it is not proven that the chanting was performed by 'all the spectators in the stadium' as indicated by the FARE Report<sup>7</sup> and was sung by a very small number of spectators in attendance, and (iv) the Respondent has implemented measures and actions to discourage and prevent discrimination and has conducted several campaigns aimed towards anti-discrimination.
26. Furthermore, with respect to the second chant, the Committee acknowledged that the Respondent disputed the occurrence of the former, which it considers that in any event, was not discriminatory or homophobic in contravention of art. 13 FDC.
27. Given the position of the Respondent, the Committee firstly wished to refer to art. 35 FDC, according to which "*any type of proof may be produced*". In this regard, whilst the Respondent is correct in its submissions that the FARE Network cannot be considered as a match official, the evidence submitted by the former (*i.e.* the FARE Report and accompanying video footage) should nevertheless be taken into account and assessed by the Committee.
28. In this sense, the Committee proceeded to carefully analyse the video provided by the FARE Network and remarked that during the Match, the reported chant of "*a estos putos les tenemos que ganar*" was clearly audible within the footage provided. In particular, having paid specific attention to the chanting, the Committee found no basis upon which to agree with the Respondent that the chanting was performed by a very small number of spectators, said chanting being heard within the video footage from multiple supporters in attendance. This being said, and notwithstanding, the Committee deemed it pertinent to point out that whilst it is not clear from the video provided by the FARE Network at which point during the Match the chant ("*a estos putos les tenemos que ganar*") within the video footage occurred, the Committee emphasised that it remained nevertheless that the footage still corroborates with the stipulations of the FARE Report as regards to the content and/or wording of the chanting which took place.
29. In continuation, the Committee observed that the FARE Report clearly indicated that the stipulated chant occurred twice during the Match, performed by Argentinian supporters at minutes 8' and 40' respectively. In addition, the Committee underlined, as abovementioned, that the Respondent did not contest that the first chant occurred, however pointed out, with respect to the disputed occurrence of the second chant, that the Respondent did not submit any evidence duly demonstrating the latter, rather simply asserting as such as there was not an 'image' nor video footage provided of the second chant, this being despite the stipulations within the FARE Report that the second chant occurred throughout the stadium at minute 40' of the Match. Moreover, despite the Respondent's allegations, the Committee further wished to emphasise that the latter likewise did not provide any documentary evidence within its submissions which would duly demonstrate and/or substantiate that the content of the FARE Report might be fallacious and/or incorrect.

---

<sup>7</sup> The FARE Report indicated that the first and second chant occurred "*Throughout the entire stadium*". The Respondent submits that it is impossible to determine from the images alone, who, and how many spectators were chanting.

30. In sum, and despite the allegations of the Respondent, upon the consideration of the entirety of the evidence at its disposal, the Committee was comfortably satisfied that both the first chant and the second chant occurred during the Match.
31. Having clarified the above, the Committee once more observed from the FARE Report that the chants at stake were made by Argentinean supporters and were performed *“Throughout the entire stadium”*. In addition, the Committee noted from the FARE Report that there were no supporters of Brazil present at the Match – such element not being contested by the Respondent. In other words, in the absence of any away team supporters, any (reasonable and objective) observer could only conclude that the perpetrators of the incidents at stake were supporters of the Argentinean team.
32. As such, the Committee was comfortably satisfied that the abovementioned incidents in relation to the first chant and second chant were all committed by home supporters, *i.e.* supporters of the Argentinian team.
33. Having clarified the above, the Committee decided to analyse the abovementioned incidents in order to assess whether any provisions of the FDC had been breached.

## 2. Infringements committed during the Match

34. To begin with, the Committee recalled that it had no doubts that the chants occurred during the Match and were performed by the Argentinian supporters.
35. As already mentioned, the home supporters chanted *“a estos putos les tenemos que ganar”* at minutes 8’ and 40’ of the Match, with such chant being clearly audible within the video footage at the Committee’s disposal.
36. With respect to the chants, the Committee acknowledged the submissions of the Respondent that the chants do not have the connotation attributed to them in the FARE Report, were not discriminatory or homophobic, and were not intended as an insult - rather only being a cultural term/way of expression of a general nature, intending to support the Argentinian national team in accordance with the footballing customs of the Respondent.
37. However in this respect, the Committee deemed that it could not adhere to such explanations and decided to endorse the observations from the FARE Network in so far that (i) the chants refer to the inferiority of the rival, using a gender identity or sexual orientation to express that inferiority, and (ii) the word *“puto”* (which can be translated in English as *“faggot”*), is a homophobic slur used towards gay men and discriminates on the grounds of sexual orientation.
38. In this context, the Committee highlighted that the use of a homophobic slur by supporters is in clear violation of art. 13 FDC in so far that it *“offends the dignity or integrity of (...) a person or group of people through contemptuous, discriminatory or derogatory words (...) on account of (...) sexual orientation”*.
39. On account of the above, the Committee recalled that such behaviour is strictly prohibited and is to be sanctioned accordingly.

40. As a result, the Committee considered that the home supporters performed discriminatory chants in violation of art. 13 (1) FDC, thus incurring the liability of the Respondent under the principle of strict liability contained in art. 13 (2) FDC.
41. Taking into account all of the above, the Committee therefore held that the Respondent should be held liable for the breach of art. 13 FDC and had to be sanctioned accordingly.

### 3. The determination of the sanction

42. 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.
43. For the sake of good order, the Committee underlined that it is responsible for determining 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 the aggravating and mitigating circumstances (art. 24 (1) FDC).
44. As established above, the Respondent was found liable for the discriminatory behaviour of its supporters in accordance with art. 13 FDC.
45. In particular, with regard to the discriminatory behaviour of the Argentinian fans, the Committee wished to emphasise FIFA's policy of zero tolerance towards discrimination and that any incidents in that regard should be condemned in the strongest possible terms as well as with sanctions that reflect the seriousness of the offence.
46. In continuation, the Committee recalled that, in so far that discriminatory incidents are concerned, it is bound by the minimum sanctions foreseen under art. 13 (2) (a) FDC.
47. Against such background, the Committee noted from the case file before it that the same discriminatory behaviour from Argentinian supporters had previously occurred during another match of the Preliminary Competition of the FIFA World Cup Qatar 2022™, played on 10 October 2021, and for which the Respondent had been ordered by the FIFA Disciplinary Committee to pay a fine of CHF 30,000 and to play one match, *specifically the Match in the present case*, with a limited number of spectators (decision under reference FDD-9246).
48. In particular, the Committee noted that the above decision was notified to the Respondent on 22 October 2021. As such, given that the incidents at stake are of a similar nature and gravity and have been committed after notification of said decision and within less than three years of the previous offences, the Committee was satisfied that the present matter constituted a case of recidivism in the sense of art. 25 FDC.
49. By way of consequence, the Committee deemed that it was therefore entitled to apply art. 13 (2) (b) FDC, which reads "for reoffenders or if the circumstances of the case require it, disciplinary measures such as the implementation of a prevention plan, a fine, a points deduction, playing one or more matches without spectators, a ban on playing in a particular stadium, the forfeiting of a match,

*expulsion from a competition or relegation to a lower division may be imposed on the association or club concerned.*” (emphasis added) – the Respondent qualifying as a reoffender in such context.

50. In addition to the foregoing, the Committee further took into account that the discriminatory behaviours during the Match were (i) not isolated events as they occurred (at least) on two occasions during the Match, and (ii) were performed by numerous home team supporters.
51. Having established the above, the Committee deemed that, amongst the range of sanctions listed under art. 13 (2) (b) FDC, a fine and one match to be played without spectators were the most appropriate measures to be imposed on the Respondent in response to the discriminatory behaviour of its spectators. This being said, the Committee also wished to emphasise that the list of disciplinary measures provided for under art. 13 (2)(b) is non-exhaustive - as provided for through the use of the open-ended term “(...) *disciplinary measures such as* (...)” therein - and as such, alternative sanctions besides those specifically listed under art. 13 (2) (b) FDC may also be imposed where deemed appropriate.
52. With such considerations in mind and after having reviewed the entirety of the case file before it the Committee was therefore settled in its opinion that, whilst it was entitled to apply art. 13 (2) (b) in view of the Respondent’s categorisation as a reoffender, it would be appropriate and justified that the abovementioned match without spectators be suspended for a probationary period (cf. art. 26 FDC), under the condition that the sanction to be imposed on the Respondent is accompanied by a further match to be played with a limited number of spectators. Such conclusion was reached in view of the circumstances and particulars of the case at hand, specifically the fact that despite being repeated and involving several spectators, the chants appeared to have been limited to a short period of time.
53. This being determined, the Committee therefore held that in the present circumstances a fine, a match with a limited number of spectators, and one match to be played without spectators (under probation as specified above), were appropriate measures with which to sanction the Respondent for the discriminatory behaviour of its supporters.
54. In particular, the Committee wished to acknowledge and praise the efforts and commitment of the Respondent to the fight against discrimination (specifically acknowledging the various campaigns and measures undertaken by the Respondent in this sense), but underlined that such aspect was unfortunately outweighed by the abovementioned elements. In particular, and although the chants did not last for long, it could not be ignored that they were repeated during the Match and involved multiple supporters. Such elements had undoubtedly to be put in conjunction with the fact that, as previously mentioned, the Respondent had already been sanctioned in the present competition for very similar – if not identical – incidents that led to the Match being played with a limited number of spectators. Given the occurrence of the discriminatory chants precisely during the Match at stake, the Committee was of the opinion that the previously imposed sanction appeared to not have had the necessary deterrent effect. As a result, an aggravated sanction – as specified above – was totally justified, discriminatory behaviours having no place in football.
55. With respect to the amount of the fine, the Committee recalled that in accordance with art. 6 (4) FDC, it may however not be greater than CHF 1,000,000.

56. Therefore, taking into account the entirety of the case file before it as well as the mentioned previous sanction(s) which had already been imposed on the Respondent in the present competition (Preliminary Competition for the FIFA World Cup Qatar 2022™), the Committee determined that a fine amounting to CHF 50,000 was to be considered appropriate and proportionate.
57. With regard to the match to be played with a limited number of spectators, the Committee held that such measure had to be implemented on the occasion of the next home match of the Preliminary Competition for the FIFA World Cup Qatar 2022™ to be played by the Respondent. In this respect, the Committee considered that the stands behind the goals had to be closed during the match subject to the above sanction.
58. In so far that the match to be played without spectators is concerned, the Committee emphasised that it suspended for a probationary period of two (2) years in accordance with art. 26 FDC.
59. On a final note, the Committee stressed that all above measures were considered justified, specifically taking into account the nature of the incident(s) which occurred during the Match at stake, but also the fact that this type of incident continues to occur despite the sanctions imposed previously by FIFA on the Respondent. In fact, it was expected by the Committee that such sanctions would (finally) serve to have the necessary deterrent effect, both on the Respondent and its supporters, in order to avoid similar incidents in the future.

#### **IV. DECISION OF THE DISCIPLINARY COMMITTEE**

- 1. The Asociación del Fútbol Argentino is ordered to pay a fine to the amount of CHF 50,000, for the discriminatory behaviour of its supporters in connection with the match *Argentina vs. Brazil* played on 16 November 2021 in the scope of the Preliminary Competition for the FIFA World Cup Qatar 2022™, South American Zone.**
- 2. The Asociación del Fútbol Argentino is ordered to play its next home match of the Preliminary Competition for the FIFA World Cup Qatar 2022™ (i.e. *Argentina vs. Colombia* to be played on 01 February 2022) , with a limited number of spectators. In this regard, the Asociación del Fútbol Argentino is ordered to close the stands behind the goals during the match subject to the above sanction. The Asociación del Fútbol Argentino shall submit to FIFA the proposed seating plan at the latest 10 days prior to said match.**
- 3. In addition, the Asociación del Fútbol Argentino is ordered to play one home match of the Preliminary Competition for the FIFA World Cup™ without spectators, said sanction being suspended for a probationary period of two (2) years.**
- 4. The fine is to be paid within 30 days of notification of the present decision.**

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION



**Anin YEBOAH**

Deputy 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:**

This decision can be contested before the FIFA Appeal Committee (art. 57 of the FDC). Any party intending to appeal must announce its intention to do so in writing within three (3) days of notification of the grounds of the decision. Reasons for the appeal must then be given in writing within a further time limit of five (5) days, commencing upon expiry of the first time limit of three (3) days (art. 56 par. 4 of the FDC). The appeal fee of CHF 1,000 shall be transferred to the aforementioned bank account on the date of the expiry of the time limit of five days for submitting the reasons for appeal at the latest (art. 56 par. 6 of the FDC).