

# Decision of the adjudicatory chamber of the Ethics Committee

Taken on 20 July 2020

## COMPOSITION:

Vassilios Skouris, Greece (Chairman)  
Mohammad Al Kamali, UAE (member)  
Melchior Wathelet, Belgium (member)

## PARTY:

Manuel Irénio Lopes Nascimento,  
Guinea-Bissau

Regarding an infringement of the FIFA Code of Ethics (adj. ref. no. 28/2019)

## I. FACTS OF THE CASE

### A. PROCEEDINGS BEFORE THE INVESTIGATORY CHAMBER

#### a) Procedural background

1. Mr Manuel Irénio Lopes Nascimento (“Mr Lopes Nascimento”), national of Guinea-Bissau, has been the president of the Football Federation of Guinea-Bissau (“FFGB”) since 2012. In addition, Mr Lopes Nascimento was a member of the FIFA Committee for Fair Play and Social Responsibility between 2012 and 2017.
2. On 21 October 2019, the investigatory chamber of the FIFA Ethics Committee (“investigatory chamber”) received a communication from the Confederation of African Football (“CAF”), requesting the intervention of the FIFA Ethics Committee. The correspondence contained a two-minute video showing a person on the ground bound by ropes and tires (“the victim”) being physically and verbally abused by a crowd. The mob justice incident appeared to involve a man presumed to be Mr Lopes Nascimento (a fact that Mr Lopes Nascimento himself later confirmed), who interacts and appears to confront the victim. In the same video, Mr Lopes Nascimento is filmed pouring what seems to be gasoline on the victim and the two tires blocking the victim’s chest. The video cuts after two minutes and fifteen seconds, as the abuse is ongoing.
3. On 1 November 2019, based on the information obtained throughout the preliminary investigation, the Chairperson of the investigatory chamber, Ms Maria Claudia Rojas, concluded that there was a prima facie case that Mr Lopes Nascimento committed violations of the 2019 edition of the FIFA Code of Ethics (“FCE”). Ms Rojas notified Mr Lopes Nascimento of her decision to open formal proceedings for potential violations of articles 13 (General duties), and 23 (Protection of physical and mental integrity) of the FCE and informed him of his right to submit a written statement.
4. On 13 November 2019, CAF complied with FIFA’s request to forward its entire casefile to the FIFA Ethics Committee stating that all the available information had already been shared.
5. On 18 November 2019, Mr Lopes Nascimento provided the investigatory chamber with a written statement.

#### b) Findings of the investigatory chamber

6. In its final report (“Final Report”) submitted on 18 December 2019 to the adjudicatory chamber of the FIFA Ethics Committee (“adjudicatory chamber”), the investigatory chamber found that the video recording that was provided by CAF on 21 October 2019, showed an immobilized individual being assaulted and mobbed by an angry crowd. The individual in question was subjected to physical and verbal abuses, while seated on the ground without mobility due to his hands and feet being bound by ropes and tires (placed around his torso).
7. According to the investigatory chamber, the video recording also showed a person who appears to be the leader of the crowd, and to intimidate the victim with gestures and language, as well as pouring what seems to be gasoline on the immobilized victim.

8. The investigatory chamber found that the photo and information on Mr Lopes Nascimento in the FIFA database matched the features of the man in the video recording. Additionally, Mr Lopes Nascimento, confirmed being the person in the video in his position statement to the investigatory chamber.

#### **c) Position of Mr Lopes Nascimento to the investigatory chamber**

9. Mr Lopes Nascimento's position to the investigatory chamber dated 18 November 2019 recounts the events from Mr Lopes Nascimento's perspective and stands as his main defense statement, is summarized below:
  - a. Mr Lopes Nascimento confirmed being the person in the video recording;
  - b. It was only by complete chance that he arrived to the place of the mobbing, while he was in a car heading to FFGB's headquarters;
  - c. He had nothing to do with the detention of the individual, as he was in transit when he saw a group of angry people in a mob surrounding someone on the ground;
  - d. As a member of the National Parliament and President of the Commission of Political Affairs in Guinea-Bissau, who takes his public service duties seriously, he was concerned of what was going on, parked his car and walked towards the mob;
  - e. Upon his arrival, Mr Lopes Nascimento realized that the individual was a well-known criminal in the area who happened to have previously stolen approximately 150,000 Guinean Francs and several mobile phones from him;
  - f. Because he takes his political charges within the government of Guinea-Bissau seriously, Mr Lopes Nascimento did not want to see anyone hurt or exert any type of vigilantism. That is why, he called "the Minister of Interior of the government, [...]" and asked him to send the police to the site;
  - g. While waiting for the police's arrival, to keep the angry mob at bay, Mr Lopes Nascimento poured liquid soap on the person on the ground. He further stated that his only intention by doing so, was to hold back the vigilante mob by showing that he too was outraged;
  - h. Mr Lopes Nascimento added that he only intervened in the mobbing because he was concerned about the individual's safety;
  - i. Additionally, Mr Lopes Nascimento indicated that the police arrived and dealt with the situation by arresting and escorting the individual to the police station;
  - j. Finally, Mr Lopes Nascimento maintained that the bound individual was never harmed and to this day he remains safe.

#### **d) Conclusions of the investigatory chamber**

10. Based on the above considerations, the investigatory chamber concluded that Mr Lopes Nascimento violated art. 23 of the 2019 FCE.
11. The investigatory chamber also concluded that, although art. 13 (General duties) had been breached, such violation was to be considered as consumed and absorbed by the principal and more serious breach of art. 23 of the FCE.

## B. PROCEEDINGS BEFORE THE ADJUDICATORY CHAMBER

### a) Opening of adjudicatory proceedings

12. On 19 December 2019, Mr Lopes Nascimento was informed that the adjudicatory chamber had opened proceedings based on the investigatory chamber's Final Report as per art. 68 par. 3 of the FCE.

### b) Summary of Mr Lopes Nascimento's written submission

13. On 27 January 2020, Mr Lopes Nascimento provided the adjudicatory chamber with his statement of position. In the said document Mr Lopes Nascimento requested an oral hearing, to present his defense and explain the facts. He also requested to submit a statement from "[...]" (despite minor spelling variations in his positions to the investigatory and adjudicatory chambers, it is assumed Mr Lopes Nascimento refers to [A], State Secretary for Security and Public Order in the government of Guinea-Bissau) whom, Mr Lopes Nascimento claimed he had called on the day of the events to send the police to the place of the mobbing. However, [A]'s statement has never been sent to the adjudicatory chamber.

14. Besides the above submission, Mr Lopes Nascimento also attached the written defense statement he had already sent to the investigatory chamber on 18 November 2019.

15. The adjudicatory chamber has analyzed and reviewed the case file in its entirety. This summary of Mr Lopes Nascimento's position does not purport to include every contention put forth. However, the adjudicatory chamber 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 outline of Mr Lopes Nascimento's position and the ensuing discussion on the merits.

### c) The hearing

16. A hearing was granted and was initially set on 20 February 2020, however, upon request of Mr Lopes Nascimento for his health reasons, at first and to international travel restrictions and health measures in the context of Covid-19 afterward, the hearing had to be postponed.

17. On 13 July 2020, Mr Lopes Nascimento was informed that the hearing date had been moved to 20 July 2020 and that it would be possible for participants to join by video-conference pursuant to art. 75 par. 5 of the FCE. By the same correspondence, Mr Lopes Nascimento was informed about the composition of the adjudicatory chamber's panel ("Panel"), whose members he could recuse, on the basis of art. 35 par. 4 of the FCE.

18. On 17 and 18 July 2020, Mr Lopes Nascimento's counsel informed the adjudicatory chamber that [A] would testify at the hearing as a witness and present first-hand knowledge of the events. However, the adjudicatory chamber was informed on the day of the hearing that [A] would not bear any testimony.

19. On 20 July 2020, a hearing was conducted, which all of the parties attended. Two members of the Panel (Chairperson of the adjudicatory chamber Vassilios Skouris and Mr Melchior Wathelet) attended in person, at the Home of FIFA in Zurich, Switzerland, while the third

member (Mr Mohammad Al Kamali), the Chairperson of the investigatory chamber (Ms Maria Claudia Rojas), Mr Lopes Nascimento and his legal representative participated via telephone conference.

### **1. Closing statements of the investigatory chamber**

20. In particular, Ms Rojas, the Chairperson of the investigatory chamber stated that Mr Lopes Nascimento violated arts. 13 and 23 of the FCE by taking part in the mobbing of a person and by failing to protect the victim's integrity while he was president of the FFGB and a former member of the FIFA Committee for Fair Play and Social Responsibility.
21. Ms Rojas reminded the Panel that CAF had delegated the case to FIFA as per art 30 par. 2 and that CAF had asked the investigatory chamber to initiate an investigation. FIFA's jurisdiction on the case was therefore established.
22. It was explained that the investigation had started based on a video sent to the investigatory chamber in which a person was mobbed. Mr Lopes Nascimento appeared in the video in a position of leadership with respect to the mobbing group and was filmed pouring what appears to be gasoline on the victim. Mr Lopes Nascimento alleged it was not gasoline but rather water and soap. According to the investigatory chamber, if Mr Lopes Nascimento was driving in the area and stopped there by chance, as he claimed, he was more likely to carry a gasoline can than liquid soap in his car.
23. Ms Rojas emphasized that it was hardly credible that Mr Lopes Nascimento wanted to protect the victim since he also admitted that the same man had stolen from him and burglarized his home. As to the argument according to which Mr Lopes Nascimento wanted to fake an immolation, Ms Rojas deemed it untenable since such behavior cannot be considered a reasonable way of appeasing a crowd.
24. Mr Lopes Nascimento consistently failed to provide [A] testimony and he confirmed being the man on video.
25. Mr Lopes Nascimento failed to respect the integrity of the victim. Pouring a liquid that looks like gasoline on a defenseless man, must be construed as a sign of disrespect and as a threat rather than a protective measure. Mr Lopes Nascimento, not only participated in a mobbing, he also incited others to violence. Those actions are in stark contrast with his role as the highest football authority in Guinea-Bissau and as such cannot be tolerated.

### **2. Closing statements of Mr Lopes Nascimento's legal representative**

26. Mr Lopes Nascimento's counsel stated that his client wanted to explain the facts orally to the Ethics Committee in a spirit of cooperation and in full compliance with art. 18 of the FCE (Duty to cooperate). The counsel stated that while the video showed/depicted a conduct that was without a doubt barbaric and inhuman, Mr Lopes Nascimento had not participated in tying up the victim with tires and wires/laces, but to the contrary, he was the one offering protection and the one who secured the victim's safety.
27. Mr Lopes Nascimento's counsel also stated that the investigatory chamber had disregarded two key elements of the case, namely that Mr Lopes Nascimento had arrived at the place of the mobbing by pure chance while driving from his home to the federation, and that he had provided information in good faith, such as the fact that the victim had stolen items from him.

28. Lastly, it was specified that the police report on the events could not have been retrieved because Mr Lopes Nascimento was not the subject of the police's investigations.

### **3. Oral statement of Mr Lopes Nascimento**

29. Mr Lopes Nascimento introduced himself as a family man, a member of parliament, the president of the commission for political affairs, corporation and immigration, a businessman, and a well-known figure in Guinea-Bissau as someone who takes pride in defending the most vulnerable people.

30. Then Mr Lopes Nascimento proceeded to recount the facts, stating that he was passing in the area [driving in Bissau], and found a man "arrested by the population", which was identified as a thief, a criminal, and a murderer, allegedly part of a bigger gang active in Bissau. At the time Mr Lopes Nascimento came across the mob, the man was already immobilized and on the ground.

31. Mr Lopes Nascimento stated that he told the vigilantes not to take justice into their own hands and to call the authorities. He then called [A], "the Minister of the Interior", asking him to send the police to "Zona 7" (where the incident was unfolding) or else the victim would be killed. While [A] was calling the police commissioner, Mr Lopes Nascimento remained on-site to pacify the crowd and then called [A] a second time, telling him he would have to do something to save the man's life, what he called "a simulation", to calm the crowd until the arrival of the police. The simulation in question was to douse the victim in liquid soap (referring to the brand's name "Madar"). Mr Lopes Nascimento stressed that the liquid was green [described as yellow later in his oral statement], as opposed to the petrol in Guinea-Bissau which tends to be red. After having poured the liquid, Mr Lopes Nascimento placed a third call to [A] warning that he could not control the crowd anymore. Five minutes later, two policemen arrived on a motorbike, released the victim, who was naked, and escorted him, on the bike, to the police station.

32. Mr Lopes Nascimento claimed that he subsequently went to the police station to provide information about the events and that there must be a report of his statement there.

33. Mr Lopes Nascimento alleged that the claim was part of a complot against him and an act of retaliation for his criticism of CAF and its President, Mr Ahmad.

34. Regarding the consequences that the video had in Guinea-Bissau, Mr Lopes Nascimento mentioned that he had been heard by a "commissional jury" and that [A] had also been called to a hearing to give information.

35. Lastly, Mr Lopes Nascimento provided additional details on the events, such as the fact that he protected the police from the angry crowd when they came to rescue and detain the victim. He also averred that he sent people to buy the liquid soap to a nearby Mauritanian shop owner.

## II. CONSIDERATIONS OF THE ADJUDICATORY CHAMBER

### A. COMPETENCE

36. Art. 30 of the FCE defines a primary (par. 1) and subsidiary (par. 2) competence of the FIFA Ethics Committee. According to the first paragraph of the said article, if the relevant conduct has been committed by an individual elected, appointed or assigned by FIFA to exercise a function, the Ethics Committee shall be entitled to investigate and judge the respective matter.
37. Art. 30 par. 2 provides that, where the conduct affects a confederation, the Ethics Committee shall be entitled to investigate and judge the respective matter when said conduct has not been investigated and judged, and/or cannot be expected to be investigated and judged by the relevant bodies of the confederation concerned.
38. The adjudicatory chamber notes that CAF specifically required that FIFA prosecute the case in its letter dated 21 October 2019 thereby delegating its competence to the FIFA Ethics Committee.
39. Consequently, the FIFA Ethics Committee is entitled to investigate and judge Mr Lopes Nascimento's conduct, as per art. 30 par. 2 of the FCE.

### B. APPLICABLE LAW

#### a) Applicability of the FCE *ratione materiae*

40. The adjudicatory chamber notes that, according to the Final Report of the Investigatory Chamber on the present matter, there are several indications of potential improper conduct in terms of the FCE by Mr Lopes Nascimento. In particular, during the investigations, possible violations of General duties (art. 13) and Protection of physical and mental integrity (art. 23) have been identified. The factual circumstances raise, without any doubt, questions of potential misconduct in terms of the FCE.
41. Consequently, the FCE is applicable to the case according to art. 1 of the FCE (*ratione materiae*).

#### b) Applicability of the FCE *ratione personae*

42. According to art. 2 of the FCE, the Code shall apply, inter alia, to "officials", as per the definitions section in the FCE and FIFA Statutes.
43. By virtue of his position as FFGB President since 2012, Mr Lopes Nascimento was an official within the meaning of the definition given in the FCE and the FIFA Statutes during the period presently relevant.
44. As a consequence, at the time the relevant actions and events occurred, and in view of Mr Lopes Nascimento's position in football at the time, the FCE applies to the official according to art. 2 of the FCE (*ratione personae*).

### c) Applicability of the FCE *ratione temporis*

45. As mentioned previously, the video of the incident and respective CAF correspondence by means of which the Ethics Committee was informed about a potential ethics infringement and asked to take action relate to 21 October 2019. With regard to the applicability of the FCE in time, art. 3 of the FCE stipulates that the (current) FCE shall apply to conduct whenever it occurred.
46. Consequently, the current edition of the FCE is applicable to the case according to art. 3 of the FCE (*ratione temporis*).

## C. ASSESSMENT OF POTENTIAL ETHICS VIOLATIONS

### a) Possible violation of art. 23 of the FCE (Protection of physical and mental integrity)

47. Art. 23 of the FCE reads as follows:

*1. Persons bound by this Code shall protect, respect and safeguard the integrity and personal dignity of others.*

*2. Persons bound by this Code shall not use offensive gestures and language in order to insult someone in any way or to incite others to hatred or violence.*

*3. Persons bound by this Code must refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracise or harm the dignity of a person.*

*4. Threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation are particularly prohibited.*

*5. Violation of this article shall be sanctioned with an appropriate fine of at least CHF 10,000 as well as a ban on taking part in any football-related activity for a minimum of two years. In cases of sexual exploitation or abuse, or in serious cases and/or in the case of repetition, a ban on taking part in any football related activity may be pronounced for a minimum of ten years.*

#### 1. Persons involved

48. The first requirement set out in art. 23 par. 1 of the FCE is that the person acting must be bound by the FCE. As already shown, Mr Lopes Nascimento was at the relevant time a football official, and as such, a person bound by the FCE. Mr Lopes Nascimento, was not only the president of FFGB (since 2012, re-elected in 2016), and thus the highest-ranking and a very experienced football official in Guinea-Bissau at the time of the events, but he had also been involved in international football governance through his positions at FIFA, as a member of the Committee for Fair Play and Social Responsibility (between 2012 and 2017).

#### 2. Protect, respect and safeguard the dignity and integrity of others

49. The second requirement set out in art. 23 par. 1 of the 2019 FCE is that all football officials protect, respect and safeguard the dignity and integrity of others. As such, Mr Lopes Nascimento had the duty to protect, respect and safeguard the integrity and personal dignity of others, including people outside football such as the victim.
50. The scene depicted in the video follows specific patterns, which altogether amount to a torture method known as “necklacing”. Necklacing emerged in South Africa as a punitive execution against supposed traitors to the anti-Apartheid movement. It then extended to other countries to be used as a means of extrajudicial execution against all kinds of supposed criminals. The necklacing follows a three-step process. First, the victim is tied up and tires are forced around the upper body or neck. This part is aimed at scaring and publicly shaming the victim. The second step is to pour a flammable liquid on the immobilized victim and on the tires. The last step is to set the victim on fire. It is considered particularly cruel since the tires serve not only as a shameful attribute (the “necklace”) but mainly as a way to prolong the suffering of the victim, which generally leads to death by suffocation and burning after more than twenty minutes.
51. Based on the available information, there is no doubt that Mr Lopes Nascimento was part of a crowd that assaulted a defenseless man and that he took an active role in what appeared to be either an extrajudicial execution or, in the best-case scenario, the simulation of an act of immolation (“necklacing”).
52. Mr Lopes Nascimento averred that the liquid he poured on the man during the first part of the video was water and soap. During the hearing he claimed that the soap had been purchased to a nearby Mauritanian shop owner to fake the execution. However, no evidence has been presented so far to support this version of the events. No documentary evidence was sent and neither the alleged shop owner nor anyone else present at the mobbing provided a witness statement corroborating Mr Lopes Nascimento version of the events. Contrariwise, there are some indications that the liquid used might be gasoline. First, the container resembles a gasoline can, the intended purpose of which is to carry gasoline (even though this could be replaced by another liquid). In that sense, it is noticeable that there is a piece of fabric next to the container’s cap, the purpose of which could be to prevent any gasoline spill. Second, the video shows that as soon as Mr Lopes Nascimento starts pouring the liquid on the victim, the crowd steps back and another man pushes the bystanders away in a protective way (14 seconds into the video). Third, Mr Lopes Nascimento mentioned that he was driving when he came across the group, which reinforces the probability that he might have carried petrol in his car, rather than liquid soap. It is also hard to believe that Mr Lopes Nascimento had the time and possibility to elaborate and carry out his “simulation” and to send some participants (who would have to be accomplices to his said “simulation”) to buy soap, while the mobbing was unfolding. For the above reasons, the Panel considers that, rather than soap, it is much more likely that Mr Lopes Nascimento poured a flammable liquid on the victim (most probably gasoline, based on the above reasoning).
53. Regardless of the nature of the liquid that Mr Lopes Nascimento used, his conduct is sufficient to damage the victim’s dignity. Even if it were proven that Mr Lopes Nascimento used liquid soap instead of gasoline/petrol, *quod non*, it remains that the victim was unable to move while being subjected to both verbal abuse (shouting) and physical abuse (kicking). Mr Lopes Nascimento claimed that he acted this way to gain the group’s trust, and ultimately to protect the victim. This is unlikely for several reasons. First, it is unclear why pouring gasoline (or even water and soap, as he claims) on the victim was likely to appease the angry mob. It was instead likely to escalate the situation and even antagonize the crowd further (once they would discover the “simulation”, and thus having been manipulated/duped). Second, after Mr Lopes

Nascimento emptied the can, he stood back and let the crowd continue the abuse. Third, the gestures displayed by Mr Lopes Nascimento do not seem to express or translate his alleged pacifying intentions, but appear rather aggressive, or at least hostile. Regardless of the nature of the liquid poured on the victim, the man was powerless, restrained, exposed and most probably convinced that he was about to be burnt alive.

54. In the following part of the video, Mr Lopes Nascimento seems to be on the phone. There is no indication regarding the motive or the identity of the recipient of this call. While in his statements Mr Lopes Nascimento repeatedly said that he called [A], Guinea-Bissau's State Secretary for Security and Public Order (referred to as "Minister of the Interior of Guinea-Bissau" in the positions submitted to both chambers), no evidence (call log, witness testimony, affidavit etc.) has been submitted to support the content of the call. Eight months elapsed between the submission of Mr Lopes Nascimento's statement to the investigatory chamber on 18 November 2019, in which he assured he would submit a statement from [A], and the hearing held on 20 July 2020. Still, during those eight months Mr Lopes Nascimento could not produce a single piece of evidence supporting his assertions that he called the police and that the victim was not set on fire.
55. Contrariwise, the main evidence made available to the Panel is a two-minute video in which two of the three steps of an act of necklacing seem to be fulfilled: a man is tied with ropes and tires and he is doused in what appeared to be gasoline, by Mr Lopes Nascimento. The fact that he has not been able to bring any evidence whatsoever to support his various claims (including that the third step of the necklacing or immolation was not carried out), leads the adjudicatory chamber to conclude that Mr Lopes Nascimento's version of how the events unfolded is, at the very least, not credible or plausible.
56. Furthermore, the severity of the incident, and the fact that the victim could have or may have died or suffered serious physical damage, would mandate any responsible person charged in connection to that incident to make everything possible to shed light on what occurred, and to share the maximum amount of information regarding the exact result of the incident and his/her involvement.
57. Mr Lopes Nascimento claims he found the victim already bound on the ground, that he was driving from home to the federation, that he sent people to buy liquid soap to fake an execution, that he called a high government official three times, that he supported the police's intervention, that he made a statement of the events at the police station, that a report was filed at the police station, that he asked for that report and was denied access to it, that the victim seen on the video is still alive and was escorted safely to the police station the day the video was recorded, that he asked [A] to testify about the events. However, Mr Lopes Nascimento has not supported any of the aforementioned assertions with any kind of evidence, in the eight months he had to do so. Consequently, the adjudicatory chamber cannot depart from the conclusion that Mr Lopes Nascimento doused a man in what appears to be gasoline. In light of the foregoing, the Panel finds that the Appellant has violated art. 23 par. 1 of the FCE.

### **3. Offensive gestures and languages in order to insult someone in a way to incite others to hatred and violence**

58. The second paragraph of art. 23 states that persons bound by the FCE shall not use offensive gestures and language in order to insult someone in any way or to incite others to hatred or violence.

59. The fact that Mr Lopes Nascimento poured a potentially flammable liquid on the victim is without a doubt to be interpreted as an offensive gesture and an incitement to violence which undeniably constitute a breach of art. 23 par. 2 of the FCE.

#### **4. Physical and mental abuse**

60. The third paragraph of art. 23 states that persons bound by the FCE must refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracise or harm the dignity of a person.

61. Mr Lopes Nascimento accompanied and led a crowd that abused physically and mentally a defenseless man. The public ordeal was unambiguously aimed at ostracizing the victim and was a clear violation of the man's dignity. The victim was publicly shamed, insulted, beaten, and was part of a process which could potentially result in his death. Mr Lopes Nascimento's involvement in such behavior contravenes art. 23, par. 3 of the FCE.

#### **b) Conclusion**

62. Overall, and in light of the considerations and findings above, the adjudicatory chamber holds that Mr Lopes Nascimento, by his conduct presently relevant, has violated art. 23 (Protection of physical and mental integrity).

### **D. SANCTIONS AND DETERMINATION OF SANCTIONS**

63. According to art. 6 par. 1 of the FCE, the Ethics Committee may pronounce the sanctions described in the FCE, the FIFA Disciplinary Code, 2019 edition ("FDC") and the FIFA Statutes.

64. When imposing a sanction, the adjudicatory chamber shall take into account all relevant factors in the case, including the nature of the offense, the offender's assistance and cooperation, the motive, the circumstances, the degree of the offender's guilt, the extent to which the offender accepts responsibility and whether the person mitigated his guilt by returning the advantage received (art. 9 par. 1 of the FCE). It shall decide the scope and duration of any sanction (art. 9 par. 3 of the FCE).

65. When evaluating, first of all, the degree of the offender's guilt, the seriousness of the violation and the endangerment of the legal interest protected by the relevant provisions of the FCE need to be taken into account. In this respect, it is important to note that Mr Lopes Nascimento held the highest position in football in his country and, as such, had a responsibility to serve the football community as a role model. He had also served football at FIFA level for several years as a member of the FIFA Committee for Fair Play and Social Responsibility and he is a political and public figure in Guinea-Bissau (according to his own statements). Therefore, Mr Lopes Nascimento has to be considered an experienced and educated football official, based on his extensive background both in terms of his various mandates and in terms of years of activity. Yet, his conduct revealed a pattern of blunt disrespect for core values of the FCE, violating the provision on the protection of physical and mental integrity, which represents an important rule and a serious breach.

66. With regard to the circumstances of the case, it is established that Mr Lopes Nascimento directly participated in a conduct that includes physical and mental torture, and which may/might have led to the victim's death. Mr Lopes Nascimento's role was central, as he was the one dousing the victim in the potentially flammable liquid and he admitted himself to have

commanding or at least influencing authority over the crowd (due to his various functions and status in Guinea-Bissau). While Mr Lopes Nascimento insisted that he merely staged a “simulation” of an act of immolation (necklacing), his arguments, not supported by any proof, are unconvincing. In any case, the Panel considers that, through his conduct that can be seen in the video, Mr Lopes Nascimento did not help in de-escalating the situation or protecting the victim in any way, but rather incited the crowd to further their behavior in exacting revenge or extrajudicial punishment.

67. Mr Lopes Nascimento actions were deliberate, as he faced the victim, spoke to him, poured a liquid on him and the tires binding him, and walked around him while the abuse continued. Mr Lopes Nascimento was not coerced nor influenced by the person filming nor by anyone else but rather participated on his own volition.
68. Moreover, Mr Lopes Nascimento’s involvement in the mobbing is highly detrimental to the reputation of football in that it goes against the core values of the sport, which include respect, tolerance, and integrity. By engaging in such an act (which includes elements of vigilante justice, lack of any respect for human dignity, mental and physical abuse going as far as torture) against a victim who was completely de-humanized by being tied up, rendered powerless and even naked, Mr Lopes Nascimento disrespected those core values and brought football into disrepute causing damage to all football organizations and the football family as a whole.
69. The Panel also notes that Mr Lopes Nascimento has not expressed, at any point during these proceedings, awareness of wrongdoing or remorse for his actions (a circumstance that is suited to mitigate the culpability of an offender, according to the case-law of FIFA’s judicial bodies). On the contrary, Mr Lopes Nascimento stated he felt proud as he thought that, by his actions (which would amount at the very least to a “simulation” of an immolation or necklacing), he had saved a man’s life (while failing to produce any proof that would attest the victim was safe or unharmed as a result of the incident).
70. As for the assistance and cooperation that he has shown during the proceedings, the adjudicatory chamber has taken into account that Mr Lopes Nascimento provided documentation regarding his health issues and the necessity to postpone the hearing, complied with the deadlines granted by the adjudicatory chamber, provided statements to the Ethics Committee and participated in the hearing in a spirit of cooperation and to clarify the facts. Notwithstanding the above, Mr Lopes Nascimento repeatedly failed to provide evidence to corroborate his version of the events and to comply with the various requests from the Ethics Committee aimed at determining key aspects of the case, such as most notably, the victim’s survival. In particular, he failed to submit a police report and a written statement from [A], despite assuring the adjudicatory chamber several times that he would submit such documents (and ensure [A]’s testimony at the hearing).
71. In the determination of the sanction, the Panel has taken into consideration Mr Lopes Nascimento’s lack of known disciplinary, administrative or judicial previous record and the absence of any known precedents.
72. With regard to the type of sanction to be imposed on Mr Lopes Nascimento, the adjudicatory chamber deems that only a ban on taking part in any football-related activity is appropriate in view of the inherent, preventive character of such sanction in terms of potential subsequent misconduct. In the light of this, the adjudicatory chamber has chosen to sanction Mr Lopes Nascimento by banning him from taking part in any football-related activity (art. 7 par. 1(j) of the FCE; art. 56 par. 2(f) of the FIFA Statutes; art. 11(f) and art. 6 par. 2 lit. c) of the FDC).

73. With respect to the scope and duration of a ban (see art. 9 par. 2 and 3 of the FCE), the adjudicatory chamber points out that art. 23 par. 5 of the FCE (Protection of physical and mental integrity) establishes a minimum ban duration of ten years for serious breaches of this provision. As previously discussed, there is no doubt as to the seriousness of the case at hand.
74. In view of the above, and taking into account all the respective circumstances of the matter, the Panel finds that a ban duration of ten years would be proportionate in the present case. Mr Lopes Nascimento is therefore banned on taking part in any football-related activity (administrative, sports or any other) at national and international level for a period of ten years. In accordance with art. 42 par. 1 of the FCE, the ban shall come into force as soon as the decision is communicated.
75. In the present case, the adjudicatory chamber is of the opinion that the imposition of a ban on taking part in any football-related activity is not sufficient to sanction the misconduct of Mr Lopes Nascimento adequately, in particular given the gravity of the matter. Hence, the adjudicatory chamber considers that the ban imposed on Mr Lopes Nascimento should be completed with a fine.
76. The amount of the fine shall not be less than CHF 300 and not more than CHF 1,000,000 (art. 6 par. 2 of the FCE in conjunction with art. 6 par. 4 of the FDC). Furthermore, art. 23 par. 5 of the FCE stipulates a financial sanction, represented by a minimum fine of CHF 10,000.
77. In the case at hand – taking into account the particular circumstances of the case (in particular the fact that Mr Lopes Nascimento held prominent official positions in association football and the abhorrent nature of the incident the accused was involved in, which can result / might have resulted in the victim's serious injury or even death), the adjudicatory chamber determines that a fine of CHF 100,000 would be appropriate. Accordingly, Mr Lopes Nascimento shall pay a fine of CHF 100,000.

## **E. PROCEDURAL COSTS**

78. The procedural costs are made up of the costs and expenses of the investigation and adjudicatory proceedings (art. 54 of the FCE).
79. Mr Lopes Nascimento has been found guilty of a violation of art. 23 and has been sanctioned accordingly. The adjudicatory chamber deems that no exceptional circumstances apply to the present case that would justify deviating from the general principle regarding the bearing of the costs. Thus, the adjudicatory chamber rules that Mr Lopes Nascimento shall bear the procedural costs (art. 56 par. 1 of the FCE).
80. In the present case, the costs and expenses of the investigation and the adjudicatory proceedings – including a hearing before the adjudicatory chamber – add up to [...].
81. According to art. 57 of the FCE, no procedural compensation shall be awarded in proceedings conducted by the Ethics Committee. Consequently, Mr Lopes Nascimento shall bear his own legal and other costs incurred in connection with these proceedings.

### III. DECISION OF THE ADJUDICATORY CHAMBER

1. Mr Manuel Irénio Lopes Nascimento is found responsible for a breach of art. 23 (Protection of physical and mental integrity) of the FIFA Code of Ethics, in relation to his involvement in an incident of mob justice against a man in Guinea-Bissau.
2. Mr Lopes Nascimento is hereby banned from taking part in any kind of football-related activity at national and international level (administrative, sports or any other) for a period of ten years, as of notification of the present decision, in accordance with article 7 lit. j) of the FIFA Code of Ethics in conjunction with art. 6 par. 2 lit. c) of the FIFA Disciplinary Code.
3. Mr Lopes Nascimento shall pay a fine in the amount of CHF 100,000 within 30 days of notification of the present decision.
4. Mr Lopes Nascimento shall pay costs of these proceedings in the amount of [...] within 30 days of notification of the present decision.
5. Mr Lopes Nascimento shall bear his own legal and other costs incurred in connection with the present proceedings.
6. This decision is sent to Mr Lopes Nascimento. A copy of the decision is sent to the FFGB, CAF and to the chairperson of the investigatory chamber of the FIFA Ethics Committee, Ms Maria Claudia Rojas.

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#### NOTE RELATED TO THE FINANCIAL SANCTION:

The payment of the fine and costs of the proceedings can be made either in Swiss francs (CHF) to account no. [...] or in US dollars (USD) to account no. [...], with reference to case no. "Adj. ref. no. 28/2019 (E19-00015)" in accordance with art. 7 let. e) of the FIFA Code of Ethics.

#### NOTE RELATED TO THE PUBLICATION:

The public may be informed about the reasons for any decision taken by the Ethics Committee. In particular, the chairperson of the adjudicatory chamber may decide to publish the decision taken, partly or in full, provided that the names mentioned in the decision (other than the ones related to the party) and any other information deemed sensitive by the chairperson are duly anonymised (cf. article 36 of the FIFA Code of Ethics).

**NOTE RELATED TO THE APPEAL PROCEDURE:**

In accordance with art. 82 par. 1 of the FCE and art. 58 par. 1 of the FIFA Statutes, this decision can be appealed against to the Court of Arbitration of Sport ("CAS") in Lausanne, Switzerland ([www.tas-cas.org](http://www.tas-cas.org)). The statement of appeal must be sent directly to CAS within 21 days of notification of this decision. Within another ten (10) days following the expiry of the time limit for filing the statement of appeal, the appellant shall file with CAS a brief stating the facts and legal arguments giving rise to the appeal (see art. R51 of the Code of Sports-related Arbitration).

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION



Mr Vassilios Skouris  
Chairperson of the adjudicatory chamber  
FIFA Ethics Committee