Decision
of the
FIFA Disciplinary Committee

Mr Anin Yeboah [GHA], chairman;
Mr Yasser Al Misehal [KSA], member;
Mr Thomas Hollerer [AUT], member

on 19 December 2019

to discuss the case of:
Football Association of Malaysia
(Decision 191532)

regarding:
Order and security at matches
Art. 16 of the FIFA Disciplinary Code

Incidents during the match Malaysia – Indonesia (19.11.19)
Preliminary Competition of the FIFA World Cup Qatar 2022™
I. Having noted that

1. On 19 November 2019, in the context of the Preliminary Competition of the FIFA World Cup Qatar 2022™, Asian Zone, a match was played in Kuala Lumpur, Malaysia, between the representative teams of Malaysia and Indonesia.

2. In this context, according to the Match Commissioner’s report, the following incidents occurred:

“Spectators misconduct: on the 32 minute the Indonesian supporters in the designated space (right side of grand stand) reacted negatively towards the celebrations of Malaysian supporters, as such yellow smoke noticed as a result of smoking flare that were thrown in the empty buffer by Indonesian supporters. Malaysian supporters also reacted negatively to this by igniting and throwing red smoke flare towards the Indonesian supporters whom ignited another red smoke flare and throw it again. In addition, during this incident both the supporters were seen throwing water bottles, which fell in the buffer zone, as well as damaging seats and throwing it towards the buffer zone by Indonesian supporters.

The flare incident repeated again by Indonesian supporters after the final whistle, as well as damaging some seats and throwing it in the empty buffer.

Injuries: (as reported by LOC): minor injuries (bruises) as results of flares for some spectators from both the supporters and all received treatment by LOC medical team, without any serious issues. This matter is also confirmed with LOC medical

Damaged facilities: according to the LOC the number of broken and damaged seats is about 20, and LOC confirmed that no complaints against Indonesia in this regard.

In this regard, the security existing in the buffer, as well as those on the track and in the sector designated for Indonesian supporters immediately reacted and controlled the situation.

In this sense, some pictures and videos showing the incidents reported by the Match Commissioner were provided along with the report.
3. On 26 November 2019, disciplinary proceedings were opened against the Football Association of Malaysia (hereinafter: Malaysian FA) with respect to the potential breach of article 16 of the FIFA Disciplinary Code (FDC). In particular, the Malaysian FA was provided with the aforementioned match report (along with the relevant pictures and videos provided by the Match Commissioner) and was given a six-days deadline to provide the Secretariat to the FIFA Disciplinary Committee (hereinafter: the Secretariat) with its position.

4. On 12 December 2019, the Malaysian FA provided its position which can be summarised as follows:
   - The Malaysian FA refutes that water bottles were thrown as no such bottles were sold in the stadium for security purposes;
   - Stewards were monitoring the food trucks to ensure that no canned drinks or bottled water was sold;
   - However, the Malaysian FA admits that plastic cups were thrown by some spectators but it tried its best to ensure the safety of all the spectators and no one got hurt;
   - Looking at the history of spectators from both Indonesia and Malaysia and the rivalry, the association took precaution to ensure that no disturbance would occur during the match by having meetings with the Football Association of Indonesia and the Malaysian security agencies to discuss security matters;
   - There were three layers of security checks by stewards and the Malaysia Royal Police: The first thorough security check was conducted by the stewards before entering the stadium, the second layer was a cursory check by the ticket-checkers and the third security check was conducted by the police on random individuals upon entering the stadium;
   - The Malaysian FA does not know how the spectators were still able to bring the prohibited items into the stadium and ensured that more stringent procedures will be taken in the future;
   - The Indonesian fans were throwing the seats into the buffer zone and to the Malaysians supporters. The security personnel ensured that the incident stopped and no one got injured. As this incident was beyond the Malaysian FA’s expectation it should not be attributed to the association;
   - The association took active measures to ensure matters, especially security, were discussed with the Football Association of Indonesia by sending Malaysian officials to Indonesia and with the local security agencies before, during and after the match;
   - There were 1500 personnel from the Malaysian Royal Police, 33 private security personnel and 208 stewards;
Despite the incidents reported, there were no clashes between the Malaysian and Indonesian spectators and the Malaysian FA has taken all necessary security measures to ensure the match was safe.

II. and considered

1. In assessing the case, the FIFA Disciplinary Committee (hereinafter also referred to as the Committee) decided to first assess its competence (A), before entering into the substance of the case, while analysing the possible violations committed (B) and the potential sanctions resulting therefrom (C).

A) Jurisdiction of the FIFA Disciplinary Committee

2. First of all, the Committee noted that at no point during the present proceedings did the Malaysian FA challenge its jurisdiction nor the applicability of the FDC.

3. Notwithstanding the above and for the sake of good order, the Committee found it worthwhile to emphasise that, on the basis of arts. 2 and 53 of the FDC, it is competent to evaluate the present case and to impose sanctions in case of corresponding violations.

B) Analysis of the possible violations of the FDC

4. The above having been established, the Committee then acknowledged that the present matter is related to the match played on 19 November 2019 between the representative teams of Malaysia and Indonesia in the context of the Preliminary Competition of the FIFA World Cup Qatar 2022™.

5. The Committee subsequently turned its attention to the evidence at its disposal, namely the reports from the match officials as well as the videos and pictures provided by the Match Commissioner.

6. As a preliminary remark, the Committee wanted to recall that the facts contained in the match officials’ reports and in any additional reports or correspondence submitted by the match officials are presumed to be accurate (art. 40 of the FDC).

7. Against such background, the Committee acknowledged that several incidents were committed by spectators in the scope of the aforementioned match. In
particular, smoke flares were ignited and thrown. In addition, seats were damaged and some objects were thrown.

8. Having determined the above, the Committee will proceed to analyse the aforementioned incidents in the light of the applicable regulations.

i) **Analysis of the incidents**

9. The Committee first observed that the Match Commissioner indicated that smoke flares “were thrown in the empty buffer by Indonesian supporters. Malaysian supporters also reacted negatively to this by igniting and throwing red smoke flare towards the Indonesian supporters whom ignited another red smoke flare and throw it again”.

10. Furthermore, the Committee also noted that some minor injuries were reported “as result of flares for some spectators from both the supporters”.

11. In view of the foregoing, the Committee drew its attention to the videos and pictures provided by the Match Commissioner and confirmed that smoke flares were thrown by supporters of Malaysia towards the supporters of Indonesia and vice versa. The video clearly shows that one flare was thrown towards the Indonesian supporters by the Malaysian fans.

12. In this regard, the Committee underlined that the Malaysian FA did not contest that the abovementioned incident was committed by Malaysian and Indonesian supporters.

13. Finally, the Committee observed that, according to the Match Commissioner’s report “both the supporters were seen throwing water bottles, which fell in the buffer zone, as well as damaging seats and throwing it towards the buffer zone by Indonesian supporters”.

14. In this regard, the Committee noted that the Malaysian FA confirmed that Indonesian supporters damaged and threw some seats.

15. In continuation, the Committee took note that the Malaysian FA refutes that water bottles were thrown by the spectators as no bottled water was sold for security purposes.
16. In this sense, the Committee considered that the alleged fact that no water bottles were sold in the stadium was not a valid argument as the supporters could already have entered the stadium with such bottles.

17. The Committee further observed that the Malaysian FA acknowledged that plastic cups were thrown by the Malaysian supporters.

18. The Committee noted that the videos provided by the Match Commissioner confirmed that some objects were thrown by the Malaysian supporters. However, from the video it is not clear if the objects that were thrown were water bottles or water cups. However, as both are to be considered objects, the Committee did not consider this distinction relevant.

19. After having analysed the Match Commissioner’s report and the videos, the Committee was convinced that smoke flares were ignited and thrown by both Malaysian and Indonesian supporters, that objects were thrown by both supporters, and that some seats were damaged by the Indonesian supporters, which has not been contested by the Malaysian FA.

   ii) **Legal basis and liability**

20. As a preliminary remark, the Committee pointed out that the match was played in Malaysia and that therefore, the Malaysian FA was to be considered the host association.

21. In light of the above, the Committee recalled that “Host (...) associations are responsible for order and security both in and around the stadium before, during and after matches. They are liable for incidents of any kind and may be subject to disciplinary measures and directives unless they can prove that they have not been negligent in any way in the organisation of the match (...)” (art. 16 par. 1 of the FDC).

22. As a result, the Malaysian FA was responsible to ensure the order and security surrounding the match at stake.

23. In this respect, and in accordance with art. 16 par. 1 of the FDC, the Malaysian FA was required in particular to “ensure that law and order are maintained in and around the stadiums and that matches are organised properly”, but also to “comply with and implement existing safety rules (FIFA regulations, national laws, international agreements) and take every safety precaution demanded by the circumstances in and around the stadium before, during and after the match and if incidents occur”. In this sense, the Committee underlined that the Malaysian FA, being the host association, was responsible to implement security measures in order to ensure that no prohibited items or
dangerous objects are brought into the stadium (art. 29 of the FIFA Stadium and Safety Regulations).

24. Bearing this in mind, the Committee referred to the incidents committed by spectators during the match at stake, namely the smoke flares ignited, the objects thrown and the seats that were damaged.

25. In this sense, the Committee noted that these situations showed that the Malaysian FA had failed (i) to implement the relevant security measures to ensure safety and security in the stadium, namely, the provisions established in the FIFA Stadium Safety and Security Regulations and (ii) to ensure that law and order are maintained in the stadium during the match.

26. This being said, the Committee however acknowledged that the Malaysian FA claimed, on the one hand, that it “took precaution to ensure that no or minimal disturbance would occur during the Match by having meetings to discuss, among others, the issue of security” with the Football Association Indonesia and the Malaysian security agencies and, on the other hand, that it had “three layers of security checks by the stewards and the Malaysia Royal Police”. In these circumstances, the Committee noted that the Malaysian FA is “unsure how the spectators were still able to bring into the Stadium these prohibited items”.

27. However, the Committee noted that no evidence was provided to substantiate the alleged security measures taken by the Malaysian FA, and that therefore, these allegations could not be taken into consideration. In other words, the Committee deemed that, based on the statement of the Malaysian FA, it was not in a position to undoubtedly conclude that the latter had not been negligent in any way in the organisation of the match.

28. In this regard, the Committee found that despite the mentioned alleged efforts the Malaysian FA failed to take every safety precaution demanded by the circumstances as the spectators still managed to enter the stadium with smoke flares and ignited them during the match. The smoke flares even caused some minor injuries. Furthermore, seats and other objects were thrown. As a result, the Committee concluded that the Malaysian FA has breached art. 16 par. 1 of the FDC as it did not ensure the order and security in the stadium.

29. Notwithstanding the above, and taking into consideration that some of the incidents at stake were committed by Malaysian fans (namely the incidents related to the smoke flares and the throwing of objects, cf. para. II. 19 supra), the Committee also referred to art. 16 par. 2 of the FDC which establishes that “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:

(...)  
b) the throwing of objects;  
c) the lighting of fireworks or any other objects;  

(...)”

30. With this in mind, the Committee held that the lighting of smoke flares and the throwing of objects are undoubtedly to be considered as inappropriate behaviour in line with art. 16 par. 2 lit. b) and c).

31. Consequently, as the Malaysian FA is responsible for the inappropriate behaviour of its supporters, but also considering that the latter did not sufficiently demonstrate that it had not been negligent, the Committee deemed that the Malaysian FA is also to be held liable for this behaviour and has breached art. 16 par. 2 lit. b) and c) of the FDC.

32. Therefore, the Committee considered that the Malaysian FA had to be sanctioned for the aforementioned violations of art. 16 of the FDC, specifically par. 1 and par. 2 lit. b) and c) of the FDC.

C) Determination of the sanction

33. As far as the sanctions applicable in this case are concerned, the Committee observed in the first place that the Malaysian FA is a legal person, and as such can be subject to the sanctions described under art. 6 pars. 1 and 3 of the FDC.

34. For the sake of good order, the Committee underlined that it is responsible to determine the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking into account both aggravating and mitigating circumstances (art. 24 par. 1 of the FDC).

35. In continuation, the Committee considered that the lighting and throwing of smoke flares as well as the throwing of objects represent a very serious threat to the safety and security of everyone present in the stadium, and, as such, cannot be tolerated by any means.
36. In particular, the Committee noted that the smoke flares caused some minor injuries and some supporters had to be treated by a medical team. It is completely unacceptable that fireworks are brought into the stadium and ignited during a match, but above all, thrown into another group of supporters, putting their safety at risk. Luckily, no major injuries were caused by such dangerous and irresponsible behaviour.

37. In addition to the above, the Committee further noticed that the Malaysian FA had previously already been sanctioned for crowd disturbance incidents, including the lighting of fireworks (case ref. 150684 – related to a match of the Preliminary Competition of the FIFA World Cup Russia 2018™).

38. Having said that, the Committee took into account the efforts allegedly undertaken by the Malaysian FA, namely the implementation of three layers of security checks, organising meetings prior to the match to discuss the security issues as well as the fact that the security personnel controlled the situation immediately after the incidents. Nevertheless, while the Committee acknowledges the efforts undertaken by the Malaysian FA to ensure public safety, it also recognises that the aforementioned incidents took place and that therefore, despite the “three layer” system, the security checks were not sufficient.

39. Bearing in mind the relevant principles and conclusions set out above, the Committee considered that a fine would be the appropriate sanction in the case at hand.

40. As to the amount of the fine, according to the provisions of art. 6 par. 4 of the FDC, the Committee stressed that it may not be lower than CHF 100 and greater than CHF 1,000,000.

41. Taking into account all the circumstances of the case, while keeping in mind the deterrent effect that the sanction must have on the reprehensible behaviour, the Committee considers a fine of CHF 50,000 to be adequate and proportionate to the offence.

42. In addition, a warning is also issued on the Malaysian FA pursuant to art. 6 par. 1 lit. a) of the FDC. In particular, the latter is ordered to undertake all appropriate measures in order to guarantee that the FIFA regulations (in particular the FDC and all relevant safety and security provisions) are strictly complied with. Should such infringements occur again in the future, the
Committee would be left with no other option than to impose harsher sanctions on the Malaysian FA.

III. therefore decided

1. The FIFA Disciplinary Committee found the Football Association of Malaysia responsible for the infringement of the relevant provision of the FIFA Disciplinary Code related to order and security at matches (art. 16).

2. The FIFA Disciplinary Committee orders the Football Association of Malaysia to pay a fine to the amount of CHF 50,000.

3. In application of art. 6 par. 1 lit. a) of the FIFA Disciplinary Code, the Football Association of Malaysia is warned on its future conduct.

4. The above fine is to be paid within thirty (30) days of notification of the present decision.

FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION

Anin Yeboah  
Chairman of the FIFA Disciplinary Committee

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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, 2019 edition). 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, 2019 edition). 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, 2019 edition).