Terms
of the
Decision
of the
FIFA Disciplinary Committee

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

on 19 December 2019

to discuss the case of:

Official Gennadiy Tumilovich, Belarus

(Decision 191548)

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regarding:

Misconduct of players and officials
(art. 12 par. 1 lit. c of the FIFA Disciplinary Code)

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I. Having noted that

1. On 26 November 2019, the match between the representative teams of Russia and Belarus was played in the context of the FIFA Beach Soccer World Cup Paraguay 2019™.

2. In this context, according to the match officials’ reports, the following incidents occurred:

   **Report of the Referee:**

   "At minute 3:25 of the third period I "Referee", Excluded the Belarus’ team delegate Mr Tumilovich Gennadiy from the match for protesting insistently in the direction of the arbitration of the match" [free translation] "Ao minuto 3:25 del tercer period Yo "Arbitro", Exclui del partido el delegado del Equipo Belarus el Sr Tumilovich Gennadiy por protesta di forma insistent en direccion al arbitraje del partido."

   **Report of the Match Commissioner:**

   "Belarus Goalkeeper Coach Tumilovich Gennadiy was sent off with 3:25 minute to go in the third period. He protested against the referee’s decision many times during the match."

3. On 27 November 2019, disciplinary proceedings were opened against the official Gennadiy Tumilovich (hereinafter: Mr Tumilovich) with respect to the potential breach of art. 12 of the FIFA Disciplinary Code (FDC). Both, Mr Tumilovich and the Belarus Football Federation were provided with the aforementioned match reports and were given a six-day deadline to provide the Secretariat to the FIFA Disciplinary Committee (hereinafter: the Secretariat) with their position.

4. After the opening of the disciplinary proceedings, no position was received from Mr Tumilovich nor the Belarus Football Federation.
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 Mr Tumilovich nor the Belarus Football Federation 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 26 November 2019 between the representative teams of Russia and Belarus in the context of the FIFA Beach Soccer World Cup Paraguay 2019™.

5. The Committee subsequently turned its attention to the evidence at its disposal, namely the reports from the match officials.

6. As a preliminary remark, the Committee wanted to recall that the facts contained in the match officials’ reports are presumed to be accurate (art. 40 of the FDC). For the sake of good order, the Committee underlined that at no point did Mr Tumilovich nor the Belarus Football Federation contest the information and facts reported by the match officials.

7. Against such background, the Committee acknowledged that, as reported by both the referee and the match commissioner, Mr Tumilovich protested insistently the referee’s decisions many times during the match.
8. In these circumstances, the Committee recalled the content of art. 12 par. 1 lit c) of the FDC, which states the following:

"1. Players and officials shall be suspended for misconduct as specified below and may be fined accordingly; (...) (...) c) at least one match for officials who are sent off for dissent by word of action; (...)"

9. In the light of the aforementioned article, the Committee deemed that protesting insistenty the referee’s decisions many times during the match is per se an improper conduct for which disciplinary measures could be taken against Mr Tumilovich.

10. As a result, the Committee considered that it had no other choice but to conclude that Mr Tumilovich has to be held liable for the incident described above and, as such, violated art. 12 par. 1 lit c) of the FDC for having protested insistenty the referee’s decisions many times during the match.

11. Therefore, the Committee considered that Mr Tumilovich had to be sanctioned for the aforementioned violation.

C) Determination of the sanction

12. As far as the sanctions applicable in this case are concerned, the Committee observed in the first place that Mr Tumilovich is a natural person, and as such can be subject to the sanctions described under art. 6 pars. 1 and 2 of the FDC.

13. 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).

14. Taking into account the relevant principles and conclusions set out above, the Committee considered, firstly, that a match suspension as established in art. 6 par. 2 lit a) of the FDC would be the most appropriate sanction.

15. In this regard, the Committee considered that a suspension for one (1) match is appropriate to the case at hand.
16. Moreover, and given that the representative team of Belarus did not qualify for the next round of the competition, the Committee recalls that the suspension shall be carried over to the representative team’s next official match. (art. 65 par. 2 lit b) of the FDC).

17. Secondly, the Committee considered that the imposition of a fine would also be appropriate given the circumstances of the case at hand.

18. 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 300 and greater than CHF 1,000,000.

19. Moreover, the Committee took into account that Circular 9 related to disciplinary matters in the scope of the FIFA Beach Soccer World Cup Paraguay 2019™ determined that a direct card in the tournament would be fined with at least CHF 1,000.

20. 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 2,000 to be adequate and proportionate to the offence.

III. therefore decided

1. The FIFA Disciplinary Committee found the official Gennadiy Tumilovich responsible for the infringement of the relevant provision of the FIFA Disciplinary Code (art. 12 par. 1 lit. c) related to misconduct of players and officials during the match played on 26 November 2019 between the representative teams of Russia and Belarus in the scope of the FIFA Beach Soccer World Cup Paraguay 2019™.

2. The official Gennadiy Tumilovich is suspended for one (1) match. Since the relevant representative team did not qualify for the next round of the competition, the suspension shall be carried over to the representative team’s next official match. (art. 65 par. 2 b) of the FIFA Disciplinary Code).

3. The FIFA Disciplinary Committee orders the official Gennadiy Tumilovich to pay a fine to the amount of CHF 2,000.
4. The above-mentioned 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.

LEGAL ACTION

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

The full address and contact numbers of the CAS are the following:

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