

CAS 2022/A/8941 Kjetil Knutsen/FK Bodø Glimt v. UEFA

## ARBITRAL AWARD

delivered by the

### COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr. Jordi **López Batet**, Attorney-at-law, Barcelona, Spain

Arbitrators: Prof. Dr. Martin **Schimke**, Attorney-at-Law, Düsseldorf, Germany

Mr. Maciej **Balaziński**, Attorney-at-law, Kraków, Poland

in the arbitration proceedings between

**Kjetil Knutsen/FK Bodø Glimt**, Bodø, Norway

Represented by Mr. Tomas Kristensen, of Kleven & Kristensen Law Firm DA, Attorney-at-Law in Oslo, Norway,

- Appellants -

and

**Union des Associations Européennes de Football (UEFA)**, Nyon, Switzerland

Represented by Mr. Angelo Rigopoulos, Mr. William McAuliffe and Mr. Arturo Galván Tomillo, UEFA Disciplinary Department, Nyon, Switzerland

- Respondent -

## **I. PARTIES**

1. Mr. Kjetil Knutsen (“Mr. Knutsen” or the “Coach”) is a Norwegian professional football coach rendering his services for the Norwegian club FK Bodø Glimt.
2. FK Bodø Glimt (the “Club”) is a football club based in Bodø (Norway), affiliated to the Norwegian Football Federation.
3. Union des Associations Européennes de Football (“UEFA” or the “Respondent”) is the governing body for the sport of football in Europe.
4. The Coach and the Club will be hereinafter referred to in this award as the “Appellants” and the Coach, the Club and UEFA will be hereinafter referred to in this award as the “Parties”.

## **II. BACKGROUND FACTS**

5. The elements set out below are a summary of the main relevant facts as established on the basis of the written submissions of the Parties and the exhibits produced. Additional facts and allegations may be set out, where relevant, in connection with the ensuing legal discussion. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, in its award reference is made only to the submissions and evidence the Panel considers necessary to explain its reasoning.
6. On 7 April 2022, the Club and the Italian club A.S. Roma participated in a match corresponding to the UEFA Conference League (the “Match”), which was played in the Club’s stadium and ended 2-1.
7. After the Match, an incident involving the Coach and the goalkeepers’ coach of A.S. Roma, Mr. Nuno Santos (“Mr. Santos”), occurred in the stadium’s tunnel area.
8. This incident (the “Incident”) was described by the UEFA Delegate present at the Match in his report of 8 April 2022 (the “UEFA Delegate Report”) in the following terms:

*Incidents after the end of the match in the tunnel, concerning representatives of both clubs (specially fight between head coach of local team and goal keepers coach of away team). Verbal provocations during the match between the two benches may have been the cause of the incidents. Both clubs having declared that they had been the victim of insults during the match,*

*which were reported to the 4th referee, but without intervention or sanction from the main referee. Additional report to follow about those facts which I have not witnessed during the match and which I cannot confirm being placed in the top of the main tribune. UEFA Venue Director witnessed of the incidents in the tunnel, and have may be heard the verbal provocations during the match because of his central position between the two benches, and will also report them.*

9. A more extensive description of the Incident and subsequent events was made by the UEFA Delegate in an additional report (the “Additional Report”) which in the pertinent part reads as follows:

*After the match, at around 23H45 (local time), an incident took place in the tunnel area, between both teams dressing rooms, the referee’s dressing room, and on the way from the press conference room.*

*This incident involved mainly FK Bodo-Glimt head coach M. Kjetil Knutsen and M. Nuno Santos goal keeper’s coach from club of AS ROMA.*

*After returning from the doping control station where a doping control was taking place, with [...] UEFA Venue Director, I took the direction of my office located at about 30 meters, but in an opposite direction.*

*I was then discussing with [...] UEFA referee observer in my office, while we have heard loud words and some shouting, came from outside.*

*I moved to the tunnel area, and saw lot of people, representatives and players from both clubs having loud discussions and approaching each other.*

*M. Kjetil Knutsen and M. Nuno Santos were in front of each other and some players from both clubs and other persons from the home security tried to separate them.*

*I personally did not see a beginning of a fight between both, only some finger pointed and players and representatives from AS ROMA telling “ironically” to other from Bodo-Glimt that they will wait for them next week in Roma for the return match.*

*I mention and emphasise that I personally did not see any physical aggression that representatives from AS Roma told to us when we met them (UEFA VD and me).*

*Some people of home team security decided to call local police who was waiting outside the stadium until bus from AS ROMA leaves, and 4 policemen arrived quickly and calmed down all the people who were still shouting in the tunnel area.*

*M. Knutsen and M. Santos have been seen and interrogated separately by local police, in the*

*tunnel area.*

*Quickly after the police intervention, calm came again in the tunnel area, but policemen stayed to maintain the calm and protect the zone.*

*After that, about 30 minutes, we decided with UEFA VD, to make separate meetings with AS Roma representatives, then with Bodo-Glimt representatives. We used a meeting room, well isolated, at the 3rd floor of the main tribune.*

*M. Santos, [...] (head coach of AS Roma), [...] AS Roma main contact, [...], AS Roma team manager, [...], and 4 persons from Italy police have been listened.*

*M. Santos declared us he received a physical aggression from M. Knutsen, who was, according to him, very nervous and impossible to control spite some people tried to. M. Santos declared to local police he wanted to report an attack on himself. Photos of M. Santos injuries (under the mouth near to the chin, and throat with strangulations traces) have been taken by the UEFA Venue Director.*

*[The head coach of AS Roma] said in his declaration, that his bench received several provocations and several insults from the home bench during the match “son of the bitch – fuck you”. The 4th official has been informed of those facts but did not intervein to the main referee. [The head coach of AS Roma] said that local bench and especially the local coach were very nervous during the match, and that what happened in the tunnel area was the direct consequence of that.*

*The second meeting was organised with security persons from Bodo-Glimt club.*

*[...] and [...] (organisation and security of local club) indicated us not to have been witness of the actual fight between M. Knutsen and Santos. They tried without success to separate the two men, and reported us the words heard from players of AS Roma getting out from their dressing room “we’re go to take you in Roma next week”, and “next week your finished”.*

*Home team main contact [...] was one of the persons who tried to separate M. Knutsen and M. Santos.*

*He did not succeed in this, and told us that he saw M. Knutsen and M. Santos pushing each other, and that M. Santos put his hands to the throat of M. Knutsen.*

*Finals precisions:*

*The additional report of [...] UEFA Venue Director will presumably be more complete and precise than mine, because he stayed all the time in the tunnel area zone and has seen and heard more than me.*

*This incident brought a big emotion to both clubs and all persons involved in Bodo-Glimt representatives have expressed to me and UEFA Venue Director their fear for the next match, in Roma, and wished to receive a protection following those deplorable incidents at this high competition level*

10. The UEFA Venue Director, who was present in the place in which the Incident took place, referred to the Incident in his report dated 7 April 2022 (the “VD Report”) as follows:

*After FK Bodø/Glimt (B/G) Coach Kjetil Knutsen’s (KK) press conference he was returning to B/Gs dressing room. At the same time the VD and the Delegate was returning from a visit in the doping control room that was taking place.*

*Delegate returned to his office, but VD stayed in the tunnel area. As KK passed Nuno Santos (NS) from Roma there were some words thrown back and forth, following a bit of discussions they have had during the match.*

*VD registered the words fuck you and fuck you back. Then there were some finger pointing observed. VD looked away and suddenly there was a fight between NS and KK. A lot of other people approached to try to separate them. VDs observation was that even though there were physical contact between several persons the aggression was between KK and NS. B/G staff called for security, a few arrived and after a while also police attended the tunnel area.*

*NS were questioned by Norwegian police and said to them that he wanted to report an attack on himself. VD did not observe that KK was questioned by the police, but the police said they also had talked to him. VD also was asked by the police about what he had observed.*

*VD gave declaration to Police about his observation which is the same described above.*

*VD and Delegate asked involved parties to describe their versions of the incident.*

*From Roma we discussed with NS himself and [The head coach of AS Roma] as well as an unfortunately, unnamed person from their security.*

*NS stated that KK punched him in the neck (pictures showing physical contact enclosed). He also claimed that there were a few words between them before the physical aggression. NS claimed that he protected himself after KK first attacked him.*

*[The head coach of AS Roma] said that during the match there were talks between NS and KK. [The head coach of AS Roma] stated that KK had called NS “a son of a bitch” during the match. [The head coach of AS Roma] also stated that he had asked NS to sit down and shut up during the match. VD observed that [The head coach of AS Roma] talked to NS during the match, but not what [The head coach of AS Roma] said to him. [The head coach of AS Roma]*

*stated further that he observed NS next to the referee's door while KK passed him after KK's press conference. [The head coach of AS Roma] said that he observed them face to face and that KK said to NS that he was a son of a bitch again, then both went down on the floor in a physical battle. [The head coach of AS Roma] claimed that NS received punches from KK. [The head coach of AS Roma] ended his statement saying that he unfortunately did not believe the Norwegian police took the case seriously.*

*Roma security person (SP) claimed via translator that he observed an aggression. He was standing next to [The head coach of AS Roma] in the tunnel. He observed that KK was nervous. He says that KK stopped in front of NS and behaved mean. He further claimed that NS did not do anything. SP claimed that NS did not have an opportunity to expect what would happen, it came totally unexpected. SP said further that the situation stopped after more people came to the scene and they tried to separate.*

*NS stated that KK said to him that he was a son of a bitch and also said fuck off to him during the match. When VD asked NS if he had said something in line with fuck off or fuck you to the coach during the match when they came close together and the 4th official was separating them NS did say that he had not done that. We did not speak to the 4th official.*

*VD and Delegate also talked to Bodø/Glimt personnel. Main contact [...] was one of the persons taking action and trying to separate KK and NS. He says that he registered that KK and NS said some unfriendly words to each other. [Bodø/Glimt main contact] further claims that NS put his hands to the throat of KK. KK returned the throat grip to protect himself. NS went down on the floor because of KK's grip on NS, and then they went back up again. Then KK and NS were pushing each other forward and backwards. [Bodø/Glimt main contact] further mentioned that he observed from his position in the tunnel that NS said fuck off to KK during the match. [Bodø/Glimt main contact] also said that he heard that during the brawl in the tunnel that personnel from Roma said "just wait til next match in Italy", based on that B/G is not feeling safe for the 2nd leg says [Bodø/Glimt main contact].*

*Security person (sic) of B/G [...] did not witness the first confrontation, but heard noise and rushed to the tunnel. [Security personnel of B/G] helped separate the NS and KK. He says that Roma players came out of their dressing room saying "we're gonna take you in Roma". He also says that a person from Roma's security poked [Security personnel of B/G] in the chest saying "next week your finished" (sic). [Security personnel of B/G] claim this is the security that was closest to [The head coach of AS Roma].*

*[Organisation personnel] of Bodø/Glimt was cleaning the benches outside and was going into to the tunnel to the trash can placed just outside B/G's dressing room. She experienced that NS was waiting outside the referees dressing room. When KK passed from the press conference NS said something unfriendly first and then NS and KK went face to face and finger pointed at each other saying fuck you to each other. [Organisation personnel] said that NS took his hand to KK's face, then KK protected himself by pushing his hand to NS's face and then they went to the floor and more people came to the scene to separate the two.*

*KK says that he felt that he was harassed by NS already from before the start of the match. NS was as close as possible to B/Gs bench during the match and all the time making noise. KK claims that NS said fuck off to him during the match. KK claims that NS harassed him during the whole match and that he felt that it was a plan to get KK out of the next match. KK says that he thanked [The head coach of AS Roma] for the match after it was finished. He now thinks that [The head coach of AS Roma] wanted to take him out of the next match by getting one of his coaches to harass him (KK) during the whole match, starting before the match continuing during the match and also after the match. KK says this happened when he was returning from the press conference, and he felt that NS was waiting for him and stopped him and asked him why you said fuck off to me. KK said he replied with “are you stoopid” (sic). Then KK felt NS’s hand on his throat and felt he was being pushed back. KK then put his hand on NS throat and got NS down on the floor. KK then says that he released the grip on NS, then NS grabbed after KK’s face. KK says that he should not have answered back in a provocative way to what he experiences is a provocation from NS. KK also have the feeling that the action from NS was planned, and that NS was attacking him with word as soon as he came back from the press conference.*

### **III. PROCEEDINGS BEFORE THE UEFA CEDB AND THE UEFA APPEALS BODY**

11. On 8 April 2022, an Ethics and Disciplinary Inspector (“EDI”) was appointed by UEFA to conduct a disciplinary investigation with regard to the Incident.
12. On 11 April 2022, the EDI submitted a request to provisionally suspend the Coach from participating in the next UEFA competition matches until a final decision was made by the UEFA Control Ethics and Disciplinary Body (the “UEFA CEDB”) on the case arising out of the Incident, which was resolved on the same day by the UEFA CEDB as follows:
  1. *The FK Bodø/Glimt head coach, Mr. Kjetil Knutsen, is provisionally suspended for the next UEFA club competition matches in which he would otherwise participate until the UEFA Control, Ethics and Disciplinary Body decides on the merits of the case, in accordance with Article 49 of the UEFA Disciplinary Regulations (DR), for prima facie violations of Articles 11(2)(b) and 15(1)(g) DR.*
  2. *FK Bodø/Glimt ensures its head coach is personally informed of this decision.*
13. On 12 April 2022, the Club and the Coach lodged an appeal against the UEFA CEDB’s decision to provisionally suspend the Coach, requesting the UEFA Appeals Body (the “UEFA AB”) to annul it.

14. On 13 April 2022, the UEFA AB dismissed the appeal and confirmed the UEFA CEDB's decision to provisionally suspend Mr. Knutsen.
15. On 22 April 2022, the EDI submitted a report to the UEFA CEDB requesting that (i) disciplinary proceedings were opened by the UEFA CEDB against the Coach for the breach of the general principles of conduct and serious assault, (ii) the Coach was found liable for the violation of Article 11 (1) of the UEFA Disciplinary Regulations ("DR") in conjunction with Article 11(2)(b) DR as well as of 15(1)(g) DR and (iii) the Coach be suspended for four competition matches for said violation, from which the match(es) already served when the decision was taken should be deducted.
16. On 28 April 2022, the UEFA CEDB took the following decision on the disciplinary case opened against the Coach (the "CEDB Decision"):
  1. *The FK Bodø/Glimt head coach, Mr. Kjetil Knutsen, is suspended for the next three (3) UEFA club competition matches in which he would otherwise participate, for violation of Articles 11(2)(b) and 15(1)(g) DR.*
  2. *FK Bodø/Glimt ensures its head coach is personally informed of this decision.*
17. The CEDB Decision reads in the pertinent part as follows:
  16. *According to the constant practice of the UEFA disciplinary bodies (as published on the UEFA website), an assault consists of any reckless or intentional act by means of which the opponent's physical well-being is interfered with. Such an act would, nonexhaustively, involve aggressive contact such as slapping, head-butting, kicking, punching, elbowing, shaking, pushing, pinching or hitting. In this respect, on the basis of the concept of "assault", in cases of a particularly serious attack on a person's physical, the UEFA disciplinary bodies usually consider such offence as a serious assault.*
  17. *In the present case, it was reported by the UEFA match delegate and the UEFA venue director that the Coach was involved in violent altercations with AS Roma's goalkeeper coach in the tunnel area after the Match.*
  18. *In this respect, the CEDB recalls the evidence available in the present case, which depicts the confrontation between the Coach and AS Roma's goalkeeper coach, in which both are pushing, throwing punches, hitting and wrestling on the floor.*
  19. *The CEDB notes the arguments of the Club and the Coach, stating that Mr. Knutsen's behaviour was an act of self-defence while also denying that Mr. Knutsen threw punches against the AS Roma goalkeeper coach.*
  20. *However, after analysing the reports submitted and carefully analysing the video of the incident, the CEDB firstly recalls that the incident was more than a harmless scuffle but a real*



*fight. Furthermore, the CEDB does not agree that Mr. Knutsen did not throw punches against AS Roma goalkeeper coach and recalls that the AS Roma goalkeeper coach had wounds on his face. Therefore, the CEDB considers that the behaviour of the Coach is considered beyond what can be considered as an act of self-defence.*

*21. Moreover, the CEDB recalls that facts contained in official reports are deemed to be accurate in accordance with Article 45 DR. In this sense, the CEDB notes that the Club and the Coach have not provided any evidence within the course of these disciplinary proceedings which would indicate a potential inaccuracy of the facts contained in the official reports of the UEFA match delegate and the UEFA venue director, which are also supported by the video evidence and must therefore be considered as accurate (as per Article 45 DR). In this respect, the CEDB emphasises that simply raising doubts as to the accuracy of the facts contained in the official reports is not enough to prove their inaccuracy.*

*22. Having established the above, the CEDB considers that the behaviour of the Coach was indeed of an unsporting nature and breached the general principles of decent conduct. In this respect, the CEDB emphasises that the attitude of the Coach cannot be tolerated at UEFA competition matches.*

*23. Furthermore, the CEDB is comfortably satisfied that the Coach's behaviour must be considered as a serious assault as it considers that the physical well-being of AS Roma goalkeeper coach was endangered by the Coach's actions.*

*24. Taking the above into consideration, the CEDB concludes that the Coach violates Articles 11(2)(b) and 15(1)(g) DR and must be punished accordingly. IV. The determination of the appropriate disciplinary measures*

*25. Pursuant to Article 23 DR, the CEDB determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the case, taking account of any aggravating and mitigating circumstances.*

*26. In the present case, the CEDB recalls that the Coach was involved in a brawl in which he attacked the AS Roma goalkeeper coach, and therefore placing the physical well-being of the latter in danger by throwing punches, hitting and wrestling with him on the floor. As explained above, such action constitutes a serious assault within the meaning of Article 15(1)(g) DR and violates the basic rules of decent conduct pursuant to Article 11(2)(b) DR.*

*27. The CEDB notes the arguments of the Club and the Coach, stating that the Coach was acting in self-defence. Furthermore, the CEDB notes the statements of the Coach when he was interviewed by the EDI, when he stated that the AS Roma goalkeeper coach incited him throughout the Match.*

*28. In this respect, even though the CEDB considers that the provocation that allegedly occurred during the Match has not been established, the CEDB also notes the video evidence available in which it is possible to see the AS Roma goalkeeper coach waiting for Mr. Knutsel,*

*which could be understood as a provocation. Furthermore, the CEDB understands the importance of the Match for the Coach and the Club and the tension present after the Match. Even in general terms, this is not considered a mitigating circumstance, in this particular case, considering the particularities of this case, the CEDB deems it appropriate to consider such event as a mitigating circumstance.*

*29. Moreover, the CEDB recalls that the incident occurred after the end of the Match, when all players were already in the dressing room, the interviews after the Match were already done, i.e. the incident did not have a direct impact on the Match and was not broadcasted on television.*

*30. Having established the above, the CEDB notes that Article 15(1)(g) DR foresees a standard sanction for such behaviour, i.e. a suspension for five (5) UEFA competition matches. In view of the mitigating circumstances applicable in the present case, i.e. the incident occurring after the end of the Match, the provocation by the AS Roma goalkeeper coach and the importance of the Match, the CEDB deems it appropriate to deviate from the standard sanction established in Article 15(1)(g) DR and decides to sanction the Coach for the next three (3) UEFA club competitions matches in which he otherwise participate.*

*31. Therefore, the CEDB decides to suspend the Coach for three (3) UEFA club competition matches in which he would be otherwise participate, for the violations of Articles 11(2)(b) and 15(1)(g) DR. This sanction includes the one-match suspension already served by Mr. Knutsen at the 2021/22 UEFA Europa Conference League quarter-final second leg match between A.S. Roma and F.K. Bodø/Glimt played on 14 April 2022 in Rome.*

18. Also on 28 April 2022, the CEDB decided to also suspend Mr. Santos for the next three UEFA club competition matches in which he would otherwise participate, for violation of Articles 11(2)(b) and 15(1)(g) DR. Mr. Santos accepted his sanction and did not even request for the grounds of the decision.
19. On 13 May 2022, the CEDB Decision was notified to the Club.
20. On 16 May 2022, the Appellants announced their intention to appeal the CEDB Decision before the UEFA AB.
21. On 20 May 2022, the Appellants provided the grounds of the appeal against the CEDB Decision.
22. On 8 June 2022, the UEFA AB rejected the appeal filed against the CEDB Decision and confirmed it. This UEFA AB decision, which was notified to the Club on 17 June 2022, reads in the pertinent part as follows:

26. *The Appeals Body finds that this case concerns Mr. Knutsen's responsibility for the incident that occurred after the Match in which he was involved in a brawl with AS Roma's goalkeeper coach.*

27. *In sum, the legal issues revolve around the following two elements:*

*a) Is Mr. Knutsen responsible for the alleged violation of Articles 11(2)(b) DR and/or Articles 15(1)(e) DR or 15(1)(g) DR? Or, to the contrary, was the behaviour of Mr. Knutsen an act of self-defence?*

*b) If there was a violation of the DR, what are the consequences pursuant to the applicable rules?*

28. *The above matters are analysed below:*

*a) Is Mr. Knutsen responsible for the alleged violation of Articles 11(2)(b) DR and/or Articles 15(1)(e) DR or 15(1)(g) DR? Or, to the contrary, was the behaviour of Mr. Knutsen an act of self-defence?*

29. *In the present case, it was reported by the UEFA match delegate and the UEFA venue director that the Appellant was involved in violent altercations with AS Roma's goalkeeper coach in the tunnel area after the Match.*

30. *The Appeals Body notes that the CEDB concluded the following: "VD registered the words fuck you and fuck you back. Then there were some finger pointing observed. VD looked away and suddenly there was a fight between [AS Roma's goalkeeper coach] and [Mr. Knutsen]. A lot of other people approached to try to separate them. VD's observation was that even though there were physical contact between several persons the aggression was between [Mr. Knutsen] and [AS Roma's goalkeeper coach]."*

31. *The Appellant in his grounds for appeal considers that his behaviour was an act of self-defence and therefore it cannot be considered as an assault or a serious assault. In this respect, the Appeals Body notes that the CEDB considered that "the incident was more than a harmless scuffle but a real fight, [...] the behaviour of the Coach was indeed of an unsporting nature and breached the general principles of decent conduct [...] [and] the Coach's behaviour must be considered as a serious assault as it considers that the physical well-being of AS Roma goalkeeper coach was endangered by the Coach's actions."*

32. *The Appeals Body has analysed the statements of the Appellant and the evidence available in the present case and concurs with the conclusion of the CEDB. The Appeals Body notes that the video of the incident shows that AS Roma's goalkeeper coach is in the tunnel area when the Appellant arrives and the two start a discussion. Then, the Appellant points with his index finger towards the face of AS Roma's goalkeeper coach, and the latter then pushes the Appellant twice, which leads to a fight breaking out, with punches being thrown. In the Appeals Body's opinion, the reaction of the Appellant was much beyond that which could be considered as an act of self-*

*defence as in the video it is possible to see the Appellant and AS Roma's goalkeeper coach wrestling and throwing punches at each other.*

*33. Furthermore, the Appeals Body considers that it is irrelevant who was the actual instigator of the confrontation. In the Appeals Body's opinion, the behaviour of the Appellant cannot be considered as an act of self-defence and concludes that his behaviour was unacceptable and cannot be tolerated.*

*34. Having established the above, the Appeals Body notes the arguments of the Appellant stating that in any case, his action shall be considered as an assault and not as a serious assault. As mentioned by the CEDB, according to the constant practice of the UEFA disciplinary bodies (as published on the UEFA website), an assault consists of any reckless or intentional act by means of which the opponent's physical well-being is interfered with. Such an act would, non-exhaustively, involve aggressive contact such as slapping, head-butting, kicking, punching, elbowing, shaking, pushing, pinching or hitting. In this respect, on the basis of the concept of "assault", in cases of a particularly serious attack on a person's physical well-being, the UEFA disciplinary bodies usually consider such offence as a serious assault; i.e. the difference between assault and serious assault is the gravity of the action.*

*35. In this particular case, the Appeals Body agrees with the conclusion reached by the CEDB. The Appeals Body considers that the seriousness, duration and aggressiveness shown by the Appellant requires the strictest application of the DR and therefore cannot be qualified as assault, but instead, as serious assault. The Appeals Body emphasises that a fight, as the one which the Appellant was involved in, cannot be considered as an assault as it is clear there was a particularly serious attack on AS Roma's goalkeeper coach's physical well-being.*

*36. In consequence, the Appeals Body concludes that the behaviour of the Appellant was in breach of Articles 11(2)(b) and 15(1)(g) DR.*

*b) If there was a violation of the DR, what are the consequences pursuant to the applicable rules?*

*37. The Appeals Body recalls that Article 15(1)(g) DR foresees a standard sanction for such behaviour, i.e. a suspension for five (5) UEFA competition matches. Furthermore, the Appeals Body notes that the CEDB decided to reduce the standard sanction and to suspend the Appellant for three (3) UEFA club competition matches in which he would otherwise participate, for the violations of Articles 11(2)(b) and 15(1)(g) DR. Particularly, the CEDB considered as mitigating circumstances that the incident occurred after the end of the Match, the provocation by the AS Roma goalkeeper coach and the importance of the Match for the Appellant.*

*38. The Appeals Body further notes that the Appellant considers it unreasonable and unjust that AS Roma's goalkeeper coach and the Appellant received the same sanction as he considers that the former was the aggressor in this incident and therefore, that he should receive a less severe sanction than AS Roma's goalkeeper coach. In this respect, the Appeals Body recalls that the*

*sanction imposed on AS Roma's goalkeeper coach is not under the scope of this appeal and therefore, cannot be considered as a valid argument.*

*39. Furthermore, as stated above, in the Appeals Body's opinion, it is irrelevant who was the actual instigator of the confrontation. Nevertheless, the Appeals Body recalls that the previous provocation was already considered by the CEDB as a mitigating circumstance to justify reducing the standard sanction. Furthermore, the Appeals Body considers that there are no other mitigating circumstances that allow a further reduction of the sanction imposed on the Appellant by the CEDB.*

*40. Considering the above, the Appeals Body considers that the sanction imposed by the CEDB is appropriate and proportionate and therefore decides to reject the appeal lodged by the Appellant and the Club.*

#### **IV. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT**

23. On 17 June 2022, the Appellants filed a Statement of Appeal, with the Court of Arbitration for Sport (the "CAS") against UEFA with respect to the decision rendered by the UEFA AB on 8 June 2022 (the "Appealed Decision"). In its Statement of Appeal, the Appellants appointed Prof. Dr. Martin Schimke as arbitrator, requested the procedure be conducted in an expedited manner and submitted the following prayers for relief:

- (1) The suspension of Mr Knutsen is annulled.*
- (2) Alternatively, the suspension of Mr Knutsen is reduced.*
- (3) To rule UEFA to cover costs of the case.*

24. On 22 June 2022, the CAS Court Office informed UEFA that the aforementioned Statement of Appeal had been filed and *inter alia*, invited UEFA to confirm whether it agreed with the Appellant's request for an expedited procedure.

25. On 23 June 2022, the Respondent sent a letter to the CAS Court Office agreeing on the proposal of conducting an expedited procedure, proposing a specific schedule for such an expedited procedure (with whom the Appellants agreed) and nominating Mr. Maciej Bałaziński as arbitrator.

26. On 24 June 2022, the Appellant filed its Appeal Brief requesting the following:

- 1. The suspension of Mr Knutsen is annulled.*
- 2. Alternatively, the suspension of Mr Knutsen is reduced.*
- 3. To rule UEFA to cover the costs of the case.*

27. On 1 July 2022, the Respondent filed its Answer, seeking the following reliefs:

- (a) *Rejecting the appeal;*
- (b) *Confirming in full the decision rendered by the UEFA Appeals Body on 8 June 2022;*
- (c) *The Parties shall bear their own legal fees and other expenses incurred with these proceedings.*

28. On 1 July 2022, on behalf of the Deputy President of the CAS Appeals Arbitration Division and after no objections of the Parties, the CAS Court Office informed that the Panel appointed to decide the present dispute had been constituted as follows:

President: Mr. Jordi López Batet, Attorney-at-law, Barcelona, Spain

Arbitrators: Prof. Dr. Martin Schimke, Attorney-at-Law, Düsseldorf,  
Germany

Mr. Maciej Bałaziński, Attorney-at-law, Kraków, Poland

29. On 4 July 2022, the CAS Court Office received all the Orders of Procedure respectively signed by the Parties.

30. On 5 July 2022, the CAS Court Office, in accordance with the expedited procedure schedule agreed between the Parties, communicated the operative part of the Award to the Parties.

## **V. SUBMISSIONS OF THE PARTIES**

31. The following summary of the Parties' positions is illustrative only and does not necessarily comprise each contention put forward by them. However, in considering and deciding upon the Parties' claims, the Panel, has carefully considered all the submissions made and the evidence adduced by the Parties, even if there is no specific reference to those submissions in this section of the award or in the legal analysis that follows.

### **A. The Appellants**

32. The Appellants' submissions, in essence, may be summarized as follows:

- (i) The Coach's conduct took place in a context of self-defence. Mr. Santos was the one who originated the fight, since he was the first to attack the Coach, this fact not being irrelevant to the case. Faced with this violent conduct of Mr. Santos, the Coach defended himself in a proportional manner, since his physical integrity was at risk. He neutralized Mr. Santos and reduced him to the ground. Therefore, no disciplinary consequences are to be imposed on the Coach.

- (ii) The Incident is not to be considered a “serious assault”. UEFA disciplinary bodies have stipulated that any act committed with direct or oblique intention through which the physical or psychological well-being is harmed or threatened before, during or after the game is considered an assault in the terms of art. 15 (1) (e) DR. Only particularly serious attacks qualify for a violation of art. 15 (1) (g) DR. The action of the Coach in this case cannot be considered more serious than for instance hitting a person in the throat, which was considered by UEFA CEDB as an “assault” in the disciplinary case 35194-UCL-2021/2022.
- (iii) Mr Knutsen and Mr Santos have received identical sanctions (3-match suspension) which is unreasonable and unjust since (i) Mr. Santos clearly was the aggressor in this matter and thus, under any circumstances, should receive a more severe sanction than the Coach and (ii) Mr. Santos, who is an experienced coach, has been suspended from matches in the past for improper behaviour. Therefore, if the Panel finds that the Coach incurred in a violation of the DR, based on the principles of proportionality and equality the sanction imposed on the Coach should be reduced.

## **B. UEFA**

33. The submissions of UEFA, in essence, may be summarized as follows:

- (i) The conduct of the Coach is indeed a serious assault. The UEFA disciplinary bodies have consistently and precisely defined an assault as any act committed not only intentionally but also recklessly by which the opponent's physical or psychological well-being is interfered with. Such an act would non-exhaustively involve aggressive contact such as slapping, headbutting, kicking, punching, elbowing, shaking, pushing, pinching or hitting. On the basis of the concept of "assault", in cases of a particularly serious attack on a person's physical or psychological well-being, the UEFA disciplinary bodies have considered such an offence as a serious assault (CEDB decisions 27037 or 31003). For an act to be qualified as a “serious assault” the UEFA Disciplinary Bodies analyse the seriousness of the conduct, the gravity of the act and the attack suffered by the person who received it. *In casu*, the video footage shows that both Mr. Santos and Mr. Knutsen threw punches to each other until they were separated. The aggressivity shown in the video proves that the physical integrity of Mr. Santos was seriously attacked, which enables to embody the Coach’s conduct within the frame of the violation established in art 15 (1)(g) DR (“serious assault”).
- (ii) Self-defence does not apply to the case at hand. It is not that Mr. Knutsen tried to neutralize an aggression by bringing Mr. Santos to the ground: the Coach overreacted and seriously attacked the integrity of Mr. Santos. The Coach did not have the intention to defend himself but to intentionally attack Mr. Santos.

- (iii) The fact that Mr. Santos is an experienced coach or his alleged records are of no avail to reduce the sanction in this case. Mr. Santos and Mr. Knutsen both started their careers in 2012, Mr. Santos has no previous records for violations of art. 11 or art. 15 DR within the last three years and in any event, Mr. Santos is not a party in this proceeding. Needless to say that the UEFA disciplinary bodies already considered and applied mitigating circumstances as explained in their decisions.

## **VI. JURISDICTION**

34. Article R47 of the CAS Code provides the following:

*“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body. [...]”*

35. Article 62 of the UEFA Statutes reads as follows:

*Any decision taken by a UEFA organ may be disputed exclusively before the CAS in its capacity as an appeals arbitration body, to the exclusion of any ordinary court or any other court of arbitration.*

36. The Parties have expressly recognized the jurisdiction of CAS by signing the Order of Procedure of these proceedings.

37. Therefore, in accordance with article R47 of the CAS Code and the provisions cited above, CAS has jurisdiction to decide the present matter.

## **VII. ADMISSIBILITY**

38. Article R49 of the CAS Code provides as follows:

*“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against.”*

39. Article 62.3 of the UEFA Statutes reads as follows:

*The time limit for appeal to the CAS shall be ten days from the receipt of the decision in question.*



40. The grounds of the Appealed Decision were notified to the Appellant on 17 June 2022, and the Statement of Appeal was filed before the CAS on the same day. In addition, UEFA did not contest the admissibility of the appeal.
41. It follows that the appeal is admissible.

### **VIII. APPLICABLE LAW**

42. Article R58 of the CAS Code reads as follows:

*“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”*

43. Both Parties agree that this dispute shall be decided in accordance with the UEFA Statutes, rules and regulations, in particular the UEFA Disciplinary Regulations, on which the Panel concurs.
44. Based on the aforementioned, the present dispute will be resolved according to the UEFA Statutes, rules and regulations and where necessary, the Panel will subsidiarily apply Swiss law.

### **IX. MERITS**

#### **A. Introduction**

45. In accordance with the submissions filed by the Parties, the object of the dispute may be briefly summarized as follows: the Appellants claim for the annulment of the Appealed Decision as they consider that (i) the Coach acted in self-defence in the Incident and thus no disciplinary liability may arise out of his conduct and (ii) the conduct of the Coach cannot be qualified as a “serious assault”. On a subsidiary basis, the Appellants understand that should the Coach be found liable for a violation of the DR, the sanction imposed on him by the Appealed Decision shall be reduced. On the other hand, UEFA contends that the Appealed Decision is correct and shall be confirmed.
46. In light of the aforementioned, the main issues to be resolved by the Panel in this award are the following:
  - a. Did Mr. Knutsen act in self-defence in the Incident?

- b. Should the conduct of Mr. Knutsen be qualified as a “serious assault” under the DR?
- c. Should the sanction imposed on the Coach by the UEFA AB be reduced?

**B. Did Mr. Knutsen act in self-defence in the Incident?**

47. The Panel has analyzed the Appellants’ arguments on the Coach’s alleged self-defence in light of the events surrounding the Incident and the evidence brought to these proceedings. After such an analysis, the Panel cannot conclude that the Coach merely acted in self-defence in the Incident and that he is to be released from liability or acquitted based on it.
48. First of all, in the Panel’s view it is clear from the video footage of the Incident that the Coach, instead of walking past Mr. Santos after the press conference, stopped before him and a discussion between the two coaches started (not in very polite terms as explained below). At a certain point the Coach pointed Mr. Santos with his finger with a threatening attitude, after which Mr. Santos pushed the Coach and then a fight started and both coaches continued their fight on the floor, becoming suddenly surrounded by a crowd of people trying to separate them..
49. Secondly, the Panel notes that VD Report on the Match reads in the pertinent part as follows:
- Delegate returned to his office, but VD stayed in the tunnel area. As KK passed Nuno Santos (NS) from Roma there were some words thrown back and forth, following a bit of discussions they have had during the match.*
- VD registered the words fuck you and fuck you back. Then there were some finger pointing observed. VD looked away and suddenly there was a fight between NS and KK. A lot of other people approached to try to separate them. VDs observation was that even though there were physical contact between several persons the aggression was between KK and NS. B/G staff called for security, a few arrived and after a while also police attended the tunnel area.*
50. In other words, the UEFA Venue Director, that was present in the Incident, confirmed in his report that (i) insults between coaches were thrown back and forth, (ii) finger pointing took place and afterwards, (ii) a fight started and (iv) the aggression was between the Coach and Mr. Santos.
51. It shall be reminded in this respect that pursuant to art. 45 DR, *facts contained in official UEFA reports are presumed to be accurate. Proof of their inaccuracy may, however, be provided.*

52. This sequence of events arising out of the Incident's video footage and VD Report does not constitute, in the Panel's opinion, a mere act of neutralization of Mr. Santos' pushes qualifying for a self-defence behaviour. As asserted in CAS 2016/A/4558, "*self-defense can be an affirmative defense, but only if carried out in an appropriate way. During the course of defending himself a person cannot use force greater than that which is required to stop an immediate attack on them*". Applying this to the case at hand, the Panel considers that Mr. Knutsen's reaction was much more than an act of stopping an attack. The Coach did not simply remove Mr. Santos' hands from him: on the contrary, an aggressive and violent fight between the Coach and Mr. Santos took place, that could only be ended a while after with the intervention of 3<sup>rd</sup> parties.
53. Bearing the aforementioned in mind, it is the Panel's assertion that the video footage and the VD Report (whose presumption of accuracy has not been rebutted by the Appellants) do not enable to consider that the Coach simply acted in self-defence in the Incident.
54. For the sake of completeness, the clarity of the VD Report and the absence of rebuttal of its accuracy presumption makes it unnecessary to address the content of the UEFA Delegate Report and the Additional Report on the Incident, especially taking into account that the UEFA Delegate was not present in the Incident as stated by him in these reports.
55. Therefore, the Appellant's allegations of self-defence (and the correlative petition of annulment of the Appealed Decision based on them) are rejected.

**C. Should the conduct of Mr. Knutsen be qualified as a "serious assault" under the DR?**

56. After having examined the file and the evidence brought to the proceedings, the Panel cannot share the Appellants' contention that the Incident must not be considered as a "serious assault", but simply an "assault".
57. Both the Appellants (page 9 of the Appeal Brief) and the Respondent (page 12 of the Answer) agree on the fact that (i) the UEFA disciplinary bodies have defined an "assault" as "*any act committed not only intentionally but also recklessly by which the opponent's physical or psychological well-being is interfered with. Such an act would non-exhaustively involve aggressive contact such as slapping, headbutting, kicking, punching, elbowing, shaking, pushing, pinching or hitting*" and (ii) the UEFA disciplinary bodies have also asserted that particularly serious attacks on a person's physical or psychological well-being are considered "serious assaults" in the sense of

art. 15(1)(g) DR (see for instance the UEFA CEDB decisions 207037 UEL 2013/2014 and 31003 UEL 2017/2018).

58. Bearing the aforementioned in mind, it is the Panel's view that the qualification of the Incident as a "serious assault" made by the disciplinary bodies of UEFA in this case is correct: the sequence of events occurred, the form and moment in which the Incident took place (not in the "heat of the game", but many minutes after the Match's end), the violence and aggressivity publicly displayed and the damages suffered both by Mr. Santos and the Coach as shown in the photographs attached to the VD Report provide for, and patently justify, that the Coach's conduct is not to be qualified as a simple or regular assault but as a "serious assault".
59. The Incident was not an isolated or unique act of spontaneous kicking, head-butting or elbowing an opponent: the Incident as shown in the video footage and described in the VD Report goes by far beyond this and is particularly serious. The attack was grave and violent, and it took a while to deactivate it with the intervention of 3<sup>rd</sup> parties, including the security personnel at the stadium.
60. Therefore, the Panel concurs with the qualification of the Coach's conduct made by the UEFA AB as "serious assault" and in consequence, the allegations made by the Appellant in this respect are also rejected.

**D. Should the sanction imposed on the Coach by the UEFA AB be reduced?**

61. The Panel notes that the Appellants request on a subsidiary basis that the sanction imposed on the Coach in the Appealed Decision is reduced based on the following circumstances and for reasons of proportionality and equality: (i) Mr Santos has been suspended in several occasions before the Incident, which shows his lack of respect to the principles of decent conduct and fair play and (ii) the Coach cannot receive the same sanction as the person who, in the Appellant's view, originated the fight (Mr. Santos).
62. The Panel shall initially note in this respect that:
  - (i) Pursuant to art. 15(1)(g) DR, the standard sanction for a "serious assault" is a suspension for 5 matches;
  - (ii) The suspension imposed on the Coach by the UEFA AB was of 3 matches only, having the UEFA CEDB and the UEFA AB already applied some mitigating circumstances to reach to such a reduction (Mr. Santos having waited for the Appellant in the tunnel area -being it understood as a provocation-, tension and importance of the Match after which the Incident took place and the Incident not being broadcasted on TV), and

(iii) In accordance with the CAS jurisprudence on disciplinary matters (inter alia, CAS 2016/A/4595, CAS 2015/A/3874 and CAS 2014/A/3562):

- CAS panels shall give a certain deference to decisions of sports governing bodies in respect of the proportionality of sanctions.
- Even though CAS panels retain the full power to review *de novo* the factual and legal aspects involved in a disciplinary dispute, they must exert a degree of restraint in reviewing the level of sanctions imposed by a disciplinary body.
- CAS panels should reassess sanctions only if they are evidently and grossly disproportionate to the offence

63. Taking the aforementioned into consideration and after having examined the arguments raised by the Appellants on the reduction of the sanction, the Panel considers that no further reduction of the sanction is to be applied for the following reasons:

- a) The Panel does not find that the UEFA disciplinary bodies acted arbitrarily in the imposition of the sanction or that the sanction imposed is grossly disproportionate. On the contrary, the Panel considers that such disciplinary bodies acted in accordance with art. 23 DR and already considered -and applied- mitigating circumstances when assessing the sanction to be imposed. The case law invoked by the Appellants does not distort this conclusion and on the contrary, the comparison of this case with others resolved by the UEFA CEDB as indicated in the Answer to the Appeal Brief shows that the suspension of 3 matches imposed on the Coach *in casu* is not disproportionate.
- b) The specific reasons alleged in their Appeal Brief to justify the requested further reduction of the sanction are, in the Panel's view, of no avail: Mr. Santos' alleged "conflictive" records are unproven and in any event, are irrelevant to the case; both coaches, not only Mr. Santos, instigated the confrontation and both of them were sanctioned; and in any event, the UEFA disciplinary bodies already considered, to mitigate the Appellant's sanction, the fact that Mr. Santos waited for the Appellant in the stadium's tunnel area, which could be interpreted as a provocation.

64. For the sake of completeness, the fact that, as alleged by the Appellants, Mr. Santos is an experienced coach that should have been able to control or to manage the Incident is also completely irrelevant in terms of establishing the sanction, in particular because the two coaches involved in the Incident, not only Mr. Santos, are experienced coaches that are part of the training staff of two clubs that have participated in a continental competition (UEFA Conference League).

65. Therefore, the Appellant's subsidiary request for relief is also dismissed.

**E. Conclusion**

66. Based on the grounds set out above, the Panel decides to dismiss the appeal filed by the Coach and the Club in its entirety and to confirm the Appealed Decision.

**X. COSTS**

(...).

## **DECISION**

### **The Court of Arbitration for Sport rules that:**

1. The appeal filed by Kjetil Knutsen and FK Bodø Glimt against the decision rendered by the UEFA Appeals Body on 8 June 2022 (Ref. Nr. 35515/aglo -UECL- 2021/2022) is dismissed.
2. The decision rendered by the UEFA Appeals Body on 8 June 2022 is confirmed.
3. (...).
4. (...).
5. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date of notification of the operative part: 5 July 2022

Date of notification of the award with grounds: 25 April 2023

## **THE COURT OF ARBITRATION FOR SPORT**

**Mr. Jordi López Batet**

President of the Panel

**Prof. Dr. Martin Schimke**

Arbitrator

**Mr. Maciej Balaziński**

Arbitrator