# COMMENTS

legaljournal.fifa.com

# CAS 11990 & 11991 & 11992 & 11996 & 11998 & 11999 & 12000 & 12002 FOOTBALL ASSOCIATION OF MALAYSIA ET AL. V. FIFA (ORDER ON PROVISIONAL MEASURES AND OPERATIVE DECISION)

*Américo Espallargas*
*FIFA Head of Disciplinary*

ABSTRACT

This comment examines the disciplinary and arbitral proceedings arising from the use of falsified documents in connection with the eligibility of seven professional football players to represent the Malaysian national team. It analyses the decisions rendered by the FIFA Disciplinary Committee and the FIFA Appeal Committee under Article 22 of the FIFA Disciplinary Code, with particular attention to the concepts of use of forged or falsified documents, the degree of fault required to establish disciplinary liability, the duty of diligence expected of professional players and the proportionality of the sanctions imposed. The comment then considers the appeals before the Court of Arbitration for Sport (CAS), focusing on the Panel's Order on Provisional Measures and its assessment of irreparable harm, likelihood of success on the merits and balance of interests under Article R37 of the CAS Code. Finally, it examines the operative part of the CAS award, which upheld the findings of liability while replacing the players' twelve-month ban from all football-related activities with a twelve-month suspension from playing matches. The case provides important guidance on document fraud, player eligibility, disciplinary responsibility and the appropriate scope of sporting sanctions in football.

KEYWORDS

FIFA; Court of Arbitration for Sport (CAS); FIFA Disciplinary Code; document fraud; forgery and falsification; player eligibility; disciplinary liability; provisional measures; proportionality of sanctions; Football Association of Malaysia.

https://doi.org/10.36151/fifalegaljournal.2026.2.04

# CAS 11990 & 11991 & 11992 & 11996 & 11998 & 11999 & 12000 & 12002 FOOTBALL ASSOCIATION OF MALAYSIA ET AL. V. FIFA (ORDER ON PROVISIONAL MEASURES AND OPERATIVE DECISION)

Américo Espallargas
FIFA Head of Disciplinary

**Summary:** 1. What is this case about? 2. The FIFA Disciplinary Committee decision. 3. The FIFA Appeal Committee decision. 4. The CAS appeal and request for provisional measures. 4.1. Arguments of the players. 4.2. Arguments of FIFA. 4.3. Order on Provisional Measures. 5. Operative part on the merits and conclusions.

## 1. WHAT IS THIS CASE ABOUT?

This dispute concerns the fraudulently obtained eligibility of seven professional football players who represented the Malaysian national team in 2025. It began when the Football Association of Malaysia (FAM) sought confirmation from FIFA that the players were eligible to represent Malaysia pursuant to Article 8(1)(iii) of the Regulations Governing the Application of the FIFA Statutes (RGAS), relying on documentary evidence purporting to establish that each player's grandparent had been born in Malaysia, and that the players had acquired Malaysian citizenship by naturalisation.

Between March and June 2025, FAM submitted a series of eligibility enquiries to FIFA accompanied by birth certificates allegedly showing that the players' respective grandparents had been born in places that now form part of Malaysia. On the basis of the documentation provided, FIFA initially confirmed that each player appeared eligible to play for the representative team of Malaysia under the RGAS. Several of the players subsequently played for Malaysia in international matches, both friendly and official.

Following a complaint received by FIFA on 11 June 2025, investigations were opened into the authenticity of the documents submitted during the eligibility process. In that context, the FIFA Administration obtained original civil registry records of the players' grandparents from the relevant authorities in Spain, Argentina, Brazil and the Netherlands. According to the investigations, these records demonstrated that the players' grandparents had in fact been born outside Malaysia and that the documents submitted to FIFA had been doctored. Accordingly, disciplinary proceedings were opened against each of the players and FAM for a potential breach of Article 22 of the FIFA Disciplinary Code (FDC).[1]

The purpose of this comment is therefore to discuss the litigation that ensued before both the FIFA judicial bodies and the Court of Arbitration for Sport (CAS). At the time of writing, CAS has notified the parties only of the operative part of the award, in which it partially upheld the players' appeals and dismissed that of FAM; the reasoned award has yet to be notified.

[1] Article 22 of the 2023 edition of the FDC reads as follows:
*"1. Anyone who, in football-related activities, forges a document, falsifies an authentic document or uses a forged or falsified document will be sanctioned with a fine and a ban of at least six matches or for a specific period of no less than 12 months.*
*2. An association or a club may be held liable for an act of forgery or falsification by one of its officials and/or players."*

## 2. THE FIFA DISCIPLINARY COMMITTEE DECISION

The Disciplinary Committee based its decision on the investigation and noted that the certificates obtained by the FIFA Administration differed sharply from those submitted by FAM with its eligibility requests. On that note, the Disciplinary Committee held that Article 22 FDC had been deliberately drafted in broad terms to encompass all forms of forgery, falsification and use of falsified documents. In particular, it emphasised that the protection of sporting integrity would be seriously undermined if parties could avoid liability simply by claiming ignorance regarding the origin of the documentation they relied upon. Accordingly, it dismissed the respondents' argument that the provision provided little guidance on the concept of "use" and on whether liability could properly arise where a party neither created the document nor knew of its alleged falsification.

The Disciplinary Committee was especially critical of what it considered to be a lack of diligence on the part of both FAM and the players. It observed that the FIFA Administration had been able to obtain the original birth records without difficulty and concluded that a reasonable level of scrutiny would likely have exposed the discrepancies. The Disciplinary Committee therefore rejected the respondents' assertion that adequate due diligence had been exercised throughout the process.

The Committee further concluded that the falsified documents were not a mere procedural formality. Instead, they had been decisive in securing eligibility approvals for players who otherwise lacked the ancestral connection required by the RGAS. For this reason, the Committee considered that the misconduct directly affected the integrity of international football competitions.

Particular emphasis was placed on the fact that the players had already played for Malaysia following the eligibility clearances. In the Committee's view, these circumstances demonstrated that the forged documents had produced tangible sporting consequences and made the players direct beneficiaries of the forgery.

Having established the violation, the Disciplinary Committee proceeded to assess the appropriate sanctions under Articles 6, 22 and 25 FDC. Although it accepted that the respondents had clean disciplinary records, it regarded several aggravating factors as particularly significant: the use of forged documents in official FIFA proceedings, the successful circumvention of eligibility requirements, the participation of the players in international competitions and the impact of their participation on sporting results.

As a consequence, and having regard to the relevant jurisprudence, the Disciplinary Committee imposed a CHF 350,000 fine upon FAM, calculated

at CHF 50,000 for each player involved in the eligibility scheme. Each player was additionally fined CHF 2,000 and suspended from all football-related activities for twelve months.

## 3. THE FIFA APPEAL COMMITTEE DECISION

Both the players and FAM appealed against the Disciplinary Committee's decision. The appellants disagreed with the findings regarding responsibility, the interpretation of Article 22 FDC and the proportionality of the sanctions imposed at first instance. The appeal proceedings involved certain procedural issues, which we omit as they are not relevant for the purposes of this comment.

On a factual level, the players presented themselves as passive participants in a process entirely managed by FAM and the Malaysian authorities. They submitted that they neither forged nor used falsified documents and that they had merely supplied genuine documentation concerning themselves and their family members to their agents or family members, who then passed it on to FAM. According to the players, any manipulation of birth certificates occurred after the documents left their possession and without their knowledge or participation. They argued that they had reasonably relied on FAM and on the Malaysian authorities throughout the naturalisation and eligibility procedures.

From a legal perspective, the players argued that Article 22 FDC required both an objective element (*actus reus*) and a subjective element (*mens rea*). They maintained that neither requirement had been established. In particular, they challenged the interpretation adopted by the Disciplinary Committee that treated them as "ultimate beneficiaries" of the forged documents. According to the players, such a theory had no basis in the text of the FDC and violated fundamental principles of disciplinary law, including legal certainty and personal responsibility. They further argued that, even if some degree of negligence could be established, the sanctions remained manifestly disproportionate.

In parallel, FAM argued that it had acted in good faith, relying on documentation and decisions issued by Malaysian governmental authorities. It maintained that any alteration of documents had been the result of isolated conduct by lower-level staff members rather than institutional misconduct, labelling the act of doctoring the birth certificates an "administrative adjustment". It further submitted that the players had been lawfully naturalised and that the alleged document irregularities had no substantive impact on their eligibility.

Against that background, the Appeal Committee was required to determine three principal issues on the merits: whether the evidence established that the birth certificates were forged; whether the players and FAM could be held liable under Article 22 FDC; and whether the sanctions imposed by the Disciplinary Committee were proportionate.

As to the first issue, the Appeal Committee undertook an extensive review of the evidence relating to each individual player. It compared the documentation submitted during the FIFA eligibility proceedings, the original birth records obtained by FIFA from foreign authorities, the documents produced by the players during the appeal proceedings and the certificates subsequently issued by Malaysian authorities. Following a detailed examination of each file, the Committee concluded that the evidence overwhelmingly demonstrated that none of the grandparents in question had been born in Malaysia.

The Committee attached particular significance to the original civil registry records obtained from Spain, Argentina, Brazil and the Netherlands, which matched the birth certificates produced by the players themselves during the appeal proceedings but contradicted their testimony at the hearing, where six of the seven players insisted that their respective grandparents had been born in Malaysia. Further, the Appeal Committee considered the Malaysian certificates unreliable because they contained limited information, omitted essential personal details and, in some instances, included obvious inconsistencies.

The Appeal Committee therefore endorsed the findings of the Disciplinary Committee and concluded that the birth certificates used in the eligibility proceedings were not authentic.

Having established that the documents were forged, the Appeal Committee turned to the interpretation of Article 22 FDC. It relied principally on CAS 2022/A/9175–9176 (the *Byron Castillo* case), CAS 2023/A/9637 and CAS 2024/A/10586 (*Shohag*). On the basis of that case law, it held that Article 22 encompasses not only the fabrication or forgery of documents but also their use. In the Appeal Committee's view, the combined effect of Article 22 and Article 8 FDC meant that negligence was sufficient to establish liability; it therefore rejected the players' contention that proof of intent was required. Furthermore, although the players relied on CAS 2018/A/5769 (*Makudi*) to argue that forgery-related offences require at least *dolus eventualis*, the Committee considered that decision distinguishable and concluded that, even under that standard, the players' conduct could satisfy the requisite level of fault.

Applying those principles, the Appeal Committee found that the players had, at the very least, acted with gross negligence. They had accepted

the opportunity to represent a country with which they possessed no apparent connection, signed naturalisation documents without reading them, relied entirely on agents and intermediaries, and failed to undertake any meaningful verification of the ancestry claims used to support their eligibility. The Appeal Committee criticised what it considered the players' complete absence of curiosity regarding the source of their alleged Malaysian heritage. In this vein, the Appeal Committee also rejected the portrayal of the players as victims of the process. In its view, they had actively participated in the scheme by handling documents and signing forms without verification.

As regards FAM, the Appeal Committee was particularly critical of FAM's admission that officials had altered documentation during the eligibility process. It regarded such conduct as a direct acknowledgement of document tampering and considered the subsequent attempts to characterise the alterations as mere administrative adjustments wholly unconvincing. The Appeal Committee further criticised FAM's failure to identify those responsible for the falsifications and expressed concern regarding the association's governance and compliance mechanisms.

Finally, the Appeal Committee reviewed the proportionality of the sanctions imposed by the Disciplinary Committee, since both the players and FAM had argued that the penalties were excessive.

The Appeal Committee rejected those submissions. While acknowledging the mitigating effect of the appellants' clean disciplinary history, it considered that this factor had already been reflected in the sanctions imposed at first instance. Indeed, it recorded that the twelve-month suspension represented the minimum period-based sanction available under Article 22 FDC.

More importantly, the Appeal Committee emphasised the seriousness of the misconduct. In its view, the forged documents enabled otherwise ineligible players to participate in international football and obtain a significant sporting advantage. It highlighted that several players had scored goals for Malaysia and that the national team's sporting results had been directly influenced by their participation. The Appeal Committee considered the offences to strike at the heart of football integrity and indicated that, but for the prohibition of *reformatio in pejus* under the FDC, it might have considered imposing even harsher sanctions.

Consequently, the Appeal Committee dismissed all appeals and confirmed the Disciplinary Committee's decision in its entirety. The Committee additionally instructed FIFA to commence further investigations into the conduct of certain officials and football agents connected to the matter.

## 4. THE CAS APPEAL AND REQUEST FOR PROVISIONAL MEASURES

### 4.1. ARGUMENTS OF THE PLAYERS

Following the dismissal of their appeals by the FIFA Appeal Committee, the seven players filed appeals with CAS and simultaneously requested provisional measures under Article R37 of the CAS Code. The relief sought consisted of a stay of execution of the twelve-month suspension imposed by FIFA, together with the immediate restoration of their right to train, compete and participate in all football-related activities pending the outcome of the arbitration. Alternatively, the players requested that the suspension be lifted at least in respect of club-related activities, while maintaining any restrictions connected to representation of the Malaysian national team.

The players based their request on the three traditional requirements governing provisional measures before CAS: (i) irreparable harm; (ii) likelihood of success on the merits; and (iii) the balance of interests. According to the players, all three requirements were fully satisfied.

As to irreparable harm, the players argued that the FIFA sanctions produced consequences extending far beyond the ordinary effects of a disciplinary suspension. Unlike sanctions limited to participation in official matches, the sanctions imposed by FIFA prohibited the players from engaging in *any* football-related activity whatsoever. Consequently, they were unable to train with their clubs, participate in tactical sessions, maintain their physical condition, fulfil their contractual obligations, or compete professionally.

The players underlined the finite nature of a professional athlete's career and argued that months spent outside organised football cannot be recovered retrospectively. Even if CAS were ultimately to overturn the FIFA decisions, the lost opportunities, erosion of match fitness, loss of competitive rhythm and potential deterioration of their sporting careers could not be repaired through financial compensation. According to the players, the suspension therefore caused precisely the type of irreparable prejudice traditionally recognised by CAS jurisprudence.

The players also highlighted that they had already been excluded from football-related activities since the day of the Disciplinary Committee's decision, meaning that a substantial portion of the sanction had already been served by the time the request for provisional measures was considered. In their view, there was a real possibility that a significant part of the suspension would have been completed before CAS rendered a final award, thereby depriving the appeal of its practical effectiveness.

Moreover, the players submitted that the suspension affected not only themselves but also third parties. Their employing clubs, teammates,

sponsors and families were all negatively impacted by their inability to perform their professional activities. Several players were under contract with clubs participating in important domestic and continental competitions, and the continued enforcement of the suspension affected both sporting planning and contractual stability.

As to the likelihood of success on the merits, the players argued that their appeals could not be considered manifestly unfounded. They contended that there were serious legal and factual questions concerning the interpretation and application of Article 22 FDC.

First, they maintained that they had never forged any documents and had never personally submitted any allegedly falsified documents to FIFA. According to their version of events, they merely provided authentic family documentation to agents and intermediaries before the documents entered a process controlled by FAM and Malaysian authorities. They argued that they lacked any knowledge concerning alterations allegedly made to those documents and could not reasonably have detected such alterations.

Second, they challenged FIFA's interpretation of the term "use" under Article 22 FDC. In their view, the Appeal Committee had improperly expanded the scope of the provision by introducing concepts such as "indirect user" and "ultimate beneficiary", concepts which do not appear explicitly in the FDC. They submitted that disciplinary provisions must be interpreted restrictively and in accordance with the principles of legal certainty and *nulla poena sine lege*.

Third, the players criticised the reasoning adopted by the FIFA Appeal Committee regarding fault. They noted that the first-instance decision appeared to rely largely on intentional conduct, whereas the Appeal Committee ultimately focused on negligence. Nevertheless, the sanction remained unchanged. According to the players, this inconsistency alone demonstrated the existence of serious issues requiring determination by CAS.

Finally, even if liability were ultimately upheld, the players contended that the sanctions imposed were excessive and disproportionate when compared with previous FIFA and CAS decisions involving eligibility disputes and document-related offences.

As regards the balance of interests, the players submitted that a temporary suspension of the sanctions would produce only limited inconvenience for FIFA. Should the appeals eventually fail, the sanctions could simply be reactivated and enforced. By contrast, if provisional relief were denied and the players' appeals ultimately succeeded, the damage suffered throughout the arbitration could never be effectively reversed. They further emphasised that their request did not undermine FIFA's regulatory authority. Rather, it

merely sought to preserve the *status quo* until CAS rendered a final decision. Since the merits remained disputed, temporary relief was necessary to prevent irreversible consequences occurring before full judicial review had taken place.

### 4.2. ARGUMENTS OF FIFA

FIFA opposed the application and requested that the provisional measures be rejected in their entirety. Its position was that none of the cumulative requirements under Article R37 of the CAS Code had been satisfied.

FIFA submitted that there was no irreparable harm, arguing that the players had failed to produce evidence demonstrating actual and concrete prejudice. According to FIFA, general references to sporting careers, future opportunities or professional development were speculative and insufficient to establish the existence of irreparable harm. FIFA stressed in this regard that CAS jurisprudence had moved away from the proposition that every sporting suspension automatically generates irreparable harm. In its view, a suspension preventing participation in football competitions constitutes the normal and intended consequence of a disciplinary sanction rather than an exceptional circumstance warranting provisional relief.

It was further noted that the players had not presented evidence showing that they had lost employment, suffered measurable contractual damage, or experienced a decline in physical condition since the beginning of the suspension. FIFA also argued that the players remained capable of maintaining their fitness through individual training.

As to the likelihood of success of the appeals, FIFA stated that the players' prospects of prevailing were extremely limited. It emphasised that none of the players disputed the fundamental finding that their grandparents had been born outside Malaysia. Consequently, the factual basis underpinning the FIFA decisions remained largely uncontested.

From FIFA's perspective, Article 22 FDC does not require proof of intent, fraud, economic gain or personal involvement in the creation of forged documents. FIFA emphasised the wording of Article 8 FDC and the jurisprudence relied upon by the Appeal Committee to argue that negligence alone suffices to establish disciplinary responsibility.

FIFA further maintained that the players had clearly benefited from the use of the falsified documents because those documents enabled them to acquire eligibility to represent Malaysia in official and friendly international matches. Consequently, even if they had not personally altered the documents, they had nevertheless used them for sporting purposes.

Concerning the balance of interests, FIFA attached particular importance to the integrity of football competitions. It argued that Article 22 FDC protects one of the most fundamental interests within organised football, namely the authenticity of official documents and the proper administration of eligibility requirements.

According to FIFA, granting provisional measures would undermine the deterrent effect of disciplinary sanctions involving forged documentation and could create uncertainty regarding future competitions should the players continue participating while the arbitration remained pending. FIFA therefore maintained that the broader interests of the football community outweighed the individual interests of the appellants.

### 4.3. ORDER ON PROVISIONAL MEASURES

On 26 January 2026, the CAS Panel issued the operative part of its Order on Provisional Measures, which was followed by a fully reasoned order on 25 February 2026. The Panel granted the applications lodged by the players and ordered a stay of the twelve-month suspension imposed on them.

The Panel began its analysis by recalling that Article R37(5) of the CAS Code requires consideration of whether the requested relief is necessary to protect the applicant from irreparable harm. The relevant provision states:

> *"When deciding whether to award preliminary relief, the President of the Division or the Panel, as the case may be, shall consider whether the relief is necessary to protect the applicant from irreparable harm, the likelihood of success on the merits of the claim, and whether the interests of the Applicant outweigh those of the Respondent(s)."*

The Panel further referred to established CAS jurisprudence according to which the applicant bears the burden of demonstrating that immediate enforcement of the challenged decision would expose it to damage that would be impossible, or at least extremely difficult, to remedy subsequently.

In particular, the Panel cited CAS 2010/A/2113 and CAS 2014/A/3642, which emphasise that general allegations of harm are insufficient and that the alleged prejudice must be specifically established by the requesting party.

Having set out the applicable legal framework, the Panel distinguished the present matter from cases involving ordinary sporting suspensions. It observed that the sanction imposed by FIFA was not merely a suspension from official matches. Rather, the players had been banned from all football-related activities.

This distinction was the *crux* of the matter in the Panel's view. It noted that the sanction prevented the players not only from participating in official competitions but also from taking part in unofficial matches, organised training sessions and any professional football activity conducted by their clubs. In practical terms, therefore, the players had been prevented from exercising their profession entirely.

The Panel acknowledged that CAS jurisprudence is not uniform on the question of whether sporting suspensions automatically constitute irreparable harm. On the one hand, it referred to precedents such as CAS 2014/A/3571, CAS 2016/A/4710 and CAS 2023/A/9882, which recognise that suspensions subsequently found to be unjustified may cause irreparable injury because an athlete's sporting career is inherently limited and time lost cannot be recovered.

On the other hand, the Panel expressly considered cases such as CAS 2020/A/6796 and CAS 2021/A/8161 & 8162, where CAS found that exclusion from a limited number of sporting events does not automatically establish irreparable harm. The Panel accepted this reasoning but concluded that the present case involved significantly different circumstances.

In particular, the Panel emphasised that football is fundamentally a collective sport. It observed that professional players do not merely maintain their level through individual physical preparation. Rather, performance depends upon continuous integration within a team environment, tactical development, interaction with coaches and participation in daily sporting activities. In the Panel's view, the inability to train with teammates inevitably results in a deterioration of physical condition, tactical familiarity and competitive readiness.

The Panel also considered the temporal dimension of the sanction. At the time of issuance of the Order on Provisional Measures, the players had already been suspended since 26 September 2025. Consequently, the relevant assessment could not be limited to the period remaining before the merits hearing. Instead, the Panel evaluated the cumulative effect of several months of enforced inactivity and concluded that the practical consequences of the suspension would likely continue even after any eventual lifting of the sanction. A player deprived of organised football for such a period could not be expected immediately to return to competitive performance.

Accordingly, the Panel found that the first requirement under Article R37 of the CAS Code had been satisfied and that the continued enforcement of the suspension would likely cause irreparable harm to the players.

The Panel then turned to the second requirement under Article R37(5) of the CAS Code, namely whether the applicants had demonstrated a sufficient

likelihood of success on the merits. The Panel recalled the established CAS standard that an applicant does not need to prove that it will prevail in the arbitration. Rather, it is sufficient to show that its position is not manifestly unfounded and that its prospects of success cannot be excluded from the outset. Referring specifically to CAS 2014/A/3703, the Panel reiterated that an applicant:

> *"must make at least a plausible case that the facts relied upon by him and the right which he seeks to enforce exists and that the material criteria for a cause of action are fulfilled".*

The Panel emphasised that its task at the provisional stage was not to determine the merits of the appeal. Importantly, it declined FIFA's invitation to engage in a detailed assessment of the correctness of the FIFA Appeal Committee's interpretation of Article 22 FDC. Instead, it limited itself to evaluating whether the players' legal position could be categorically rejected.

In this regard, the Panel noted the players' principal arguments that: (a) they did not forge the documents; (b) they did not directly use the disputed documents in FIFA proceedings; (c) they were unaware of any alleged falsification; and (d) Article 22 FDC may not necessarily extend to players whose involvement was limited to benefiting from documentation submitted by others.

Although the Panel refrained from expressing any view concerning the ultimate merits of those arguments, it expressly stated that the interpretation and application of Article 22 FDC "certainly can be discussed" in the circumstances of the case. This indicates that the Panel considered the legal issues raised by the players to be legitimate questions requiring full examination at the merits stage.

For that reason, the Panel concluded that the players' position could not be characterised as "obviously groundless", nor could their prospects of success be definitively discounted. The second condition of Article R37 was therefore met. The Panel nevertheless stressed that this conclusion was purely *prima facie in* nature and without prejudice to the final award.

The third requirement under Article R37 concerns the balancing of the respective interests of the parties. The Panel recalled established CAS jurisprudence, according to which:

> *"It is then necessary to compare the disadvantages to the Appellant of immediate execution of the decision with the disadvantages for the Respondent of being deprived such execution."*

The Panel also noted that, according to previous CAS decisions such as CAS 2020/A/6796 and CAS 2006/A/1088, this assessment must include

consideration of the interests of third parties who may be affected by either the granting or refusal of the requested relief.

The Panel accepted FIFA's submission that Article 22 FDC is directly connected to the protection of football integrity and the authenticity of official documentation. It therefore acknowledged that FIFA possessed a legitimate interest in ensuring the immediate enforcement of sanctions imposed in cases involving falsified documents. However, the Panel considered that several factors considerably reduced the weight of FIFA's interest at the provisional stage.

First, the arbitral timetable already contemplated a hearing on the merits in February 2026 and a final operative award before the next international match window. The Panel therefore reasoned that the stay would only postpone the execution of the sanction for a relatively short period. Importantly, if FIFA ultimately prevailed, the suspension could simply be reinstated and enforced. Consequently, granting provisional relief would delay, but not eliminate, the disciplinary consequences.

Second, the Panel observed that the alleged misconduct concerned eligibility for international football and not club football. Malaysia's next official international match was scheduled only after the expected issuance of the final CAS award. As a result, there was no realistic risk that the temporary stay would affect the integrity of future international competitions before CAS ruled on the merits.

Third, the Panel expressly considered the interests of the players' clubs. Unlike FIFA, which focused on the broader regulatory interests of the sport, the Panel recognised that the suspension deprived clubs of the services of professional players who had not yet exhausted their legal remedies. In the event that the players eventually succeeded in the arbitration, neither the players nor their clubs would be able to recover the lost sporting opportunities created by months of inactivity.

Finally, the Panel noted that FIFA's disciplinary objectives had already been substantially advanced. The disciplinary decisions themselves, combined with the extensive publicity surrounding the proceedings, had already communicated FIFA's position that document falsification and eligibility manipulation would not be tolerated. In the Panel's view, a temporary stay pending the appeal would not materially weaken that deterrent message.

Balancing all of these considerations, the Panel concluded that the prejudice suffered by the players and their clubs outweighed the inconvenience that FIFA would experience as a result of a temporary suspension of the sanction. The third and final requirement under Article R37 of the CAS Code was therefore satisfied.

## 5. OPERATIVE PART ON THE MERITS AND CONCLUSIONS

Although the reasoned CAS award had not yet been notified at the time of writing, the operative part has already been notified to the parties and provides important guidance regarding both the interpretation of Article 22 FDC and the proportionality of sanctions applicable to document-fraud cases in football. CAS rejected the appeal filed by FAM and only partially upheld the appeals brought by the players: specifically, the ban from all football-related activities was replaced by a twelve-month ban from playing matches, with credit being granted for the period already served between 25 September 2025 and 26 January 2026.

It follows that FIFA's findings that Article 22 FDC had been infringed remain intact. The only substantive modification concerns the nature of the sporting sanction imposed upon the players.

Accordingly, the first and perhaps most significant consequence of the CAS award is the confirmation of FIFA's fundamental approach to document fraud. Whatever reasoning may ultimately appear in the award, the operative part leaves little doubt that CAS accepted the existence of a violation of Article 22 FDC and upheld the disciplinary findings against both the players and FAM. This outcome reinforces an important regulatory principle: forged or falsified documentation used within football governance processes strikes directly at the integrity of the sport. Eligibility proceedings, transfer procedures, licensing systems and disciplinary processes all depend upon the authenticity of documentary evidence. Without confidence in that evidence, the entire regulatory framework becomes vulnerable to manipulation. Consequently, the case confirms that FIFA judicial bodies are entitled to adopt a particularly strict approach when addressing document-related misconduct.

In this respect, the outcome appears to validate the central propositions advanced by both the FIFA Disciplinary Committee and the FIFA Appeal Committee, namely that Article 22 serves not merely to punish forgery itself but also to protect the institutional integrity of football governance.

At the same time, the award suggests that CAS was not entirely persuaded by FIFA's approach to sanctions. The only aspect of the FIFA decisions modified by the Panel concerned the scope of the sporting punishment imposed upon the players. Rather than excluding them from all football-related activities, CAS limited the sanction to participation in matches.

This distinction should not be underestimated. The Panel's Order on Provisional Measures had already hinted at its concerns regarding the practical implications of a complete ban from football activities. Throughout that order, the Panel repeatedly emphasised that preventing professional

footballers from training with their clubs may have consequences extending beyond the formal duration of the sanction itself. Exclusion from training affects not only physical preparation but also tactical development, team integration and long-term employability.

The outcome therefore appears to reflect an attempt to reconcile two legitimate objectives. On the one hand, the seriousness of the misconduct required a significant sporting sanction. On the other hand, CAS seems to have concluded that preventing professional players from training and working entirely exceeded what was required to achieve the disciplinary objectives.

A second noteworthy aspect of the case concerns its contribution to the interpretation of Article 22 FDC itself. Prior to the Malaysia proceedings, there were few awards addressing the notion of use of forged documents in detail. While important guidance existed through cases such as Byron Castillo and various proceedings under the FIFA Code of Ethics, there had been few opportunities for CAS to examine the operation of Article 22 FDC in detail. The dispute raised several novel questions, including: (a) whether a player may be considered a "user" of a forged document despite not physically submitting it; (b) whether disciplinary liability may be based on negligence rather than intentional misconduct; (c) whether beneficiaries of falsified documentation may be sanctioned despite not participating directly in the falsification process; and (d) the extent of the duty of diligence expected of professional players involved in nationality and eligibility procedures.

By upholding FIFA's findings of liability while modifying only the sanction, CAS appears to have implicitly endorsed a broad interpretation of Article 22 FDC. If confirmed in the reasoned award, this would represent an important development for FIFA disciplinary law because it would confirm that responsibility under Article 22 extends beyond the physical author of a forged document and may also capture those who benefit from, rely upon or negligently use falsified documentation.

Perhaps the most tangible legacy of the dispute can already be observed in FIFA's regulatory framework. Following the proceedings, FIFA amended Article 22 in the 2026 edition of the FIFA Disciplinary Code. The revised provision expressly states that individuals responsible for forgery or falsification may be sanctioned *"with a fine and a suspension or a ban on taking part in any football-related activity for a specific period of no less than 12 months"*.[2]

[2] The evolution of the FDC's wording on forgery and falsification is noteworthy. Until the 2017 edition of the FDC (Article 61), the standard sanction was a fine plus a minimum suspension of six matches for players, or a 12-month ban on all football-

The significance of this amendment lies in its differentiation between two distinct categories of sporting sanctions, namely a suspension, which generally relates to participation in matches and applies to persons such as players and officials; and a ban from all football-related activities, which affects the entirety of an individual's involvement in football. The new text eliminates the six-match alternative and thus extends the minimum match suspension to twelve months, in keeping with the view that forgery infringements are serious enough to merit a minimum of twelve months away from football.

The previous wording arguably blurred the distinction between those measures. The revised provision introduces greater clarity and allows disciplinary bodies to tailor sanctions according to the role of the offender and the circumstances of the infringement.

One might reasonably infer that the concerns expressed by the CAS Panel regarding the breadth of a ban from all football-related activities influenced this legislative development. Although FIFA did not abandon its substantive position regarding forgery and falsification, the amendment appears to acknowledge that different forms of sanctions may be appropriate for different categories of offenders.

We look forward to receiving the reasoned award, which will confirm whether the above conclusions are accurate.

related activity for officials or agents. In the 2019 edition, Article 21 eliminated the distinction between players and other persons, providing only for "a fine and a ban of at least six matches or for a specific period of no less than 12 months". This wording remained in place until the 2026 edition of the FDC, which now reads as set out above.