



November 19, 2021

Mr. Gianni Infantino, President
CC: Mr. Federico Addiechi, Head of Sustainability & Diversity,
Mr. Andreas Graf, Human Rights Manager,
Mr. Emilio Garcia Silvero, Chief Legal and Compliance Officer
Fédération Internationale de Football Association (FIFA)
FIFA-Strasse 20
P.O. Box 8044 Zurich
Switzerland

Dear Mr Infantino,

We are writing to follow up on our letter of October 4, 2021 in relation to the case of Abdullah Ibhais in Qatar, whom a Qatari court convicted in April 2021 of bribery and misuse of funds, and who is facing a 5-year prison sentence if an appeals court upholds the judgment. In the early hours of November 15, police officers took Mr Ibhais into detention, telling him that they were executing the custodial sentence against him. Mr Ibhais has made several calls since his detention. In one of those calls Mr Ibhais informed his brother that he has commenced a hunger strike.

We are writing to urge FIFA to take a strong, public stance on this case and to immediately call on the Qatari authorities to ensure a fair trial for Mr Ibhais and to refrain from initiating further charges against Mr Ibhais in retaliation for his efforts to defend himself against these charges. As this letter will lay out in detail, this case was initiated by FIFA's partners in Qatar, the Supreme Committee for Delivery and Legacy. It is highly probable that the allegations that the Supreme Committee included in an internal investigation report and submitted to the Qatari authorities resulted in the involvement of State Security prosecutors and the threat of state security charges, which, Mr Ibhais claims, is what led to him signing the confession that formed the basis of his conviction.

FIFA states in its human rights policy that the organisation "helps protect those who advocate respect for human rights" and has a secure forum to facilitate the submission of complaints from individuals who consider their rights to have been infringed in relation to their "work associated with FIFA". Mr Ibhais's case falls squarely into this category.

Background to the case

In our letter to you of October 4, we noted that Mr Ibhais had told us that he believed that it was his internal criticism of the Supreme Committee's handling of a strike by migrant workers in August 2019 that led to his prosecution and conviction for "bribery," "violation of the integrity of tenders and profits," and "intentional damage to public funds". On October 5, 2021, Human Rights Watch and FairSquare issued a statement on Mr Ibhais's case, which included allegations of serious fair trial violations both in pre-trial detention and during the hearing, notably the court's refusal to investigate allegations that Mr Ibhais's confession, which he retracted, was coerced.

On October 25, 2021, further and detailed allegations of the case appeared in Josimar magazine, including evidence to support Mr Ibhais's claims. Josimar published excerpts from what they said were internal WhatsApp discussions that included members of the Supreme Committee responding to allegations that a serious workers' strike in Qatar in August 2019 involved workers from 2022 stadium construction. In these conversations, Mr Ibhais, who had visited the striking workers in person and witnessed their conditions - they apparently had no food, they had no Qatari ID cards, and they had not been paid for 4 months - advises his colleagues and superiors not to gloss over the involvement of Supreme Committee workers in the strike, but rather to accept the fact and immediately remedy the workers' situation - "We need to fix it, then do the PR part" he told his immediate superior. The Supreme Committee did not heed Mr Ibhais's advice. According to Josimar magazine, a SC representative said the following in a WhatsApp message:

"I believe regardless of whether or not SC workers participated, the fact remains that we have workers that have not received June and July salaries. Any spin we try to put on the delay will risk the State reputation because it would be an admission from us that there is indeed an issue with payments – in fact so bad that we have to pay the workers directly and in cash – because the wage protection system and electronic records failed them. It makes us look really bad that all these reforms we've been talking about 'accelerating as a result of the World Cup' still cannot fix issues. Only response I see making things better is saying it's been resolved. Nothing else we say will do anything except cause more damage."

The Supreme Committee chose to ignore Mr Ibhais's advice where this matter was concerned, and to privately deny to a journalist that workers employed on stadium construction for the 2022 World Cup were involved in the strike.

The role of the Supreme Committee's internal investigation report in Mr Ibhais's detention

What transpired in the weeks after this incident demonstrates not only that the Supreme Committee instigated the Qatari authorities' investigation into Mr Ibhais by handing over the report from an internal investigation they conducted, but that they included in this report very serious allegations that were likely to lead to the involvement of Qatar's State Security agencies.

FairSquare and Human Rights Watch have not seen this internal investigation report, but we have reviewed a Qatari Criminal Investigations Directorate report obtained directly from Ibhais dated November 9, 2019, which summarises and refers to the contents of a complaint submitted to them by the Supreme Committee in relation to what they describe as "a leak of information" pertaining to a tender for a social media contract. However, the most salient information in the Supreme Committee's complaint is the link that it draws between Mr Ibhais and two other individuals, one of whom is his brother in Turkey, and the other of whom is a prominent media figure

whom the report says “is believed to be a Saudi citizen.” The CID report says the following: “They [the Supreme Committee] also suspect other aspects are connected with this issue, in view of their research and internal investigation which indicated that the latter two have a connection and affairs with the embargo countries.” This a reference to the severing of diplomatic relations and economic blockade of Qatar by Saudi Arabia, the United Arab Emirates, Bahrain and Egypt, which began in June 2017, and which was the source of significant political tension. The CID report states that this connection with the Saudi national, whom the report says had also bid for a separate social media contract “demonstrates that someone wants to control the social media in all its languages to prepare an action or something that harms the State or its security through the aforementioned social media tenders.” It added that the Supreme Committee “request investigation on the issue to ensure that there is no intention by the aforementioned to harm the State, its reputation or security.”

In view of the heightened regional tensions at the time, there was a foreseeable and serious risk that formally raising such a politically charged allegation with Qatar’s investigating authorities would have repercussions for Mr Ibhais. Indeed, there is a significant probability that the manner of Abdullah’s detention and interrogation, and the pressure that he alleges was applied to him by State Security prosecutors, was a direct result of these insinuations in the Supreme Committee’s report.

As noted in our statement on the case of October 5, 2021, Mr Ibhais was interrogated by both public prosecutors and State Security prosecutors after his arrest on November 12, 2019. He alleges that public prosecutors told him “Either you sign a confession here or we send you to state security, where they know how to get a confession out of you.” Subsequently, State Security prosecutors told him that there were further charges against him but that if he confessed to the misuse of public funds, he could be removed from state security custody and have a defense lawyer. Mr Ibhais told Human Rights Watch and FairSquare that he signed the second confession because he was “horrified by the possibility of a state security prosecution.”

It bears repeating that the only evidence presented in court against Mr Ibhais was this confession. In his witness statement, the Supreme Committee’s internal investigator, Khalid Al-Kubaisi, acknowledged that their internal report did not conclude that Mr Ibhais had committed any crimes. Mr Al-Kubaisi also said that it was “not within the jurisdiction of the investigation committee” to verify audio evidence that the Supreme Committee has claimed implicates Mr Ibhais in wrongdoing. In his own witness statement to the court, the police officer charged with investigating the allegations - he claimed in court that he was the sole investigator - also said that he had not investigated the authenticity of the recordings, saying “that is not my specialty.” When asked for details of what his investigation had uncovered in relation to alleged leaks of information attributed to Mr Ibhais, he replied “I don’t know.” When asked if his investigations found that Mr Ibhais leaked information pertaining to the case at hand, the police officer replied “No.”

The court rejected Ibhais’s plea to invalidate the confession on the basis that it was extracted under threat and coercion and during interrogations that denied him the presence of a lawyer. The court said it has full discretion “to decide whether a confession is valid or not at any stage of the investigations” regardless of whether the accused recants the confession in court. The court stated that it was assured of the authenticity of the confession and that it was made voluntarily.

Risk of further repercussions for Mr Ibhais

On November 6, 2021, lawyers acting on behalf of the Supreme Committee wrote to Mr Ibhais and stated that he had “published or caused to have been published false and defamatory allegations about the Supreme Committee

and its role in the charges brought against you which ultimately resulted in your conviction for bribery offences” and claimed that he had “sought to defame it [the Supreme Committee] in the global media.”

On the contrary, Mr Ibhais raised issues of self-evident public interest in the context of his wholly reasonable efforts to defend himself against allegations that had resulted in him receiving a 5 year prison sentence despite very serious fair trial concerns. Although we are not currently aware of any further charges against Mr Ibhais, we have concerns that he may again face state security charges as a result of the information he has shared in his efforts to defend himself against the bribery and related these allegations. FIFA’s inaction, in our view, significantly increases this risk.

FIFA involvement

FIFA was well aware of these concerns before Mr Ibhais made them public. He lodged a complaint through FIFA’s BKMS system on September 21, 2021. The portal to that system states that “You can ... use this platform if you are a human rights defender or media representative and consider your rights to have been infringed in relation to your work associated with FIFA.” FIFA issued a statement on November 8, 2021, nearly 7 weeks after Mr Ibhais’s submission to the BKMS system saying that it had received the complaint from Mr. Ibhais and “replied to the complaint in writing, having carefully reviewed the available information about his case.” FIFA said they had “been in touch ... on several occasions with Mr Ibhais.” FIFA’s reply to Mr Ibhais, which it issued via the BKMS system informed Mr Ibhais that “we will continue to follow this closely ... with a view to ensuring that any trial is fair and that due process is respected.” On October 27, 2021, more than a month after he submitted the complaint, Mr Ibhais sent a message on an encrypted messaging system to FIFA’s human rights manager, Andreas Graf, asking for an update on his case. (Mr Ibhais says that Mr Graf had stopped responding to his messages on October 5.) He says he received no response to that message or further messages.

FIFA has a very close relationship with the Supreme Committee for Delivery and Legacy and a commercial relationship with an entity chaired and directed by the Supreme Committee’s senior executives. FIFA World Cup Qatar 2022 LLC is a limited liability company incorporated in early 2019 by FIFA, who holds 51 per cent of the shares, and the Qatar 2022 Local Organising Committee LLC, who holds 49 per cent. Hassan Al Thawadi, the Secretary General of the Supreme Committee is the Chairman of the joint venture, and Nasser Al-Khater, the Assistant Secretary General of the Supreme Committee is its CEO.

In FIFA’s human rights policy, it states the following: “FIFA helps protect those who advocate respect for human rights associated with its activities and is committed to contributing to providing remedy where individuals have been adversely affected by activities associated with FIFA.”

However, in this case, FIFA has apparently provided no support to Mr Ibhais despite the seriousness of his allegations, which address the abuse of workers directly involved in the construction of stadiums for the Qatar 2022 World Cup, and the gravity of the charges that he is facing, and despite its influential relationship with the Supreme Committee. Thus far, FIFA’s public response to this incident, which Mr Ibhais reported directly to you, has been a short statement issued on November 8, which states that “It is FIFA’s position that any person deserves a trial that is fair and where due process is observed and respected.” The statement makes no reference to the specifics of the case nor to the allegations and does not call upon the Qatari authorities to ensure a fair trial in a case that was in fact ultimately initiated by the Supreme Committee.

We urge FIFA to abide by its human rights policy and to adhere to the responsibilities it has assumed to address allegations of rights violations associated with FIFA activities. In light of the fact that this case was initiated by FIFA's partners in Qatar, it is all the more incumbent on FIFA to make a strong, public statement on the need for Mr Ibhais to receive a fair trial and for the Qatari authorities to desist from laying further charges that could again leave Mr Ibhais vulnerable to the same type of treatment that he alleges led to his first conviction.

Adam Coogle
Deputy Director
Middle East and North Africa
Human Rights Watch

Nicholas McGeehan
Director
FairSquare