

## **Statement from Michael Garcia, Chairman of the Investigatory Chamber of the FIFA Ethics Committee**

December 17, 2014

For the first two years after my July 2012 appointment as independent Chairman of the FIFA Ethics Committee's Investigatory Chamber, I felt that the Ethics Committee was making real progress in advancing ethics enforcement at FIFA. In recent months, that changed.

On September 5, 2014, I and Cornel Borbely, the Deputy Chair of the Investigatory Chamber, sent a "Report on the Inquiry into the 2018/2022 FIFA World Cup Bidding Process" (the "Report") to the FIFA Ethics Committee's Adjudicatory Chamber. The Report identified serious and wide-ranging issues with the bidding and selection process. (Mr. Borbely also filed separate reports from his inquiries into the activities of the bid teams from Russia and the United States.)

Soon after, the Chairman of the Adjudicatory Chamber, Hans-Joachim Eckert, indicated publicly that only limited information from the Report would be made public. Concerned that insufficient transparency would not serve FIFA's interests, I issued a public statement calling on the FIFA Executive Committee to authorize the appropriate publication of the Report. The Executive Committee took no action on this subject during its September 2014 meetings — other than to refer me to the FIFA Disciplinary Committee for allegedly violating the Code of Ethics through my public comments, namely, my public request that the Executive Committee authorize appropriate publication of the Report and the on-the-record statement Mr. Borbely and I released concerning watches given to certain football officials. The Chairman of the Disciplinary Committee, Claudio Sulser, ultimately rejected the Executive Committee's referral.

On November 13, 2014, Mr. Eckert issued a 42-page "Statement of the Chairman of the Adjudicatory Chamber of the FIFA Ethics Committee on the Report on the Inquiry into the 2018/2022 FIFA World Cup Bidding Process prepared by the Investigatory Chamber of the FIFA Ethics Committee" (the "Eckert Decision"). In a cover letter, Mr. Eckert described the statement as his "findings, including certain descriptions of the contents of the Investigatory Chamber's report."

The issues raised by Mr. Eckert's selection and omission of material from the Report, and his additional comments, went far beyond the initial transparency concerns. As my public statement at the time explained, the Eckert Decision contained "numerous materially incomplete and erroneous representations of facts and conclusions." Accordingly, I appealed.

A brief I filed with the FIFA Appeal Committee on November 24, 2014, outlined the Eckert Decision's most serious failings. Among other points, the brief explained why, when viewed in the context of the Report it purported to summarize, no principled approach could justify the Eckert Decision's edits, omissions, and additions.

Yesterday's decision by the Appeal Committee declined to address these points. Instead, the Appeal Committee rejected my appeal on procedural grounds, concluding that "it is not necessary for the FIFA Appeals Committee to enter into considerations on the substance of the

appeal.” The Appeal Committee found that the Eckert Decision was “merely a personal opinion on the Report” and had “no legally binding effect whatsoever.” It reached this conclusion even though, under Article 36 of the Code of Ethics, only “final decisions” may be made public, as the Eckert Decision, which was published on FIFA’s website, obviously was. The Appeal Committee also overlooked the Eckert Decision’s self-described “findings,” including one stating that “the evaluation of the 2018/2022 FIFA World Cups bidding process is closed for the FIFA Ethics Committee.” FIFA President Blatter recently reaffirmed that “finding” during an interview published by FIFA, stating: “Furthermore, there is no change to Judge Eckert’s statement that the investigation into the bidding process for the 2018 and 2022 FIFA World Cups is concluded.”

I disagree with the Appeal Committee’s decision.

It now appears that, at least for the foreseeable future, the Eckert Decision will stand as the final word on the 2018/2022 FIFA World Cup bidding process. While the Appeal Committee’s decision notes that further appeal may be taken to the Court of Arbitration for Sport, I have concluded that such a course of action would not be practicable in this case. No independent governance committee, investigator, or arbitration panel can change the culture of an organization. And while the November 13, 2014, Eckert Decision made me lose confidence in the independence of the Adjudicatory Chamber, it is the lack of leadership on these issues within FIFA that leads me to conclude that my role in this process is at an end.

Accordingly, effective today, December 17, 2014, I am resigning as independent Chairman of the Investigatory Chamber of the FIFA Ethics Committee.