

The FIFA Corruption Charges: What Comes Next?

What is FIFA?

The Fédération Internationale de Football Association (FIFA) is the global governing body for soccer, the world's most popular sport. A Swiss-based nonprofit, FIFA has long been criticized for a culture of impunity and corruption, most prominently in connection with the World Cup host-country bidding process.

What do U.S. prosecutors allege?

On May 27, 2015, the U.S. Attorney for the Eastern District of New York charged that numerous officials at various levels of FIFA engaged in a wide-ranging pattern of soliciting bribes and kickbacks amounting to well over 100 million dollars over the course of more than two decades. Most of the schemes involved bribes and kickbacks demanded from sports marketing firms eager to secure broadcast and other marketing rights for FIFA soccer events in the Americas. The specific charges in the 47-count Indictment include racketeering offenses (alleging the defendants' participation in an enterprise through which they conducted a pattern of illegal activity), conspiracy offenses, wire fraud, money laundering, and obstruction of justice.¹

Who was indicted?

The Indictment included 14 defendants: nine soccer officials and five U.S. and South American sports marketing executives. Four additional defendants, including a former FIFA executive, have already pleaded guilty to related charges. Indicted officials include Jeffrey Webb and Jack Warner, respectively the current and former presidents of the Confederation of North, Central America and Caribbean Association Football (CONCACAF). Swiss authorities arrested seven of the defendants at a hotel in Zurich. They currently await extradition to the United States.

How does the U.S. have jurisdiction over this case?

The reach of U.S. law is not limited to U.S. citizens, or to crimes occurring solely on U.S. soil. Whenever defendants commit violations of American criminal law through conduct that involves the U.S. in some fashion, U.S. law is implicated. In this case, the largest single scheme in terms of the dollar amounts (totaling an alleged \$110 million in solicited bribes and kickbacks) concerns the CONCACAF *Copa América Centenario*, a soccer tournament in the Western Hemisphere, scheduled to be held in the United States in June 2016. The allegations related to the CONCACAF *Copa América Centenario* scheme describe numerous ties to the United States, including that many of the meetings concerning the scheme were held in the U.S., that the bribes were paid using U.S. banks, and that a motivating factor for the defendants was the huge and growing market for soccer in the U.S. CONCACAF's main office is also in the U.S. (it moved from New York City to Miami in 2012). Similar U.S. ties are alleged for the other schemes charged as well.

Will U.S. prosecutors expand the investigation?

Attorney General Loretta Lynch and prosecutors in the Eastern District of New York made a point of stating that the investigation is ongoing, implying that more charges may be forthcoming.² The Attorney General also announced that on the morning that the Indictment was announced, law enforcement officials conducted a court-authorized search of the CONCACAF office in Miami.

How does this case relate to other FIFA corruption investigations?

Shortly after the arrests in the U.S. case, Swiss authorities opened a criminal investigation into corruption in FIFA's controversial awarding of the 2018 and 2022 World Cups to Russia and Qatar, respectively, and conducted a search of FIFA headquarters for evidence in the case. Presumably, this investigation stems from information uncovered during an internal FIFA investigation conducted by Michael J. Garcia, former U.S. Attorney for the Southern District of New York.³ FIFA received Garcia's final report in 2014 but kept it confidential, publishing only a "summary" and claiming that the full investigation found no irregularities that would necessitate re-opening the World Cup bidding processes.⁴ Garcia, who characterized FIFA's summary of his report as erroneous and incomplete, resigned his position with FIFA in protest. Sepp Blatter, FIFA's longstanding and controversial president has not been charged with any wrongdoing. On June 2, Blatter announced that he will resign and that FIFA will convene a special congress to hold elections for his replacement.



¹ USA v Jeffrey Webb et al., Indictment 15 CR -252 (RJD)(RMI), USDC-EDNY, (May 20, 2015).

² Appuzo, Matt et al., *FIFA Inquiry Yields Indictments; US Officials Vow to Pursue More*, NYT, (May 27, 2015), <http://www.nytimes.com/2015/05/28/sports/soccer/fifa-officials-arrested-on-corruption-charges-blatter-isnt-among-them.html>

³ Reevelk, James, *FIFA corruption claims: Key questions answered*, BBC, (May 27, 2015), <http://m.bbc.com/news/world-europe-32897066>

⁴ Dunbar, Graham, *FIFA under fire after report on Qatar, Russia*, AP, (November 13, 2014), www.bigstory.ap.org/article/4de5fea12fc44b86bd7221bb429f360f/fifa-clears-russia-and-qatar-host-world-cup

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