

# **Decision**

taken by the

**adjudicatory chamber**

of the

**FIFA Ethics Committee**

Mr Vassilios Skouris [GRE], Chairman  
Ms Fiti Sunia [ASA], Deputy Chairman  
Mr Jack Kariko [PNG], Member

taken on 27 November 2019

in the case of:

**Mr Sediqi Rustam [AFG]**

**Adj. ref. no. 24/2019**

## I. Inferred from the file

1. Mr Mohammad Hanif Sediqi Rustam (hereinafter: "*Mr Rustam*"), Afghan national, was, at the time of the relevant facts, the personal secretary to Mr Keramuddin Karim, the former President of the Afghanistan Football Federation ("*AFF*").
2. On 30 November 2018, a number of serious allegations of "*severe mental, physical, sexual and equal rights-abuse of the female players by male Afghan Football Federation-officials*" became public in several media publications.
3. Based on the above-mentioned allegations, on the same day, investigations were opened in connection with potential infringements of the FIFA Code of Ethics ("*FCE*") relating to violation against the protection of physical and mental integrity. Those investigations were conducted by the Chairperson of the investigatory chamber of the FIFA Ethics Committee (hereinafter: the "*investigatory chamber*"), Ms Maria Claudia Rojas, together with Ms Janet Katisya, member of the FIFA investigatory chamber. The AFF was required to provide all information relevant to the case by 7 December 2018.
4. Subsequently, the investigatory chamber carried out a series of interviews and sent written enquiries and requests for information to the AFC, AFF and other persons and entities related to the sexual abuse.
5. On 10 December 2018, the Attorney General of the Islamic Republic of Afghanistan (hereinafter: "*Attorney General*") informed FIFA that it had assigned a committee to investigate the allegations of sexual and physical abuse of the Afghanistan women's national team by the AFF officials. The Attorney General informed FIFA that a number of AFF officials had been arrested, including Mr Karim and Mr Rustam.
6. On 17 January 2019, the AFF provided the investigatory chamber with its position regarding the sexual allegations. In substance, the AFF, denied all the accusations about sexual abuse, threats and violence against any of its female players.
7. On 14 February 2019, the Asian Football Confederation ("*AFC*") requested that the AFC and the AFC Disciplinary and Ethics Committee be permitted to assume jurisdiction over the matters connected with AFF in accordance with article 30 of the FCE in order to ensure a thorough investigation of important allegations affecting one of the AFC's member associations.
8. On 1 April 2019, the investigatory chamber permitted the AFC and the AFC Disciplinary and Ethics Committee to assume jurisdiction over said matters in accordance with art. 30 of the FCE, 2018 edition ("*2018 FCE*").
9. On 18 April 2019, the investigatory chamber informed the AFC that at the current stage of the FIFA investigations there was sufficient evidence to prosecute the case

in a proper manner, and that FIFA was better positioned to investigate and adjudicate the case immediately.

10. On 22 April 2019, the AFC informed that they shared the view of the investigatory chamber that the latter should conclude its investigations and submit the final report to the adjudicatory chamber of the FIFA Ethics Committee (hereinafter: the "adjudicatory chamber").
11. On 8 June 2019, the adjudicatory chamber found Mr Karim guilty of having abused his position and sexually abused various female players, in violation of several provisions of the FCE, and sanctioned him with a life ban on taking part in any football-related activity (at national and international level (administrative, sports or any other), as well as a fine of CHF 1,000,000.
12. On 22 July 2019, the Attorney General filed an accusation letter before the Federal Court of the Islamic Republic of Afghanistan against several football officials, including Mr Rustam, for potential criminal conducts including rape, sexual harassment, abuse of position and hiding crimes.
13. On 14 August 2019, the AFC shared the positions previously submitted by the former and current General Secretary of the AFF, Messrs Sayed Aghazada and Fazil Shahab with the investigatory chamber.
14. Through correspondence dated 14, 22 and 23 August 2019, the investigatory chamber requested the AFF to clarify the position, official charge and/or membership of Mr Rustam within the AFF organization, to provide any documental evidence that supports the relationship between Mr Rustam and the AFF, as well as Mr Rustam's contact details. Such letters were answered by Mr Shahab, acting General Secretary of the AFF since 13 February 2019, on 23 and 26 August 2019.
15. Taking into account the relevant information and documentation obtained throughout the preliminary stage of the investigation, the Chairperson of the investigatory chamber concluded that there was a prima facie case that Mr Rustam had committed violations of the FCE.
16. On 26 September 2019, the Chairperson of the investigatory chamber informed Mr Rustam, via the AFF, of the start of the investigation proceedings against him under reference E19-00012 for possible infringements of articles 13, 17 and 23 of the 2018 FCE.
17. Reference is made, in respect to any further factual and procedural aspects, to the final report submitted, together with the investigation files, by the investigatory chamber to the chairperson of the adjudicatory chamber on 24 October 2019, upon completion of the respective investigation proceedings, in accordance with art. 62 par. 3 and art. 68 of the FCE, 2019 edition ("2019 FCE").
18. On 25 October 2019, the adjudicatory chamber notified Mr Rustam, via the AFF, of the opening of adjudicatory proceedings, providing him with a copy of the final

report and the relevant enclosures and requesting him to submit his position by 8 November 2019 (cf. art. 68 and art. 71 of the FCE 2019). Mr Rustam was further informed that, in case he would request a hearing to be held, such hearing would take place on 27 November 2019, and was asked to confirm any such request by 30 October 2019.

19. On 25 November 2019, the adjudicatory chamber informed Mr Rustam, via the AFF, that following the absence of request for a hearing, the Panel had decided to proceed with the adjudication of the case on the basis of the existing documents and submissions, in accordance with art. 69 par. 2 of the FCE. In same letter, the adjudicatory chamber informed Mr Rustam of the composition of the Panel and reminded him of art. 35 par. 4 of the FCE concerning objections against members of the Ethics Committee.
20. No correspondence was received from Mr Rustam.

## **II. and considered**

### **A. Applicability of the FCE *ratione materiae* (art. 1 of the FCE)**

1. The adjudicatory chamber notes that, according to the final report of the investigatory chamber on the present matter, there are several indications of potential improper conduct in terms of the FCE by Mr Rustam. In particular, during the investigations, possible violations of the relevant provisions of the FCE were identified, relating to the protection of physical and mental integrity (art. 23) and duty to report (art. 17) as well as their analogous provisions in other editions of the FCE. The factual circumstances raise, without any doubt, questions of potential misconduct in terms of the FCE.
2. Consequently, the FCE is applicable to the case according to art. 1 of the 2019 FCE (*ratione materiae*).

### **B. Applicability of the FCE *ratione personae* (art. 2 of the FCE)**

3. According to art. 2 of the 2019 FCE, the Code shall apply, *inter alia*, to "*officials*", as per the definitions section in the FCE and the FIFA Statutes.
4. By virtue of his position within AFF, Mr Rustam was an official within the meaning of the definition given in no. 13 of the definitions section in the FIFA Statutes during the relevant period (2013 – 2018).
5. Consequently, in view of Mr Rustam's position in football at the time of the relevant facts, the FCE applies to him according to art. 2 of the 2019 FCE (*ratione personae*).

### **C. Applicability of the FCE *ratione temporis* (art. 3 of the FCE)**

6. The relevant events took place between 2013 and 2018, at a time before the 2019 FCE came into force. With regard to the applicability of the FCE in time, art. 3 of the 2019 FCE stipulates that the FCE shall apply to conduct whenever it occurred. Accordingly, the material rules of the FCE shall apply, provided that the relevant conduct was sanctionable at the time (with a maximum sanction that was equal or more) and unless the previous editions of the FCE would be more beneficial to the party (*lex mitior*).
7. In this context, following the relevant case law and jurisprudence, the adjudicatory chamber notes that the spirit and intent of the 2012 and 2018 editions of the FCE (which were applicable between 2013 and 2018) is duly reflected in the below articles of the FCE, which contain equivalent provisions:
  - Art. 23 of the 2019 FCE has a corresponding provision in the 2012 FCE (art. 24) and in the 2018 FCE (art. 23);
  - Art. 17 of the 2019 FCE has a corresponding provision in the 2012 FCE (art. 18 par. 1) and in the 2018 FCE (art. 17).
8. In consideration of all the above, the adjudicatory chamber concludes that the different FCE editions cover the same offence.

*Lex mitior*

9. The principle of *lex mitior* foresees that the accused should benefit from the most favourable law, imposing the lesser penalty.
10. In the present case, as mentioned previously, three editions of the FCE (2012, 2018 and 2019) have been applicable from the start of the infringement (2013) until present.
11. In this respect, the adjudicatory chamber takes note that the 2012 FCE did not foresee any minimum or maximum sanctions for the provisions presently relevant (arts. 18 par. 1 and 24 of the 2012 FCE). The 2018 FCE stipulates a minimum fine of CHF 10,000 for the relevant infringements (arts. 17 and 23) as well as a general maximum ban for a duration of two years, and a special maximum of five years in serious cases or in cases of repetition, for art. 23. The FCE 2019 keeps the minimum fine for both infringements and the maximum ban for art. 17, however it introduces a general minimum ban of two years, as well as a special minimum ban of ten years, for sexual exploitation or abuse, serious cases or repetition, for art. 23.
12. Another provision that is relevant to the present case, in view of the fact that Mr Rustam has been charged with multiple breaches of the Code, is art. 11 of the FCE (Concurrent breaches), which corresponds to art. 11 in both 2012 FCE and 2018 FCE. While in the 2018 FCE, the provision stipulates that “Where more than one breach has been committed, the sanction other than monetary sanctions shall be based on the most serious breach, and increased up to one third as appropriate, depending on the specific circumstances” (emphasis added), the other two editions (2012 and 2019) do not foresee any such limitation for the increase of the sanction.

13. After examining the various versions of the provisions mentioned above, the adjudicatory chamber concludes that the 2018 FCE appears to be the most limitative in terms of the sanction that can be imposed for the violation of such provisions (between a fine of CHF 10,000 and a ban of two years for a breach of art. 17; between a fine of CHF 10,000 and a ban of five years for a breach of art. 23; and between a fine of CHF 10,000 and a ban of six years and eight months for a breach of art. 17 and 23). Therefore, 2018 FCE would appear to be more beneficial to the official according to the principle of *lex mitior*.
14. Consequently, the material rules of the 2018 FCE are applicable to the case, according to art. 3 of the FCE (*ratione temporis*) and the principle of *lex mitior*. However, based on art. 88 of the 2019 FCE, the current edition of the Code is applicable with respect to the procedural rules enacted therein (for example jurisdiction).

#### **D. Jurisdiction of the FIFA Ethics Committee**

15. The scope of jurisdiction of the FIFA Ethics Committee is defined in art. 30 of the 2019 FCE, which is more restrictive compared to the equivalent provision in the 2012 FCE.
16. Art. 30 of the 2019 FCE defines a primary (par. 1) and subsidiary (par. 2) competence of the FIFA Ethics Committee. Furthermore, par. 2 of the provisions stipulates that, where the conduct affects a confederation, the Ethics Committee shall be entitled to investigate and judge the respective matter when said conduct has not been investigated and judged, and/or cannot be expected to be investigated and judged by the relevant bodies of the confederation concerned.
17. In this respect, the Ethics Committee has not been informed of any proper proceedings having been initiated by the AFF against Mr Rustam in connection to his conduct (related to the accusations of November 2018). Moreover, the AFC has agreed, by letter dated 23 April 2019, to allow the FIFA Ethics Committee to assume jurisdiction over the matter, and conduct ethics proceedings.
18. Consequently, the FIFA Ethics Committee is entitled to judge Mr Rustam's conduct as per art. 30 par. 2 of the 2019 FCE.

#### **E. Assessment of potential violations of the FCE committed by Mr Rustam**

##### **1. The relevant facts**

19. In the scope of its investigation, the investigatory chamber gathered different types of evidence, including interviews with several female players and an official of the AFF (Enclosure 17 to the Final report), as well as other documents pertaining to the proceedings conducted by the Attorney General, including statements made by Mr Rustam and other witnesses (Enclosure 19 to the Final report), correspondence from the Afghan public authorities, international and local institutions and media releases.

### Interviews of players/victims

20. From the interviews conducted with the female players, who were granted anonymity (in line with art. 44 of the 2019 FCE) due to existing and potential threats to their persons or that of persons close to them, it emerged that such players had been victims of sexual abuse and harassment taking place between 2013 and 2018.
21. In particular, the transcripts of interviews with five female players describe in detail the sexual attacks perpetrated by Mr Karim who abused them, with the complicity of other AFF officials, including Mr Rustam. During those incidents, Mr Karim was reported to have forcibly touched, hugged and kissed players, as well as, in some cases, assaulted and raped them. After those egregious acts, Mr Karim would often force his victims into silence by threatening their lives and their relatives. Since the testimony of all the victims could lead to threats to their persons and their relatives (as confirmed by the victims during the interview and by FIFPro), the Chairperson of the Investigatory Chamber granted anonymity to the victims as per art. 44 of the 2019 FCE.
22. The following excerpts from the testimonies are particularly relevant in establishing the facts:

#### Player A

*"When I gave him my hand, he held my hand and pressed my hand and he pulled me towards himself."*

*"He didn't leave my hand when I gave him to shake it. He pressed it and pulled me towards him with a lot of power. He said: come, and I sat next to him and I was trying to get apart and he was coming always towards me"*

*"I tried to get a distance from him but he made it even with more power and hugged me. Then he tried to kiss me on my lips, I cried, I shouted. He said it is alright, don't make a noise."*

*"He wanted to kiss me on my lips I shouted, he said it's alright it's alright keep quiet, I stood up. [...] I went directly towards the door with the intention to open it. But whatever I did, the door didn't get open but it could only get open through a finger. When I was trying to open the door, he shouted, he said come and take your paper. When I came back towards him and took the paper, he said to me from now on we are no more friends. That was somehow a threat to me."*

#### Player D

*"I was sitting on the sofa and [Mr Karim] came and sat down next to me and he slowly took my hand and he pressed my hand and he said: whenever anybody is looking into your direction, I will shoot into his eyes because I love you and I don't want anybody to have even a look into your direction. And then he slowly started, I was really afraid I said to him I'm not such a girl. [...] He touched me, he hugged me. He tried to hug me and he wanted to do several things. Different things. I was*

*shouting, I said I am not a bad girl, I am very young. [...] He took my hand, he touched my hands, he hugged me and he kissed me, he wanted to kiss me on my lips."*

*"I entered the room, I saw everything was quiet. I went inside and I saw that Kerammuddin Karim is sitting in his underpants on the bed. When I saw him in that condition, I was shocked. I hadn't imagined something like that, I hadn't thought about it. When I saw him in that condition, I wanted to flee and to escape. Only himself, he could open the door, nobody else could open the door. [...] He stood up from the bed. He took off my veil, my headscarf. He started tearing off my clothes, whatever I was wearing. I was shouting all the time. Screaming. And over there, everything is silent, it's very quiet. I thought for myself you are lost, completely lost, I was crying, shouting, screaming, he tore off my clothes and wanted to pull off my complete clothes, and then I continued screaming and shouting and knocking at the door and screaming: help, help. I knew exactly that nobody could hear me".*

#### Player E

*"The boss of the federation, he came through the door with a loud voice, he was shouting, he was insulting her and he saw that I was standing there with two more colleagues. He came in, he went directly to (...), shouted at her and said: "Why don't you responds to my phone calls, why don't you come to my office, if is say so. I have taken you here for this very reason, for this very purpose and I have supported you for this purpose and you are not coming to see me. And now you don't know me." He shouted at her, he said: stand up and go away, I don't have anything to do with you. I will do something to you that you will be regretting. He pushed her towards the wall and he kicked her with his boots. The girl was afraid, the girl was really afraid, she was shouting and screaming and I was in an even worse condition. I couldn't do anything, I was full fear and didn't know what to do."*

23. For the sake of clarity, it is reminded that the testimonies gathered involve two persons referred to as "secretary" by the witnesses. Mr Aghazada, was the general secretary of AFF at the time of the events and as such, he was dealing with administrative matters. The other "secretary" is Rustam, who was Mr Karim's personal assistant during the relevant period. This aspect was present at all times in the minds of the members of the Panel and guided their assessment of the facts. Therefore, wherever Mr Rustam was not specifically mentioned by name, other elements identified him undoubtedly as opposed to Mr Aghazada and where such distinction was not possible, those excerpts of the statements were disregarded by the Panel.
24. With respect to Mr Rustam's conduct and involvement in the violations committed by Mr Karim, the following statements were made by players A, D and E:

#### Player A

25. "Player A: [...] said I cannot give you the document, you should go and ask his secretary and his name is Rostam Sediqqi. He is the secretary of the boss. The boss is Keramudin Karim, he is the general boss of the whole federation.

Question: So, Rostam is his secretary?

Player A: Yes.

Question: Ok, what happened next?

Player A: When they wrote down this document, he said, you have to go to the boss and ask him for the signature. That means Kerammuddin Karim's signature. I and my friend [...] went together until the door of the office of KK. [...]. When we went to the door of his office, Rostam said that [...] was not allowed to go inside. I said, it is alright it, is not a problem I am going inside asking for the signature and I am going out. In reality, I was afraid I didn't know why they would let her inside for taking a signature. When I got inside, the boss was not in his normal office, he was in another office in the upper level. There is also a snooker table and other furniture. Some flowers and plants. There was a door to the left side, I hadn't seen what was inside that door and normally when I saw the boss I shook hands with him. When I gave him my hand, he held my hand and pressed my hand and he pulled me towards himself."

Player D

26. "Player D: And then on one day, we had a festival, there was a celebration. The secretary of the boss, Rostam is name, he is Kerammuddin Karim's secretary, he called me. I thought, I didn't know anything, and I was quite young, I didn't have such thoughts, I went inside of the office.

Question: Whose office?

Player D: Kerammuddin Karim's office, the boss' office. [...] He [Mr Karim] took my hand, he touched my hands, he hugged me and he kissed me, he wanted to kiss me on my lips. And he took all the efforts not to release me, to hold me tight and to take me into his bedroom which was also over there in his office, he tried to play with me, to get me out of that room and into the other room and I shouted, the secretary had kept the door from the back side tight. He [Mr Rustam] closed the door and I knocked against the door and I wanted it to be open, I was crying and I was shouting and the secretary opened the door. And when he opened the door, the secretary pulled my hand and told me: don't go. I got out and I was very young and I didn't have such an experience and I didn't even have such ideas, so I was shocked. And then I went away, I tried to get into the office of the federation to take my belongings and I was crying. I was in that bad condition, I was crying and they could see that I was getting out of the boss' office in that bad condition. I got out and I went away and I didn't come back to the federation, I became depressive, I didn't come back for a month.

*In 2014, I was the manager of the u17 team, and on one day, we had a trip of the super 2 cup and we were on our trip to India. This secretary from Kerammuddin Karim, his name is Rostam, he was sent by his boss, and he said: put the girls in one row, the boss is coming to have a look at the girls. One of the girls was [...]. She was very beautiful. The boss looked too much in her direction and he had said to the secretary, he should find out this girl's telephone number.*

*His secretary found out this girl's telephone number. And that girl was exactly 15 years old at that time and he had found out her number. The boss KK himself phoned her and said to [...]: come to me, I will give you money, because you play very well football. And I had a very close relationship to the girls, they had a lot of confidence in me. The girl [...] came to me and told me: the boss KK came to me and wants to see me. I had become a victim myself and I knew what was happening and although the girl had a lot of hope and wanted to have a future in football, I told her not to come again to football. I was the reason why she didn't come again. She was only 15 years old. And it is not good and it is not legal if things like that happen to children.*

Player E

27. *"Player E: In his own office. He [Mr Karim] took my phone and then he said everything to me which I had said, he took my phone and then he pushed me out of the office and I begged him and he didn't give me back my phone and he pushed me out. I went off in a very bad condition. After 3 hours, he sent me back my mobile through his secretary.*

*Question: Who is that?*

*Player E: Rostam – it's a man. He said to me: you should leave the federation, you should never ever appear here again. The boss said: I don't want to see you here again, and if you are going to tell this to anyone, or if you want anyone to help you, anybody from your friends or relatives, your life will be in danger, and also your family's life. He [Mr Rustam] said: I know everything about you, I know where your family lives, where you live, and if you say anything, I am going to make public the photos on your phone.*

*Question: Why do you think that Rostam was doing what Karim had said?*

*Player E: Because everything that the boss had said, was done by Rostam, he is his partner in these things. He is his second person.*

*Question: So, Rostam and KK are very close? Player E: Yes, yes, everything from him is carried out by him. He said: don't come again to the federation, he has taken all your photos and he is keeping them on his mobile and he knew everything about me. He knew my ethnic origin, if he takes the photos and makes it public, they will kill me.*

*Question: Are you aware of any other people being abused?*

*Player E: There are a lot of girls and also a lot of girls not belonging to the football. They were brought from outside, from other places. [...]*

*Question: Who else?*

*Player E: A lot of girls who we don't know, were taken to him by his secretary, Rostam, with a car from outside, he has a different office on the other side of the garage. It was not on this side. And he told the girls exactly to go to that room.*

*Question: How do you get there?*

*Player: His secretary has got the key, he has got the key himself and the cleaning lady has got a key.*

*Question: Do you access through the ladies' committee's office? Player E: No, no it is separate from our building, it is only in the same direction. When Rostam took the ladies from outside with his car inside, he took them through the side of the garage. And the boss went through his own office to that place.*

*Question: Did anyone else report anything else to you? From the girls' team.*

*Player E: What about?*

*Question: About abuse?*

*Player E: [...]. The secretary called and said send for [...]. I called her. When she went to that place, he [Mr Karim] blamed her for being homosexual and had beaten her with a snooker cue. He had given her some kicks. That girl came again to me and said why did he beat me? And I said I don't know.*

#### Testimony of an AFF official

28. According to the relevant transcript, the AFF official interviewed in the scope of the investigation confirmed that several girls were raped. As per the official, Mr Karim would take the girls to his office, where he had a bedroom with a bed. The same person testified that "we went inside [office] and in that back of the room there is a wardrobe and there is a secret wall. Behind that wardrobe, there is a secret room."

#### Afghanistan Attorney General's investigations

29. In the scope of the accusations publicly made by the players, the Attorney General, assigned a delegation to investigate the allegations and ordered the arrest of a number of AFF officials, including Mr Rustam.
30. It has been noted that approximately thirty people were questioned and/or provided their positions before the Attorney General. Such statements confirmed the allegations brought against Mr Karim, the participation and assistance of Mr Rustam vis-à-vis Mr Karim's conducts, and the existence of a separate-secret room in the

AFF. In addition, Mr Rustam appeared before the Attorney General and provided his statement in which he partially admitted his participation.

31. During their investigations the Afghan authorities gathered various statements, including from female football players F, G and H, which complete and corroborate the ones already made before the investigatory chamber.

#### Player F's statement

32. Player F stated that, while she was discussing with the federation about the details of the reimbursement of her travel costs, she received a call from Mr Rustam. During that call, he told her that Mr Karim wanted to see her. After she had gone to Karim's office, Mr Rustam guided her to another place that she described as "the old office behind the changing rooms". There, Mr Karim who was waiting on a bed, used physical violence against her and sexually assaulted her before she managed to escape.
33. Following that incident, she changed her mobile phone number to avoid contact with Mr Karim. Mr Rustam pressured her to meet with Mr Karim again. When she did meet Mr Karim she explained that she did not share his feelings and did not accept his conduct, to which Mr Karim responded that he would refrain from such behavior in the future.

#### Player G's statement

34. Player G testified that in 2016, during a seminar aimed at promoting youth football, she gave Mr Rustam a letter to be forwarded to Mr Karim, as the signature of the latter was required. In the evening of the day she had given him the letter, Mr Rustam called Player G explaining that she needed to come in person to the president's office to get the letter signed. She asked another player to accompany her but when they both arrived, Mr Rustam said: "this is not your aunt's house to go in in groups" and commanded Player G to enter alone. As she entered the office without the other player she thought that Mr Karim was not there and said so to Mr Rustam who told her to continue further and guided her through the office. When she finally reached Mr Karim, he forcibly pulled her towards him, used physical violence against her and sexually assaulted her. Player G explained that she ultimately managed to free herself and escape after she hit Mr Karim with her elbow.

#### Player H's statement

35. Player H stated that Mr Rustam informed her that Mr Karim wanted to see her in his office. When she arrived in the office, Mr Karim was alone and he sexually assaulted her. She managed to free herself by biting Mr Karim's hand and after she had been shouting, Mr Rustam opened the door – which he had previously closed – but as she was escaping he grabbed her hand to block her exit and told her not to go. She pushed Mr Rustam back and said "go away, pimp" as she left. Player H declared she had been fired from the federation *in absentia* following this event.

36. It is worth mentioning that the testimonies of players A and D to FIFA are almost identical to the ones provided by Player G and Player H to the Afghan authorities, a fact that only corroborates the robustness of the statements made by the victims.
37. FIFA was also in constant contact with international institutions, such as United Nations Agencies, local organizations in Afghanistan and other public bodies, with the aim to clarify the situation of the female players and to support the current investigation, as well as to ensure the security and safety of the players who have accused the AFF officials (principally Mr Karim). When the threats levelled against the group of players who spoke out escalated and forced them to flee their country, FIFPro and other actors supported the efforts of the players to find refuge in a secure country. This included engaging with public authorities on the issuing of humanitarian visas for the players, which allowed them to travel to foreign countries and apply for asylum. It must be underlined that humanitarian visas are only granted in specific circumstances such as the "applicant's life or physical integrity are directly, seriously and tangibly endangered".

#### The existence of a secret room

38. Before the Attorney General, approximately ten members of the AFF staff, including Mr Rustam himself, declared and confirmed the existence of a separate and secret room with a bed.
39. In addition, all the interviewed AFF staff agreed almost unanimously that, after the publication of the [...] articles on sexual abuse by AFF officials, around midnight, Mr Rustam arrived with a truck at the AFF and, with the assistance of some other officials, removed the furniture that was inside that room. The AFF staff also stated that the furniture was replaced with "ball cartoons" (most likely referring to cardboard/carton boxes filled with balls) so as to disguise the original usage and purpose of the secret room.

#### Mr Rustam's statement to the Afghan authorities

40. Mr Rustam statement before the Attorney General (contained in the accusation letter of the Attorney General dated 22 July 2019, cf. par. 1.12 above) reads as follows:

*"President Keramuddin Karim kept doing unlawful act in the federation until it the issue of sexual abuse of women Football players was broadcasted in [...] and the attorney general started investigating the case. It was around 12 midnight when the president ordered me to take out one bed which was in his old office and two other beds in his new office. The same night around 2:00am with the presence of AFF head of security and cleaners we took out the beds and other facilities and transferred it to his house in Share naw" and "In the president's old office there was a hidden room in a cabinet. Before filling the room with the ball cartoons, the president used the room for his unlawful acts. After the report was published by [...], the president ordered to empty the room, take the beds out and fill it with ball cartoons in order to make it look like it has not been used for years. We through*

*trashes for vacuum cleaner inside the the bathroom so that people can see it has not been used for long time."*

41. Through such statement, it is obvious that Mr Rustam not only admitted having being aware of the unlawful acts committed by Mr Karim, but also admitted to having assisted him in the ensuing cover-up expedition.
42. Moreover, the Attorney General confirmed the existence of the so-called secret room.
43. In summary, in his statement to the Afghan authorities Mr Rustam acknowledged being aware of all incidents exposed by the [...] articles.
44. What is more, in his statement Mr Rustam described two other incidents that ended-up with Mr Karim sexually abusing two more girls.

*"I am an eyewitness of all the incidents. When Keramuddin Karim become the president of the federation, young girls visited him. Even girls from outside used to visit him in return for money. I mean Keramuddin Karim paid them money and they stayed with him for up to one and a half hours and they left. Also the girls who worked for the federation used to visit the president in his office in return for money. I witness that one day [...] who was a player came to the president's office at 12:30 pm and left the office at 1:30. When she left the office she wasn't feeling well. Her face turned red and she was crying. When I asked what happened, she told me that I will never come to this dirty office anymore.*

*A girl named [...] came out of the president's bedroom, she came close to me and she passed out. When she become normal she told me that Keramuddin Karim had sex with her and she lost her virginity to him. Later Keramuddin Karim had some issues with [...] and he fired her.*

*It's worth mentioning that in 2015 a girl named [...] daughter of [...] faced the same issue. Her mental health was getting worse every day. One day I asked her what's happening to you, I mean your mental health is getting worse everyday. She told me that Keramuddin Karim had raped me and I lost my virginity to him. She sometimes tried to commit suicide. She was suffering from what happened to her and day by day she was getting worse and worse. At the end of 2015 I decided to marry her. She give birth to my child."*

45. Finally, a number of media releases have been published containing statements of players including specific situations, details and information with regard to the accusations of sexual harassment, rape and threats.

## **2. Mr Rustam's position**

46. The Ethics Committee informed Mr Rustam of his right to present written submissions for his defense and to request a hearing, however Mr Rustam did not

provide his position concerning the allegations made against him and the ensuing proceedings.

### **3. Legal assessment**

#### **a) Possible violation of art. 23 of the 2018 FCE (Protection of physical and mental integrity)**

##### *A. Wording of the relevant provision*

47. Art. 23 par. 1 of the 2018 FCE stipulates that persons bound by the FCE shall respect the integrity of others involved.

##### *a. Persons involved*

48. The first element set out in art. 23 par. 1 of the 2018 FCE is that the person acting must be bound by the FCE. As has already been shown, Mr Rustam was at the relevant time a football official, and thus bound by the FCE.

49. Mr Rustam, was one of the closest persons to Mr Karim. One of the witnesses described him as “ Karim’s partner in these things”. As an AFF official Mr Rustam clearly had the duty to protect, respect and safeguard the integrity and personal dignity of all persons interacting with the federation.

##### *b. Protect, respect and safeguard*

50. Based on the clear and specific testimony of players A, D and E, the Panel finds implausible that Mr Rustam could have ignored Mr Karim’s conduct or of what was happening in the AFF. This is especially true considering that Mr Rustam appears to have played a key part in Mr Karim’s abuse, being the one that directed/guided the victims to their aggressor and to the places specifically designed to commit the sexual assaults.

51. More importantly, Mr Rustam confessed to having participated in Mr Karim’s abuse throughout the years.

52. Therefore, his behaviour amounts to systematic complicity and cannot in any way be construed as an occasional negligence since the reprehensible acts he is accused of were numerous, repeated and followed a specific pattern.

53. Firstly, Mr Rustam would call the players and direct them to Mr Karim. By doing so, Mr Rustam not only allowed the events to unfold, but directly participated in them. This reprehensible conduct is confirmed by several testimonies including that of player D, who stated that Rustam called her to ask her to go to Mr Karim’s office, where she was subsequently abused. Player E testified that Mr Rustam brought a girl to Mr Karim whom the president later attacked with a snooker cue. Lastly she explained that “ a lot of girls [...] were taken to him by his secretary, Rostam, with a car from outside”. As it is clear from player E’s testimony, Mr Rustam also made sure

that the players he would guide to Mr Karim went alone, hence reinforcing Mr Karim's preexisting hierarchical power over his victims.

54. Second, Mr Rustam also contributed to prolonging the victims' suffering. That is illustrated by Player E's testimony stating that Mr Rustam grabbed her hand and commanded her not to go as she was running away from Mr Karim.
55. Third, Mr Rustam actively promoted and enforced the culture of terror and harassment that was reigning supreme at AFF by forcing the victims into silence, by shaming them for the injustices they had suffered and by threatening them and their relatives. Player E's testimony, states that Rustam told her: "I know everything about you, I know where your family lives, where you live, and if you say anything, I am going to make public the photos on your phone." The victim explained that, put in the context of her ethnic background, such a warning was a death threat.
56. Lastly, Mr Rustam also played a key role in the concealment of the crimes. Such desperate attempts at covering his and Mr Karim's tracks is evident from his own testimony to the Afghan authorities. In said statement Mr Rustam explained in details how he participated in a nocturnal mission aimed at removing all evidence of the sexual abuse, including removing the beds from the rooms and placing trash and other items instead.

#### *B. Conclusion*

57. The Panel considers the evidence at hand sufficient to establish Mr Rustam's conduct and his participation in the infringement committed by Mr Karim. There are several separate witness statements clearly identifying Mr Rustam by name in relation to the sexual abuse conduct of Mr Karim, which he participated in.
58. FIFA takes a zero-tolerance approach to any violation of the physical or mental integrity of any human being. This is particularly important when it comes to youth and women football. Sexual abuse toward female players only discourages women's involvement in the game.
59. In his position as AFF official, Mr Rustam had the duty to protect, respect and safeguard the integrity and personal dignity of all stakeholders. However, based on the above, it is undisputable that:
  - Mr Rustam repeatedly called the victims and guided them to Mr Karim who then abused them;
  - he also stood guard and blocked both the arrival of potential witnesses/helpers and the exit of the victims during Mr Karim crimes;
  - he forced the victims into silence by threatening them;
  - he intentionally removed evidence to obstruct investigations.
60. The aforementioned conduct is in clear contravention of Mr Rustam's duty to protect, safeguard and protects persons involved in football.

61. In view of the above, the Panel finds that, by his aforementioned conduct, Mr Rustam has breached art. 23 par. 1 of the 2018 FCE.

**b) Possible violation of art. 17 of the 2018 FCE (Duty to report)**

*A. Wording of the relevant provision*

62. According to art. 17 of the 2018 FCE, persons bound by the Code who become aware of any infringements of this Code shall inform, in writing, the secretariat and/or chairperson of the investigatory chamber of the Ethics Committee directly.

*a. Persons involved*

63. The first element set out in art. 17 par. 1 of the 2018 FCE is that the person acting must be bound by the FCE. As has already been shown, Mr Rustam was at the relevant time a football official, and thus bound by the FCE.

*b. Awareness of any infringements of the 2018 FCE*

64. The wording used at art. 17 par. 1 of the 2018 FCE entails that that the individual under the obligation to report does not have to have complete knowledge of all the facts of the case or understand all its legal implications. Rather, it is sufficient if the individual concerned has reasonable grounds for a suspicion of, or has witnessed potential misconduct.

65. In the present case, based in particular on his own statement (cf. par. II. 40 and II. 44 above) and the testimonies of the relevant players as described above, it is established that Mr Rustam was aware of Mr Karim's conduct and did not report it, which clearly corresponds to an infringement of the 2018 FCE, for which the FIFA Ethics Committee sanctioned Mr Karim. Moreover, Mr Rustam not only remained passive and failed to report such conduct to FIFA, but he actively tried to conceal it, by threatening players and by taking part in a cover-up expedition.

66. By not reporting the conduct of Mr Karim, which represented a very serious violation of the 2018 FCE, as well as a criminal behaviour/infringement, Mr Rustam allowed it to continue, and ultimately affect and damage not only the victim players but also Afghan football as a whole.

67. In view of the above, Mr Rustam is found guilty of having breached art. 17 of the 2018 FCE.

**c) Overall conclusion**

68. Taking the above considerations into account in their entirety, the adjudicatory chamber is comfortable to conclude that Mr Rustam has violated the following provisions of the 2018 FCE:

- Art. 17 of the 2018 FCE (Duty to report);
- Art. 23 of the 2018 FCE (Protection of physical and mental integrity).

## **F. Sanctions and determination of sanctions**

69. According to art. 6 par. 1 of the 2018 FCE, the Ethics Committee may pronounce the sanctions described in the FCE, the FIFA Disciplinary Code (hereinafter: FDC) and the FIFA Statutes.
70. When imposing a sanction, the adjudicatory chamber shall take into account all relevant factors in the case, including the nature of the offence, the offender's assistance and cooperation, the motive, the circumstances, the degree of the offender's guilt, the extent to which the offender accepts responsibility and whether the person mitigated his guilt by returning the advantage received (art. 9 par. 1 FCE). It shall decide the scope and duration of any sanction (art. 9 par. 3 FCE).
71. When evaluating, first of all, the degree of the offender's guilt, the seriousness of the violation and the endangerment of the legal interest protected by the relevant provisions of the 2018 FCE need to be taken into account. While Mr Rustam had a responsibility to serve the football community as a role model as an AFF (and football) official, his conduct revealed a pattern of not only disrespect for core values of the 2018 FCE, but also for human dignity. It should be however mentioned that Mr Rustam's role within the AFF was reduced and did not entail significant responsibilities (according to the relevant correspondence of the AFF listing such), being limited to providing assistance/services to Mr Karim, the president of the association.
72. Regarding the circumstances of the case, the adjudicatory chamber emphasizes that several of its aspects render the case at hand to be of gravity. Firstly, Mr Rustam had firsthand information about the abusive conduct of Mr Karim, as he was his henchman and directly involved as an accomplice in such conduct. The dramatic context in which Mr Rustam committed the above-mentioned breaches illustrates the seriousness of said infringements. It is recalled that Mr Karim, the president of the AFF and Mr Rustam's superior, had sexually abused various female players, going as far as to rape and assault those who refused to accept his advances. The sexual harassment/assault and abusive conduct was repeated and, in fact, part of a systematic treatment to which, unfortunately, female players were subjected to in Afghanistan over a course of several years, between 2013 and 2018. Furthermore, the situation was kept hidden/secret due to extreme pressure and coercions – some of which were exerted by Mr Rustam – but also due to the attitude and passivity of other persons, again, such as Mr Rustam, who chose to do nothing, and even worse – to conceal and protect the conduct of Mr Karim instead of exposing and preventing it. In fact, it was only because of the bravery of some of the victims, who decided to speak out despite fearing for their lives, that the matter was eventually discovered and could be investigated and prosecuted.
73. As far as the Mr Rustam's motive is concerned, the adjudicatory chamber agrees that no element suggests or indicates that Mr Rustam had any personal interests involved in his actions presently relevant (with respect to Mr Karim's conduct), apart from respecting Mr Karim's orders in order to keep his job/employment. It is also plausible that his conduct was motivated by indifference and lack of empathy

towards the victim players. Moreover, the fact that Mr Karim was Mr Rustam's direct superior/boss (as the latter was his personal assistant or secretary) indicates that the former was in a position of force towards Mr Rustam, exerting not only influence but also pressure, in order to secure his participation, assistance or complicity in his conduct. This can be inferred from Mr Rustam's statement to the Attorney general, in which he mentions that he was "ordered" by Mr Karim to destroy evidence, by emptying the latter's "special room" in the AFF offices where the sexual abuse had been committed, or that he was told by Mr Karim to leave the country (in order to not have to testify against him). The Attorney General's accusation letter (cf. par. I.12 above) also mentions witnesses testifying that Mr Rustam was "forced" to marry one of the victims of Mr Karim's abuse who became pregnant as a result of such abuse, in order to "bury the story" (Enclosure 19, p. 12 of the final report). On Mr Rustam's side, it is possible that he acted on Mr Karim's orders and participated in the abusive conduct also in order to gain the latter's favors, prove himself a valuable and trusted henchman/right-hand man or maintain his employment (both with Mr Karim and the AFF). In any case, Mr Rustam's motive in the present case must be qualified as reprehensible.

74. Another circumstance that is suited to mitigate the culpability of an offender, according to the case law of FIFA's judicial bodies, is remorse or confession. In this sense, the adjudicatory chamber notes that Mr Rustam has not demonstrated to FIFA, at any point during these proceedings and in spite of the overwhelming evidence against him, awareness of his wrongdoing, or any remorse in that respect. Notwithstanding the aforementioned, the Panel has taken good note of the statements Mr Rustam made before the Afghan authorities, in which he confessed to have been aware of (and a witness to) Mr Karim's conduct, as well as of his involvement.
75. Finally, the Panel does take note of the fact that Mr Rustam appears to have been suspended in December 2018 by the Afghan authorities.
76. To sum up, the adjudicatory chamber deems that the guilt of Mr Rustam in the present case is serious, and virtually no aspects are suited to mitigate the degree of his guilt.
77. With regard to the type of sanction to be imposed on Mr Rustam, the adjudicatory chamber deems – in view of the particularly serious nature of his misconduct, only a ban on taking part in any football-related activity is appropriate in view of the inherent, preventive character of such sanction in terms of potential subsequent misconduct by the official. In the light of this, the adjudicatory chamber has chosen to sanction Mr Rustam by banning him from taking part in any football-related activity (art. 7 par. 1(j) of the 2018 FCE; art. 56 par. 2(f) of the FIFA Statutes; art. 11(f) and art. 6 par. 2(c) of the FDC).
78. In the present case, the Panel considers that, while both breaches are serious, the principal violation committed by Mr Rustam was that of the protection of physical and mental integrity (art. 23 of the 2018 FCE). In reaching such consideration, the adjudicatory chamber reasoned that Mr Rustam's actions as depicted above had

direct consequences on the integrity of the victim players, who were subjected to sexual abuse from Mr Karim, which Mr Rustam failed to prevent or stop.

79. In view of the above, and in accordance with the content of arts. 11 and 23 par. 6 of the 2018 FCE, the adjudicatory chamber concludes that, in the present case, the duration of the ban to be imposed for the most serious breach has a maximum limit of five years and that the maximum applicable sanction (for the two concurrent infringements) can be increased up to one third as appropriate.
80. At this point, the adjudicatory chamber reaffirms that FIFA has a zero-tolerance policy on human rights violations and condemns all forms of gender-based violence.
81. In conclusion and taking into account all of the above considerations and circumstances of the case, the Panel decides that a ban on taking part in any football-related activity (administrative, sports or any other) at national and international level for a period of five years is appropriate and commensurate. In accordance with art. 42 par. 1 of the 2018 FCE, the ban shall come into force as soon as the decision is communicated.
82. In the present case, the adjudicatory chamber is of the opinion that the imposition of a ban on taking part in any football-related activity is not sufficient to sanction the misconduct of Mr Rustam adequately, in particular given the gravity of the matter, and the damage caused to the victim players, as well as to the image and reputation of the AFF (and Afghan football) due to the official's failure to act appropriately. Hence, the adjudicatory chamber considers that the ban imposed on Mr Rustam should be completed with a fine, a financial sanction with a strictly punitive purpose in the present case.
83. The amount of the fine shall not be less than CHF 300 and not more than CHF 1,000,000 (art. 6 par. 2 of the 2018 FCE in conjunction with art. 15 par. 1 and 2 of the FDC). In the case at hand, the adjudicatory chamber determines that a fine of CHF 10,000 would be appropriate. Accordingly, Mr Rustam shall pay a fine of CHF 10,000.

## **G. Procedural costs and procedural compensation**

84. The procedural costs are made up of the costs and expenses of the investigation and adjudicatory proceedings (art. 54 of the 2019 FCE).
85. Mr Rustam has been found guilty of violations of art. 17 and art. 23 of the 2018 FCE and has been sanctioned accordingly. The adjudicatory chamber deems that no exceptional circumstances apply to the present case that would justify deviating from the general principle regarding the bearing of the costs. Thus, the adjudicatory chamber rules that Mr Rustam shall bear the procedural costs (art. 56 par. 1 of the 2019 FCE).
86. In the present case, the costs and expenses of the ethics proceedings add up to [...].

87. According to art. 57 of the 2019 FCE, no procedural compensation shall be awarded in proceedings conducted by the Ethics Committee. Consequently, Mr Rustam shall bear his own legal and other costs incurred in connection with these proceedings.

### **III. has therefore decided**

1. Mr Rustam is found guilty of an infringement of art. 17 (Duty to report) and art. 23 (Protection of physical and mental integrity) of the FIFA Code of Ethics, in relation to his awareness of and failure to report and prevent the sexual abuse committed by Mr Karim, former President of the AFF, against several female players in the period 2013 – 2018.
2. Mr Rustam is hereby banned from taking part in any kind of football-related activity at national and international level (administrative, sports or any other) for a period of 5 years, as of notification of the present decision, in accordance with article 7 lit. j) of the FIFA Code of Ethics in conjunction with art. 6 par. 2 lit. c) of the FIFA Disciplinary Code.
3. Mr Rustam shall pay a fine in the amount of CHF 10,000 within 30 days of notification of the present decision. Payment can be made either in Swiss francs (CHF) to account no. [...] or in US dollars (USD) to account no. [...], with reference to case no. "*Adj. ref. no. 24/2019 (Ethics E19-00012)*" in accordance with art. 7 let. e) of the FIFA Code of Ethics.
4. Mr Rustam shall pay costs of these proceedings in the amount of [...] within 30 days of notification of the present decision, which shall be paid according to the modalities stipulated in the above paragraph.
5. This decision is sent to Mr Rustam. A copy of the decision is sent to the AFF, the AFC, and to the chairperson of the investigatory chamber of the FIFA Ethics Committee, Ms Maria Claudia Rojas.

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### **LEGAL ACTION:**

In accordance with art. 82 par. 1 of the FCE and art. 58 par. 1 of the FIFA Statutes, this decision can be appealed against to the Court of Arbitration of Sport ("CAS") in Lausanne, Switzerland ([www.tas-cas.org](http://www.tas-cas.org)). The statement of appeal must be sent directly to CAS within 21 days of notification of this decision. Within another ten (10) days following the expiry of the time limit for filing the statement of appeal, the appellant shall

file with CAS a brief stating the facts and legal arguments giving rise to the appeal (see art. R51 of the Code of Sports-related Arbitration).

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION

A handwritten signature in blue ink, appearing to be 'V. Skouris', is centered on a light blue rectangular background.

Vassilios Skouris  
Chairman of the adjudicatory chamber  
of the FIFA Ethics Committee