



Richard Masters  
Chief Executive Officer  
Premier League

Cc: Mark Bullingham  
Chief Executive Officer  
The Football Association

April 23, 2020

**SUBJECT: Proposed takeover of Newcastle United FC**

Dear Mr Masters,

We recently contacted you to offer the Premier League a private expert briefing from a range of individuals and organisations with important perspectives that relate to the potential ramifications of the Chairman of the Saudi Arabian Public Investment Fund, Crown Prince Mohamed bin Salman, owning an English Premier League club. We would like to repeat that offer, and in advance of any verbal briefing to outline some concerns in detail.

Fair/Square Projects is a not-for-profit company that works with a range of partners to help prevent human rights abuses. As directors, we have worked on human rights in the Gulf region for fifteen years each, including as a British diplomat in the Gulf, as Human Rights Watch Senior Researcher on the region and as Amnesty's Middle East deputy director. We have worked with FIFA to help develop its human rights policy and have engaged several European football clubs and their fans on human rights concerns in the Gulf, including Liverpool, Manchester City and Bayern Munich.

There is a compelling body of evidence that any consortium linked to the Saudi Arabian government should be disqualified from ownership of any Premier League club. Crown Prince Mohamed bin Salman, the chairman of the Public Investment Fund, presents a demonstrable threat to the vitality, integrity and reputation of the English game and to the future of Newcastle United. We would encourage the Premier League to take this opportunity to outline a clear position in this regard, and one that prevents governments from taking control of English football clubs and running them for political ends.

We believe that the Newcastle takeover bid fails the Premier League Owner and Director test on two grounds: under paragraph F1.6 in relation to the conduct of Mohamed bin Salman; and secondly under paragraph F1.2, in relation to the ability of any Saudi-government backed entity's "power to determine or influence the management or administration of another Club." We encourage the Premier League to interpret the Owner and Directors test in line with their object and purpose as laid out by the Football Association's guidance in this matter: "Those holding positions of responsibility at clubs are required to meet obligations placed on them under the law. Football

Fair/Square Projects | [contact@fairsq.org](mailto:contact@fairsq.org) | [fairsq.org](http://fairsq.org)  
13 Freeland Park, BH16 6FA, United Kingdom

Company No. 11952483 | Registered in London

believes that such persons should meet standards *over and above the law* so as to better protect clubs and the reputation and image of the game.” [emphasis added]

### **F1.6: Conduct of Crown Prince Mohamed bin Salman**

There is a voluminous body of highly-credible evidence that supports the position not only that Crown Prince Mohamed bin Salman is dishonest but that he has engaged in conduct that falls well below that subjective threshold. We firstly draw your attention to the murder of Jamal Khashoggi in October 2018 and the expert reports of bodies that investigated the killing.

- In December 2018, the **United States Senate unanimously adopted a resolution** stating that “the Senate believes Crown Prince Mohamed bin Salman is responsible for the murder of Jamal Khashoggi” and calling on the government of Saudi Arabia to ensure full accountability.<sup>1</sup>
- In June 2019, the **United Nations expert on extrajudicial killings** published a 100-page report into Jamal Khashoggi’s death, based on a detailed 6-month investigation, and concluded that “his killing was the result of elaborate planning involving extensive coordination and significant human and financial resources”, that “it was overseen, planned and endorsed by high-level officials” and that “it was premeditated.” The report stated that “there is credible evidence, warranting further investigation of high-level Saudi Officials’ individual liability, including the Crown Prince’s”, and that “every expert consulted finds it inconceivable that an operation of this scale could be implemented without the Crown Prince being aware, at a minimum, that some sort of mission of a criminal nature, directed at Mr. Khashoggi, was being launched.”<sup>2</sup>
- We also direct your attention to the **January 2020 report issued by two UN human rights experts**, which concluded that there was “a pattern of targeted surveillance of perceived opponents and those of broader strategic importance to the Saudi authorities” and produced evidence, based on a forensic analysis, that indicated with “medium to high confidence” that an MP4 video file sent from a WhatsApp account utilized personally by Mohammed bin Salman, had deployed digital spyware enabling surveillance of *The Washington Post* owner and Amazon CEO, Jeffery Bezos. The report stated that “These allegations are relevant as well to ongoing evaluation of claims about the Crown Prince’s involvement in the 2018 murder of Saudi and Washington Post journalist, Jamal Khashoggi.”<sup>3</sup>

We would encourage you to consult with the UN experts who conducted these investigations. The fact that the Saudi Arabian government has not conducted thorough and independent criminal investigations into the murder of Jamal Khashoggi, and the hacking and surveillance of critics of Saudi Arabia and Mohamed bin Salman does not preclude the Premier League from disqualifying their involvement in any takeover.

### **F 1.2: Power to determine or influence the management or administration of another Club**

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<sup>1</sup> S.J.Res.69 - A joint resolution supporting a Diplomatic Solution in Yemen and Condemning the Murder of Jamal Khashoggi, December 13, 2018: <https://www.congress.gov/bill/115th-congress/senate-joint-resolution/69/text?q=%7B%22search%22%3A%5B%22Khashoggi%22%5D%7D&r=1&s=2>

<sup>2</sup> Annex to the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Investigation into the unlawful death of Mr. Jamal Khashoggi, *United Nations*, 19 June 2019: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24713>

<sup>3</sup> UN experts call for investigation into allegations that Saudi Crown Prince involved in hacking of Jeff Bezos’ phone, *United Nations*, 22 January 2020: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25488&LangID=E>

The owner of Sheffield United, Abdullah bin Musa'ad bin Abdul Aziz Al-Saud, is a Saudi Arabian prince and businessman. If Public Investment Fund has a meaningful involvement in Newcastle United, it will mean owners of that club having the power to determine and influence the management of Sheffield United.

As the de facto leader of Saudi Arabia, Crown Prince Mohamed bin Salman wields vast and largely unaccountable power within the Kingdom. A February 2019 report from Human Rights Watch detailed how, under the auspices of an anti-corruption drive, Saudi authorities acting on the direction of Mohamed bin Salman carried out mass arrests, including of princes, current and former government officials, and prominent businessmen and detained them for several months at Riyadh's five-star Ritz Carlton Hotel and forced them to turn over assets in exchange for their freedom. Human Rights Watch described the process as "a shake down" and the New York Times subsequently revealed that many of those detained had been tortured, including the case of an army general who was allegedly tortured to death.<sup>4</sup>

We also draw your attention to the United Arab Emirates' government effective ownership of Manchester City, and the very close ties between Mohamed bin Salman and the rulers of the UAE, including its Crown Prince Mohamed bin Zayed Al Nahyan and its deputy Prime Minister and owner of a 77% stake in City Football Group, Sheikh Mansour bin Zayed Al Nahyan.<sup>5</sup> Under the control and leadership of Mohamed bin Salman and Mohamed bin Zayed Al Nahyan, Saudi Arabia and the United Arab Emirates have been allies and partners in the Saudi-led war on Yemen, which has led to credible allegations of war crimes including by UN investigation teams,<sup>6</sup> the military coup that deposed the government of Mohamed Morsi in Egypt and installed General Abdel Fattah Al-Sisi, and the blockade of their Gulf neighbour Qatar.<sup>7</sup> We believe it should be of significant concern to the Premier League that two of its most prominent clubs could, if this deal is allowed to pass, be run by unelected monarchs who pursue their shared strategic interests in tandem and often with seriously harmful consequences.

### **Duty to protect clubs and the reputation and image of the game**

As the FA has made clear, the existence of the Owner and Directors test reflects the fact that football clubs are not simply businesses and need to be subject to enhanced protection - their purpose is "to protect clubs and the reputation and image of the game." The deal can and should be disqualified with reference to the criteria outlined in the Owner and Directors test, but a progressive interpretation of these regulations should reflect changing conditions and the object and purpose of those regulations.

We would direct you to the comprehensive body of research from organisations like Human Rights Watch and Amnesty International and in particular to the case of the women's rights activist Loujain Al-Hathloul, whose case was also raised by our colleagues at Amnesty UK in their letter to you of April 21, 2020. At a time when the women's game is in the ascendancy, the Premier League should consider the implications for the image and

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<sup>4</sup> Saudi Arabia: Clarify Status of 'Corruption' Detainees, *Human Rights Watch*, 18 February 2019: <https://www.hrw.org/news/2019/02/18/saudi-arabia-clarify-status-corruption-detainees>

<sup>5</sup> Man City stake sale breaks valuation record for a sports group, *Financial Times*, 27 November 2019: <https://www.ft.com/content/1c082178-104b-11ea-a7e6-62bf4f9e548a>

<sup>6</sup> Situation of human rights in Yemen, including violations and abuses since September 2014 - Report of the Group of Eminent International and Regional Experts, *United Nations*, 9 August 2019: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/240/87/PDF/G1924087.pdf?OpenElement>

<sup>7</sup> The relationship between the two men is widely described and analysed. See for example: Portraits of Mohammed bin Salman (MBS) and Mohammed bin Zayed (MBZ) - Crown Prince of Saudi Arabia and Chairman of the Executive Council of Abu Dhabi, *Institut Montaigne*, 13 November 2018: <https://www.institutmontaigne.org/en/blog/portraits-mohammed-bin-salman-mbs-and-mohammed-bin-zayed-mbz-crown-prince-saudi-arabia-and-chairman>

reputation of the game if it allows one of the UK's most prominent football clubs to be taken under the control of a state that continues to imprison and torture women's rights activists.<sup>8</sup>

We have noted media reports that the Premier League will look to the UK government for advice and guidance in this matter. We will be writing to UK parliamentarians in due course to set out our views on football club ownership and the need for forward-thinking government regulation, but we would note that the British government is a strategic ally of Saudi Arabia and it has historically prioritised defence and commercial ties with the Kingdom over human rights and the rule of law. Indeed, it has been found by the Court of Appeal to have acted unlawfully by not properly scrutinising arms sales to Saudi Arabia: the court found in June 2019 that the government "made no concluded assessments of whether the Saudi-led coalition had committed violations of international humanitarian law in the past, during the Yemen conflict, and made no attempt to do so."<sup>9</sup> We encourage you to consult with the British government, but give comparable weight to other experts, including scholars and civil society actors from Saudi Arabia and the Middle East region.

We are pleased that the FA responded positively to our offer to coordinate a private briefing from credible independent experts, including Saudi Arabian nationals, and we await your response in that regard.

Yours sincerely,



Nicholas McGeehan  
Director



James Lynch  
Director

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<sup>8</sup> See Saudi Arabia: UN experts urge freedom for Loujain Al-Hathloul after 500 days in prison, *United Nations*, 27 September 2019: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25074&LangID=E>

<sup>9</sup> UK arms sales to Saudi Arabia unlawful, court rules, *BBC*, 20 June 2019: <https://www.bbc.co.uk/news/uk-48704596>.

Full open judgement available at:

<https://www.judiciary.uk/wp-content/uploads/2019/06/CAAT-v-Secretary-of-State-and-Others-Open-12-June-2019.pdf>