



FIDE ETHICS COMMISSION

The Ethics Commission (hereafter called the ETH), sitting in the following composition -

Chairman: Mr. Francois Strydom
Members: Mr. Willy Iclicki
Mr. Ion Serban Dobronauteanu
Mr. Rajesh Hari Joshi
Secretary: Dr. Elli Sperdokli (non-voting)

during the meeting held in Madrid on 7 April 2017, made the following -

DECISION

Case no. 1/2016: "Alleged deprivation of an individual's rights by the TTCA"

1. The ETH **notes** the absence of its member, Mr. Pedro Dominguez Brito, but **confirms** that the four (4) members present constitute a quorum.
2. The ETH **notes** its previous ruling of 1 August 2016 on the first complaint of Mr. Russell Smith regarding the alleged unfair treatment and injustice done to him by the Trinidad and Tobago Chess Association (TTCA), and more specifically its Disciplinary Committee, in the findings made and sanctions imposed at a disciplinary meeting held on 18 December 2015. Given the subsequent decision of the TTCA Appeal Tribunal to overturn the decision of the Disciplinary Committee, nullify the sanction and remit the matter for a re-hearing before the Disciplinary Committee, there did not exist, at that time, a basis for the ETH to assume jurisdiction in the

matter, which clearly constituted a national case in which the proceedings were incomplete and the complainant's remedies not exhausted.

3. The ETH **notes** that it received a renewed complaint by Mr. Russell Smith against the TTCA dated 6 December 2016 for violating the FIDE Code of Ethics by allegedly treating him unfairly and doing him injustice by virtue of the ruling of the new TTCA Disciplinary Committee issued on 10 August 2016 and the decision of the TTCA Appeals Tribunal issued on 8 October 2016.
4. The ETH **notes** the ruling of the new TTCA Disciplinary Committee pursuant to which Mr. Russell Smith remains suspended from participating in or attending any events of the TTCA until he apologizes in writing to Mr. David Martin, with immediate effect from the issuance of the ruling, otherwise until 30 June 2017.
5. The ETH **notes** the decision of the TTCA Appeals Tribunal that rejected the appeal of Mr. Russell Smith and upheld the ruling of the new TTCA Disciplinary Committee.
6. The ETH **notes** the written answers of the TTCA, dated 24 January 2017 and 4 April 2017 as well as the confirmation given on 23 March 2017 that the sanctions against Mr. Smith will indeed come to an end on 30 June 2017 (and thereafter Mr. Smith's rights to participate in TTCA events or activities will be fully restored).
7. The ETH **notes** the written reply of the complainant Mr. Russell Smith, dated 24 March 2017 and supplemented by his statement of 30 March 2017.
8. The ETH **notes** that it is not asked to exercise an appeal competence in the present case as provided for in FIDE Statutes, chapter 8, Ethics Commission.
9. The ETH **reiterates** that FIDE member federations have principal authority over chess activities in their own countries, including the taking of disciplinary measures in national cases. The ETH shall exercise jurisdiction over national cases only in exceptional circumstances, namely in instances where misconduct has international implications and

is not judged at national level, or instances where the national federation fails to prosecute disciplinary cases in compliance with fundamental justice.

10. The ETH **decides** that there does not exist the necessary factual basis for the ETH to assume jurisdiction in the present matter which concerns a national case in which none of the exceptional grounds for the ETH's intervention has been shown to be present to the comfortable satisfaction of the ETH.
11. Despite the above decision, the ETH **remarks** that in its view the sanction imposed by the new Disciplinary Committee and upheld by the Appeals Tribunal remains excessive (despite being less severe than the sanction imposed on the first occasion) and disproportionate given the nature of the misconduct of which Mr. Smith was convicted, but that this fact on its own is insufficient in the present case for the ETH to be comfortably satisfied that a bias existed on the part of the disciplinary and appeal tribunals which would have resulted in a failure of fundamental justice.
12. Accordingly, the ETH, by unanimity of the members present, **decides** that:
 - 11.1. The complaint of Mr. Russell Smith is **not admissible**; and
 - 11.2. Case no. 1/2016 is **dismissed**.
13. The ETH **undertakes** to provide the complainant and the respondent with full written reasons for this decision within one (1) month from the date hereof.
14. The ETH **requests** the FIDE Secretariat to communicate this decision to Mr. Russell Smith c/o his attorney Mr. Riccardo Williams, the TTCA c/o its attorney Mr. David Williams and the Confederation of Chess for Americas, and to publish this decision on the FIDE website.

DATED ON THIS THE 18th DAY OF APRIL 2017

F P Strydom

CHAIRMAN

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