



## 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 an exchange of correspondence the 12<sup>th</sup> - 19<sup>th</sup> of December 2017, made the following -

## DECISION

**Case no. 4/2017: “Alleged disregard of previous ETH decision and the taking of revenge against a witness”.**

1. The ETH **notes** the non-participation of its member, Mr. Pedro Dominguez Brito, but **confirms** that the four (4) participating members constitute a quorum.
2. The ETH **notes** the complaint, dated 2 September 2017 and amplified on 5 October 2017, by **Mr Youssef Boukedir** (“the complainant”) concerning an alleged violation of art. 2.2.2 and/or 2.2.11 of the FIDE Code of Ethics by **Mr Mustapha Amazzal** (“the respondent”) on the factual grounds that the respondent instituted civil and criminal proceedings against the complainant in the Moroccan domestic courts in contempt of the findings

of the ETH in case 3/2006 and out of revenge for the fact that the complainant's testimony in Ethics case 3/2006 had led to a ban of the respondent and the Moroccan Royal Chess Federation (FRME).

3. The ETH **notes** the representations of the respondent in support of his contention that the complaint is not admissible before the ETH, *viz.* that the complainant is an inactive arbiter at both FRME and FIDE levels and thus lacks the necessary standing, and that the matter relates to a personal suit in the Moroccan courts which does not affect FIDE's interests and which does not violate the provisions of the FIDE Code of Ethics.
4. The ETH **notes** the further representations of the complainant to the effect that he remains a FIDE registered international arbiter and that his inactivity (caused by the respondent) is no bar to him filing a complaint with the ETH; that the Moroccan court proceedings were brought to defend the interests of the FRME president and the witnesses were all FRME members; one of the charges brought against the complainant in the Moroccan court proceedings concerned alleged false declaration and defamation against the FRME president in Ethics case 3/2006 and evidence was introduced based upon the findings of a so-called Inquiry for Truth Commission which findings exonerated the respondent and were introduced to subvert the ETH's findings in case 3/2006 in spite of the fact that the ETH judgment excluded all recourse to the ordinary courts.
5. The ETH **notes** the decision of the Criminal Chamber of Appeal at the Casablanca Court of Appeal of 14 June 2017 which resolved the dispute in favour of the complainant and ordered the respondent to pay the costs of the proceedings.
6. The ETH **notes** its own previous decisions in cases 3/2006 and 6/2010, the first case resulting *inter alia* in a ban of the respondent and the FRME for submitting false international arbiter applications to FIDE and the second case an application by FRME for a re-opening and review of the first case, which application was unsuccessful.

7. The ETH **holds** that the complainant is not disqualified from lodging the complaint as the result of his inactivity as arbiter; he remains a FIDE registered international arbiter and a member of the FIDE family.
8. The ETH **decides** nevertheless that the complaint must be held as inadmissible for *inter alia* the following reasons:
  - 8.1 The complaint relates to personal conflict between the complainant and the respondent and concerns alleged conduct taken by the respondent in his private capacity outside the chess sphere. On the other hand the FIDE Code of Ethics seeks to control the behaviour of players and officials in the play and administration of the game of chess. The alleged conduct, on proper scrutiny, has not been taken by the respondent as a chess actor and does not pertain to the play or administration of the game of chess. As such, the ETH lacks jurisdiction to decide the complaint.
  - 8.2 In any event, even if the respondent's alleged conduct is regarded as having been taken to defend his interests as FRME president and the matter is considered a chess-related matter (contrary to the finding in 8.1 above), the ETH enjoys primary competence in relation to FIDE office bearers / officials (which do not include the respondent) and shall only have competence in relation to the respondent as an official of a member federation and executive member of an affiliated organization (in *casu* the Arab Chess Federation) if the case has international implications or affects various national federations, which it does not.
  - 8.3 In terms of the Guidelines to the Interpretation of the FIDE Code of Ethics an individual complainant must show a violation of his individual interests, in other words that he suffered direct personal harm as a result of the alleged misconduct. In *casu*, the complainant has been vindicated by the findings of the Casablanca Court of Appeal and compensated with a costs order. The alleged contempt of the ETH decision in case 3/2006 concerns FIDE's general interests which could only be the object

of a report by a FIDE organ to the ETH. As such, the complainant lacks the necessary *locus standi* to lodge the present complaint.

9. The ETH **remarks** further apart from the grounds for its decision set out above that, in its view, it is not in the interest of justice in the chess world to allow a further perpetuation of essentially the same subject-matter which already received the ETH's attention in cases 3/2006 and 6/2010. There is no new dimension which requires that the present complaint should further consume the scarce time resources of the ETH.
10. Accordingly, the ETH, by unanimity of the members participating, **decides** that:
  - 10.1. The complaint of Mr Youssef Boukedir is **not admissible**; and
  - 10.2. Case no. 4/2017 is **dismissed**.
11. The ETH **requests** the FIDE Secretariat to communicate this decision to Mr Youssef Boukedir, Mr Mustapha Amazzal and FRME, and to publish this decision on the FIDE website.

DATED ON THIS THE 20th DAY OF DECEMBER 2017

*F P Strydom*

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CHAIRMAN  
FIDE ETHICS COMMISSION