



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
Mr Pedro Dominguez

by an exchange of correspondence in the period 13 - 15 July 2016, has decided **unanimously** upon the following -

RULING

Case n. 1/2016: "Alleged deprivation of individual's rights by the TTCA"

1. The ETH **notes** the complaint of Mr Russel Smith as represented by his attorney Mr Ricardo Williams, dated 17 February 2016, and amplified by submissions dated 9 May 2016 and 25 May 2016, 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. The disciplinary proceedings related to an incident which took place on occasion of the CAC Youth Festival in the period 14 - 19 August 2015.

2. The ETH **notes** the written submissions received from the TTCA, as represented by its attorney Mr Dave Williams, dated 15 June 2016.
3. The ETH **notes** that Mr Smith refused to attend the appeal hearing scheduled for 26 March 2016, but that the TTCA Appeal Tribunal during a further meeting on 11 June 2016 (in Mr Smith's absence) overturned the decision of the Disciplinary Committee, nullified the sanctions imposed on Mr Smith and directed that the matter should be re-submitted to the Disciplinary Committee.
4. The ETH **observes** 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, to wit 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 (see FIDE Statutes, chapter 8, Ethics Commission - Objectives and Competencies).

5. In the light of the decision of TTCA Appeal Tribunal on 11 June 2016, the ETH **rules** that, at present, there does not exist a basis for the ETH to assume jurisdiction in this matter which clearly constitutes a national case. The decision of TTCA Appeal Tribunal was aimed at correcting the procedural errors in the Disciplinary Committee proceedings and, as such, upheld the principles of fundamental justice. The complaint against Mr Smith should be re-considered by a properly constituted Disciplinary Committee and, in the event of a finding of guilty, Mr Smith will have a right of appeal to the Appeal Tribunal. It is open to Mr Smith to raise such procedural objections at the new proceedings as he may be advised to take. The ETH may be approached again after an exhaustion of the appeal procedure if there is any failure to conduct the envisaged new proceedings in accordance with principles of fundamental justice.
6. The ETH **recommends** that the new Disciplinary Committee hearing the complaint against Mr Smith should not have any member who was part of the Disciplinary Committee which decided the matter on 18 December 2015, or who took part in the 2015 CAC Youth Festival (see article 6(d) of the TTCA Constitution).
7. The ETH **urges** the new Disciplinary Committee, in the event of a finding of guilty and the determination of an appropriate sanction, to take into account the ban that was in place against Mr Smith during the period 1 January until 11 June 2016 in terms of the nullified sanction. In any event, in the opinion of the ETH, the sanction imposed on 18 December 2015 was shockingly excessive and

disproportionate given the nature of the misconduct of which Mr Smith was convicted.

8. The FIDE Secretariat is requested to communicate this ruling without delay to the Trinidad and Tobago Chess Association, Confederation of Chess for America and Mr Russel Smith c/o his attorney Mr Ricardo Williams and further to publish this ruling on the FIDE website in the near future.

DATED ON THIS THE 1st day of AUGUST 2016.

F P Strydom

CHAIRMAN

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