



## **FIDE ETHICS COMMISSION**

### **REPORT TO FIDE EXECUTIVE BOARD**

#### **ABU DHABI, SEPTEMBER 2015**

Dear Mr President, members of the Executive Board, members of FIDE Commissions and delegates,

##### Reporting period

This report by the Ethics Commission covers its activities since the elections in Tromso in August 2014 and more specifically for the period 1 September 2014 until 5 September 2015.

##### Elections

In Tromso the following persons were elected as members of the Ethics Commission: Francois Strydom (RSA) as chairman; Ion-Serban Dobronauteanu (ROM), Pedro Dominguez Brito (DOM), Willy Iclicki (then MON, now LIE) and Rajesh Hari Joshi (NEP) as members.

##### Meetings

The Commission members met in person on two occasions:

Athens, 12 – 15 December 2015

Abu Dhabi, 3 – 5 September 2015

In Athens all five members were present. In Abu Dhabi every-one was present save for Dominguez (absent for professional reasons).

### Work-load

The commitment of the members is to meet as often as is necessary and the budget allows. The more frequent the meetings, the quicker the time it will take to finally dispose of the cases referred to the commission. At this stage, two to three meetings per year are envisaged, but depending on the nature and urgency of the cases, further meetings may be required.

A case referred to the Ethics Commission potentially progresses through two stages: first a preliminary ruling on the admissibility / receivability of the complaint and second (if held admissible) a decision on the merits and (in the event of a finding of guilty) the imposition of a suitable sanction.

A number of unresolved cases were inherited from our predecessors in the commission at the time of election in August 2014.

In Athens the commission dealt with 15 matters in one form or another.

In Abu Dhabi the commission dealt with 12 matters in one form or another, some of them brought forward from the Athens meeting and the rest being new cases. There has been no need so far to have oral hearings where the parties have to personally appear and all decisions could be taken on a consideration of the written documents filed alone.

### Other activities

Outside the meetings, the members prepared the written decisions and had regular e-mail contact with each other regarding the cases.

The Chairman performed the secretarial functions of corresponding, through the office of the FIDE Secretariat in Athens, with complainants and respondents in the administration of the cases.

In Abu Dhabi the members received some legal training from FIDE's lawyers on matters related to our functions.

The Chairman engaged actively with the ACC and Constitutional Commission on common matters.

The Chairman also assisted FIDE's lawyers in the preparation of a CAS appeal against one of the decisions of the Ethics Commission.

### Ethics@fide.com

Already at our Athens meeting it was decided that the Ethics Commission should have a sub-directory on the FIDE website. Until now there has not been sufficient content for publication on the website, but after our Abu Dhabi meeting the webpages will be created with up to date information of all the cases

decided so far, as well as details of pending cases. Save for details of the cases such as the case number, names of the complainant and respondent and nature of complaint, only the operative part of the Ethics Commission's decisions will be published as a matter of course and not the detailed reasons for its findings. This will protect the privacy of the parties involved and keep confidential the strict domestic affairs of our organisation as people from outside the chess world would naturally have access to the information on the FIDE website.

In addition to publication of the case register and decisions, the Ethics webpage will have links to important documents stored elsewhere on the FIDE website, such as the Code of Ethics, Procedural Rules and Guidelines to the interpretation of the Code of Ethics.

It has also been suggested that a "novice's guide" to the FIDE Code of Ethics be written and published in order to educate the chess community in this regard and to explain the procedures for laying a complaint in a simplified manner.

#### Review of the Code of Ethics and Procedural Rules

In Tromso our predecessors under chairmanship of Roberto Rivello proposed a change to the FIDE Code of Ethics by replacement and improvement of the part thereof that deals with sanctions, i.e. the various forms of sanctions and the maximum period of a ban / amount of a fine, etc. which can be imposed. This amendment was eventually passed by the Presidential Board in Sochi, November 2014. It is now required to reform the other parts of the Code of Ethics, as well as the Procedural Rules. This will be performed by the Constitutional Commission in collaboration with the Ethics Commission and a joint meeting towards the end of 2015 / beginning of 2016 is envisaged.

#### Anti-Cheating

In terms of the FIDE Statutes, independent Investigatory Chambers may be appointed by the Presidential Board and charged to investigate and submit motivated reports to the Ethics Commission on specific cases or typologies of cases. The Presidential Board in Abu Dhabi will be asked to approve separate Investigatory Chambers for three specific cheating cases as well as a standing Anti-Cheating Investigatory Chamber. As a consequence, the Ethics Commission expects to receive at least three cheating-related cases for decision in the very near future. Of course every-one agrees that the nature of these cases calls for expeditious judging.

### Admissibility of complaints

The Ethics Commission does not have the power to investigate alleged breaches of the Code of Ethics on its own motion and may only do so upon receiving a complaint from a person or a report by a FIDE organ. The person may be an individual or a member federation. However, FIDE respects the principle that national chess federations have principal authority over chess activities in their own countries and the Ethics Commission shall only enjoy jurisdiction over national cases in exceptional circumstances.

A misunderstanding on the part of complainants regarding these requirements in respect of *locus standi* of the complainant and the international nature of the complaint most often leads to a rejection of cases as being non-admissible.

It may be that in the reform of the Code of Ethics and related instruments, specific provision is made for the admissibility of certain types of complaints falling outside the above criteria. For example, it has been suggested that the organiser of a FIDE registered and rated tournament, albeit that he may not be a member of FIDE, has a sufficient direct and legal interest to enjoy standing in front of the Ethics Commission and to lodge complaints for investigation. There may be other examples of situations where policy considerations dictate that a strict legal approach should not be followed.

### Concluded cases

During the reporting period, the Ethics Commission disposed of the following mentioned cases in the manner indicated:

Case n. 2/2012: Complaint of Mr V Rajlich and C Whittington against International Computer Games Association (ICGA) regarding alleged ethical breaches during internal disciplinary procedure – Respondent found guilty and sanctioned with a warning (judgment prepared by Roberto Rivello).

Case n. 6/2013: Complaint of Andrei Istratescu against Jens Kotainy for suspected cheating – dismissed for lack of proof.

Case n. 13/2013: Complaint of G P Singh against the All Indian Chess Federation for removal of rating; request for review of previous decision of non-admissibility – decision of non-admissibility reaffirmed.

Case n. 16/2013: Complaint of Mervyn King against Boris Golubovic alleging that respondent failed to perform his functions as tournament organiser in an impartial and responsible manner – Respondent found guilty and sanctioned with a reprimand.

Case 4/2014: Complaint of A Karim against A Salim, A A Khan and W H Mirza (Pakistan); request for review of previous decision of non-admissibility – decision of non-admissibility reaffirmed.

Case n. 6/2014: Complaint of Romanian Chess Federation against Wesley Vermeulen for admitted cheating – Respondent found guilty and one year ban (Jan – Dec 2015) imposed.

Case n. 7/2014: Complaint of the Philippines and Kenya Chess Federations against Kirsan Ilyumzhinov alleging the FIDE President no longer inspires the necessary confidence or has become unworthy of trust – Respondent found to be not guilty and case dismissed.

Case n. 8/2014: Complaint by Kirsan Ilyumzhinov against Garry Kasparov regarding an unsigned / proposed agreement for the support of the Salvadorian Chess Federation of Mr Kasparov in the FIDE elections and chess development in El Salvador – complaint withdrawn by Mr Ilyumzhinov.

Case n. 9/2014: Complaint by V Medunova against the Chess Federation of Czech Republic – complaint abandoned by Ms Medunova.

Case n. 10/2014: Complaint of Garry Kasparov against Margaret Murphy, Darcy Lima and Bharat Singh regarding alleged irregularities in Electoral Commission – complaint held to be not admissible.

Case n. 11/2014: Complaint of Rad Kadengal against English Chess Federation for gross or repeated violations of FIDE laws of chess - complaint held to be not admissible; matter referred to FIDE Arbiters Commission and FIDE Rules & Tournament Regulations Commission.

Case n. 12/2014: Complaint of H Qureshi against A Salim, A A Khan and W H Mirza (Pakistan); request for review of previous decision of non-admissibility – decision of non-admissibility reaffirmed.

Case n. 1/2015: Complaint of M Mokhtar, W Elazaly, M Hagazi and M Elameir against H Elgendy regarding alleged misrepresentations made to Egyptian Chess Federation - complaint held to be not admissible.

Case n. 2/2015: Complaint of Association of Chess Professionals against N Causevic (now deceased) and B Predojevic for paying prize money only in part or late - complaint held to be not admissible.

Case n. 6/2015: Complaint by Delhi Chess Association against Koneru Humpy regarding withdrawal from the Commonwealth Chess Championships and criticism of organisers - complaint held to be not admissible.

#### Pending cases

The following cases remain pending at the end of the reporting period:

Case 1/2013: Complaints of Chilean Chess Federation against Marco Zapata and other individuals; Marco Zapata against Chilean Chess Federation for alleged irregularities at tournament – previous decision of admissibility reaffirmed and matter awaits exchange of statements regarding the merits.

Case n. 8/2013: Complaint of Rohan Shandilya against A H A Majid, Malaysian and Indian Chess Federations – statements currently being exchanged before the Ethics Commission reviews admissibility of complaint.

Case 5/2014: Complaint of Kirsan Ilyumzhinov against Ignatius Leong and Garry Kasparov regarding agreements for cooperation in the FIDE elections and the payment of consideration in exchange for written pledges or proxies – Respondents found guilty of breach of par 2.1 of FIDE Code of Ethics; procedure for sanctioning pending.

Case n. 13/2014: Complaint of European Chess Federation against S Danailov, V Sakotic and S Stoisavljenic regarding the organisation of the 2013 European Youth Championships in Montenegro – complaint held admissible and respondents appealed to CAS; appeal pending.

Case n. 14/2014: Complaint of Montenegro Chess Federation against V Sakotic and S Stoisavljenic regarding the organisation of the 2013 European Youth Championships in Montenegro – complaint held admissible and respondents appealed to CAS; appeal pending.

Case n. 3/2015: Complaint by Michaela Sandu against Natalia Zhukova and 14 other players for false accusations of cheating – matter awaits appointment of Investigatory Chamber.

Case n. 4/2015: Complaint by K Georgiev, S Stoichkov and M Stoynev against Bulgarian Chess Federation for failure of fundamental justice in internal disciplinary proceedings – complaint held admissible and matter awaits exchange of statements regarding the merits.

Case n. 5/2015: Complaint by Bulgarian Chess Federation against Z Azmaiparashvili and T Tsorbatzoglou (ECU) for alleged interference in BCF's affairs – decision regarding admissibility held over until outcome of CAS appeal in case n. 13/2014.

#### Note of gratitude

In conclusion, the Ethics Commission wishes to express its gratitude to the Executive Director, Mr Nigel Freeman and every member of his staff in Athens for the support provided for the activities of the Ethics Commission, always prompt, professional, efficient and friendly. Thank you Nigel, Polina, Maria, Eva and Nikos! Thank you also to their colleagues from Elista for the support during the Congress in Abu Dhabi.

Abu Dhabi, 6 September 2015

The Chairman of the Ethics Commission  
Francois Strydom