



FIDE ETHICS COMMISSION

REPORT TO PRESIDENTIAL BOARD

SECOND QUARTER, 2019

BAKU, JUNE 2019

Dear Mr President and members of the FIDE Presidential Board

Reporting period

This is a brief report covering the activities of the FIDE Ethics Commission (EC) for the last 8 months since the General Assembly and elections in Batumi in October 2018.

Membership 2018 – 2022 term

In Batumi, Francois Strydom (RSA) was elected as EC chairman and additionally the following four members were elected onto the EC: Ravindra Dongre (IND), Ruth Haring (USA), Rajesh Joshi (NEP) and Yolander Persaud (GUY).

Regrettably, the EC lost WIM Haring on 29 November 2018 due to her untimely passing.

At the Management Board meeting that took place in St. Petersburg on 29 December 2018, permission was granted for Ms Yuliya Levitan (USA) to join the EC as secretary in a non-voting capacity.

The vacancy in the EC, i.e. the 5th voting member, needs to be filled by election by the General Assembly at its proposed meeting in the second half of 2019.

Meetings

No meetings of the EC took place in the reporting period as there were no cases which required a meeting in person during the latter part of 2018 / first half of 2019. The next meeting is likely to take place during the proposed meeting of the General Assembly in

the second half of 2019. During the reporting period the EC performed its work by e-mail correspondence between the members.

Concluded cases

The Ethics Commission disposed of the following cases during the reporting period:

Complaint by GM Daniil Yuffa against the operators of the chess website *chess.com*: complaint in relation to disqualification in online tournament and adverse comment in online article published on website – Held that EC has no jurisdiction in the matter and complaint is inadmissible. Decision issued on 18-12-2018.

Complaint by Umnuwara Chess Club (Jordan) against Royal Jordan Chess Federation: complaint related to alleged discrimination by federation against club by denying it participation in elections and league championships and seeking fresh elections under FIDE supervision and control – Held that matter relates to domestic issues and is not a disciplinary matter and that EC is not competent to direct fresh elections to be held. Decision issued on 26-12-2018.

Complaint by Gabriel Mirza against Irish Chess Union: complaint of unfair disciplinary action by federation against complainant. Subsequently complainant's internal appeal to the ICU Appeal Committee resulted in reduction of 30 month ban to 15 month ban expiring on 19-2-2019 and complainant again became eligible for membership of ICU. Complaint to EC resolved. Matter concluded on 21-3-2019.

Complaint by Liana Tanzharikova against GM Evgeniy Solozhenkin: further complaint against GM Solozhenkin as a sequel to case 5/2017 for making unjustified accusations of cheating against complainant's daughter; EC finds complaint unfounded on the facts, but in any case similar complaint by complainant already decided by Russian Chess Federation resulting in a reprimand. Held complaint not admissible in circumstances. Decision issued on 1-4-2019.

Cases withdrawn or discontinued

By mutual consent between Mr Dvorkovich & Mr Makropoulos, the following complaints were withdrawn:

Case 6/2018 Georgios Makropoulos / Arkady Dvorkovich & Others

Case 7/2018 Arkady Dvorkovich & Others / Georgios Makropoulos

There are further a few instances of complaints having been received by the EC with insufficient information to establish even a *prima facie* case. In each of these cases, the complainants were asked to supplement their complaints but failed to respond.

Advisory opinion

The EC was asked to provide an opinion regarding the proposed settlement of the disputes between former FIDE President Kirsan Ilzumzhinov and FIDE in the CAS appeal following the decision of the EC in case 2/2018. The EC provided advice on 16 & 25 November 2018 and on 21 December 2018 the CAS Panel issued a consent award.

Pending cases

The following cases remain pending at present:

Case 5/2016: Complaint by FIDE General Assembly regarding alleged fictitious transactions between the European Chess Union (ECU) and the Bulgarian Chess Federation (BCF) during 2011 – 2014 and the use of an imposter corporation named European Chess Union LLC – Matter remains in investigatory phase pending criminal investigations in various countries.

Case 4/2018: Complaint by GM Efstratios Grivas against Mongolian Chess Federation and its President for non-compliance with commercial contract between them – matter held to be provisionally admissible – MCF making 50% payment in the meantime, complainant awaits further payment.

Case 1/2019: Complaint by Obay Izzeldin Awad Ali & 5 others against Sudan Chess Federation & certain officials: complaints of unfair disciplinary action and banning of complainants, also of false allegations that bans have also been imposed by FIDE. Exchange of statements still in process.

Court of Arbitration for Sport (CAS)

During the reporting period, two cases concerning FIDE were disposed of in CAS:

1. An appeal of Ms Susan Cooke (CAS 2018/A/5816) against the EC's decision of non-admissibility in EC Case no. 3/2018, submitted on 2 July 2018 and withdrawn (terminated) on 19 November 2018.
2. An appeal of Mr Kirsan Ilyumzhinov (CAS 2018/A/5844) against the EC's verdict and sanction in EC Case no. 2/2018, submitted on 2 August 2018 and settled (by consent award) on 21 December 2018.

There are currently no CAS appeals pending against any of the EC's decisions.

Review of FIDE Code of Ethics & EC Procedural Rules

Both the Code of Ethics and the Procedural Rules are in need of revision. It may receive attention in due course by the Task Force on the Reform of the FIDE Statutes, especially the Code of Ethics where the input of Judge Roberto Rivello, current chairman of the FIDE Constitutional Commission and former chairman of the FIDE Ethics Commission, will be invaluable. The EC will in the meantime work on a draft revision of its Procedural Rules.

Johannesburg, 4 June 2019

The Chairman of the Ethics Commission
Francois Strydom