



GENS UNA SUMUS

FÉDÉRATION INTERNATIONALE DES ÉCHECS

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FIDE ETHICS & DISCIPLINARY COMMISSION

The First Instance Chamber of the Ethics & Disciplinary Commission (hereafter called “the EDC Chamber”), sitting in the following composition -

Chairperson: Mr Johan Sigeman

Members: Mr Rajesh Joshi
Mr Ravindra Dongre

during an exchange of correspondence and online meetings during the period 18 February - April 30, 2021, made the following decision -

DECISION

Case no. 2/2021: “Alleged discrimination by refusal of attendance at a FIDE Commission meeting”

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 18 February 2021.
2. The EDC Chamber **notes** the complaint dated 15 February 2021 from Mr. Ali Nihat YAZICI (FIDE ID: 6308848), a FIDE Honorary Dignitary (“the Complainant”), received by the EDC on 15 February 2021, representing a complaint of the alleged violation of the FIDE Code of Ethics (“the Code of Ethics”) by Mr. Ozgur SOLAKOGLU (FIDE ID: 6300510), the chairperson of the FIDE Events Commission (“the Respondent”).
3. The EDC Chamber **notes** that the Respondent has been given the opportunity to respond to the complaint and the EDC Chamber’s inquiries and has submitted a defensive statement.
4. The EDC Chamber **notes** the contents of the following documents and e-mails received as part of the case file: the complaint mentioned above, a defensive statement by the Respondent, dated 8 March, 2021, an inquiry by the EDC Chamber to the Respondent, dated 11 March 2021, a brief reply by the Respondent, dated 15 March, 2021, an enquiry from the EDC Chamber, dated 18 March 2021 to Mr. Victor BOLOGAN and Mr. BOLOGAN’s reply dated 25 March, 2021.

5. The EDC Chamber **notes** the subject-matter of the complaint and defence:
- 5.1 The Complainant refers to the 91st FIDE Congress 2020 which was organized online on a digital platform during December 2020. The Complainant received information from FIDE on how to attend the various commissions meetings that were scheduled to take place during the 2020 Congress.
 - 5.2 On 29 November 2021, the Complainant sent an e-mail to the Respondent, with a copy to the FIDE Office, expressing his interest in participating in the upcoming FIDE Events Commission meeting, scheduled to take place on 2 December 2021.
 - 5.3 As the Complainant did not receive a reply or an invitation to the meeting mentioned in 5.2, the Complainant sent a new e-mail on 1 December 2021 to the FIDE Office and the Respondent, requesting information on how to attend the meeting.
 - 5.4 On 1 December 2021, the Respondent sent a reply to the Complainant, with copy to the FIDE Office, stating “We are inviting participation of Commission members, Delegates, FIDE Officials and Federations officials to our Events Commission meeting”.
 - 5.5 The Complainant thereafter sent e-mails to Mr. Emil SUTOVSKY (FIDE Director General) and Mr. BOLOGAN (FIDE Executive Director) on 1 December 2021, with a copy to the FIDE Office, explaining the problems he had encountered and repeating his wish to participate in the FIDE Events Commission meeting.
 - 5.6 The Complainant did not receive an invitation to the FIDE Events Commission meeting.
 - 5.7 The Complainant claims that the Respondent, by refusing to invite him to the meeting, has breached the FIDE Code of Ethics (Art. 2.2.2, 2.2.3 and 2.2.4).
 - 5.8 The Respondent has argued that the complaint is not admissible.
 - 5.9 The Respondent has also argued that there were no clear rules stating that FIDE Honorary Dignitaries has a right to attend FIDE Commission meetings.
 - 5.10 In addition to the above, the Respondent is of the opinion that each Chair of a FIDE Commission has the right to decide on requests to participate in meetings of his/her Commission.
 - 5.11 The Respondent further argues that the Complainant had no official role or duty in connection to the Commission meeting.
 - 5.12 The Respondent states that the Complainant has personal problems with him and has in his defence put forward allegations against the Complainant relating to unfair allegations and slander, directed at the Respondent.
 - 5.13 Following an additional inquiry from the EDC Chamber, the Respondent has stated that he decided not to invite the Complainant due to the abovementioned reasons and that the FIDE Office did not instruct him to invite FIDE Honorary Dignitaries. The Respondent was also concerned that the Complainant could have a negative impact on the meeting. He claimed that he did inform the Complainant of his decision prior to the meeting.

- 5.14 The FIDE Events Commission has, through the Respondent, issued a report on its 4th Quarter FIDE Online Council Meeting (Annex 7.7.1 to the FIDE Online Council Agenda and Commissions reports).
- 5.15 Mr. BOLOGAN has, upon request from the EDC Chamber, provided the EDC Chamber with documents related to the FIDE Online Congress, such as technical instructions for participants and hosts.
6. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the admissibility of the complaint that:
- 6.1 The alleged breach of the FIDE Code of Ethics took place in direct relation to a FIDE Commission meeting.
- 6.2 The Respondent is a FIDE Official.
- 6.3 The EDC Chamber finds therefore that it has jurisdiction to investigate a violation of the Code of Ethics.
7. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the issue of the Respondents' guilt as follows:
- 7.1 In the FIDE Charter, it is established that FIDE rejects any kind of discrimination (Art. 4.4) and that FIDE shall promote friendly relations between and among member associations, clubs, officials and players (Art. 4.8). In Art. 5.1 in the FIDE Charter, the FIDE motto *Gens Una Sumus* (We are one family) is established.
- 7.2 It is a long-standing and well-established convention within FIDE that members of the FIDE Family are welcome to attend meetings during FIDE Congresses, such as Commission meetings. This has been confirmed to the EDC Chamber by Ms Polina TSEDENOVA and Mr. BOLOGAN.
- 7.3 The principle stated in 7.2 is aimed at protecting and enhancing the notions of openness and democracy within FIDE and to encourage discussions on various topics and the exchange of ideas and visions as well as criticism for the benefit of the game of chess.
- 7.4 The principle stated in 7.2 does also serve as protection against corruption and similar undesired practices within FIDE.
- 7.5 Exceptions to the principle stated in 7.2, are acceptable, but only in cases where it is e.g. important to protect the integrity of individuals or where deliberations on decisions is taking place. Such exceptions should however be used restrictively.
- 7.6 The Complainant is a FIDE Honorary Dignitary. In Art. 15.4 in the FIDE Charter, it is stated that such dignitaries are entitled to attend the FIDE General Assembly (without voting rights). The FIDE General Assembly is the highest authority of FIDE, see Art. 17.1 of the FIDE Charter. All members of the FIDE Family have a right to attend Commission meetings, as found in 7.2 above. The fact that the Complainant is a FIDE Honorary Dignitary, does not diminish, nor enhances his rights in this respect.
- 7.7 The EDC Chamber has taken the Respondent's statement of defence into consideration (see 5.9 – 5.13 above). The EDC Chamber finds that the absence of

a specific instruction to invite FIDE Honorary Dignitaries did not relieve the Respondent from the duty to adhere to the important democratic and non-discriminatory principles described above, nor did the concern that the Complainant may have had a negative impact of the upcoming meeting. A chairman of a meeting has powers to act if an attendee disturbs the meeting or otherwise acts in an unacceptable way. In digital meetings, there are also technical means at his/her disposal, such as muting the attendee.

- 7.8 By his refusal to invite the Complainant to the FIDE Events Commission meeting, the EDC Chamber finds that the Respondent has violated Art. 2.2.3 of the FIDE Code of Ethics (failure by a FIDE official to perform his function in an impartial and responsible manner) and Art. 2.2.4 (failure to comply with normally accepted standards of courtesy and chess etiquette).
 - 7.9 The EDC Chamber finds no evidence that Art. 2.2.2 (office bearers who through their behaviour no longer inspire the necessary confidence or have in other ways become unworthy of trust) has been breached in this case.
8. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the matter of an appropriate sanction that:
- 8.1 In determining the sanction, the EDC Chamber must take into consideration all relevant aspects of the case.
 - 8.2 The EDC Chamber notes that an admission of guilt is usually a mitigating factor in the determination of an appropriate sanction, but in the present case there seems to be an absence of remorse on the part of the Respondent.
 - 8.3 The Respondent is taken as first offender.
 - 8.4 The incident took place during the first ever FIDE Online Congress, where concerns of potential technical problems and other similar issues to some extent may have contributed to a situation of uncertainty.
 - 8.5 The EDC Chamber cannot exclude the possibility that the Respondent was ignorant of the mentioned convention in FIDE and believed that it was in his absolute prerogative, as Chairman, to decide upon the persons who should be allowed to participate in the Commission meeting. There is also no evidence to the comfortable satisfaction of the EDC Chamber that the Complainant was excluded from participation on the basis of a personal prejudice against him as a result of the past differences between the Complainant and Respondent.
 - 8.6 However, regardless of the Respondent's belief and motive, the EDC Chamber finds that the Respondent was wrong in his decision to exclude the Complainant from participation for no good reason and that this amounted to an act of deliberate discrimination against the Respondent.
 - 8.7 Taking the degree of the Respondent's blameworthiness together with all aspects of the case, this motivates a sanction not more serious than a warning (in accordance with Art. 3.2 of the Code of Ethics).
9. Accordingly, and taking into account all of the above, the EDC Chamber **unanimously decides** as follows:

- 9.1 The Respondent is **found guilty** of a violation of Art. 2.2.3 and 2.2.4 of the Code of Ethics;
- 9.2 The Respondent is **sanctioned** to a warning.
10. The Respondent is **advised** that this decision may be appealed to the Appeal Chamber of the EDC by giving written notice of such appeal to the FIDE Secretariat within 21 days from the date upon which this decision is received by the Respondent. The notice of appeal must clearly state all the grounds for the appeal. Failing the due exercise of this right of appeal, the EDC Chamber's decision will become final.
11. The EDC Chamber **requests** the FIDE Secretariat to communicate forthwith the decision to the Respondent and the Complainant and to publish in due course the decision on the FIDE website.

DATED ON THIS 4th DAY OF MAY 2021

Johan Sigeman

CHAMBER CHAIRMAN
FIDE ETHICS & DISCIPLINARY COMMISSION