



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 Ravindra Dongre

Members: Mr David Hater
Mr Johan Sigeman

during an exchange of correspondence and online meetings during the period 14 June – 13 August 2021, made the following decision -

DECISION

Case no. 7/2021: “Alleged improper withdrawal from First Saturday GM tournament”

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 14 June, 2021.
2. The EDC Chamber **notes** the complaint dated 11 June 2021 from Mr Peter Szamoskozi, the Deputy Organizer of the First Saturday June 2021 event (“the Complainant”), representing a complaint of the alleged violation of art. 2.2.6 of the FIDE Code of Ethics (“the Code of Ethics”) - *“Players withdrawing from a tournament without valid reason or without informing the tournament arbiter”* by IM Issa Rafat (FIDE ID 7600437) of Jordan (“the Respondent”).
3. The EDC Chamber **notes** the contents of the following reports, documents and e-mails received as part of the case file: Complaint received from Mr. Szamoskozi, dated 11 June 2021, the EDC Chamber’s notification to the defendant Mr. Issa Rafat, dated 22 June 2021, Mr. Issa Rafat’s reply and his translation of his Whatsapp chat with organiser Mr. Nagy Laslo, dated 13 July 2021 and reply of Mr Szamoskozi, dated 14 July 2021.
4. The EDC Chamber **notes** the subject-matter of the complaint and defence(s):
 - 4.1 The Respondent was a participant in First Saturday June GM 2021 tournament.
 - 4.2 After the 4th round of the tournament, which took place on 8 June, 2021, the Respondent did not show up for the subsequent rounds of the event.

- 4.3 The Respondent, who admits that he did withdraw from the tournament prior to the end of the event, without the consent of the director, has, as a justification of his action, argued that he had raised various complaints related to the organization of the tournament and that the director, Mr Nagy, did send him an insulting text message.
5. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the admissibility of the complaint that:
- 5.1 The alleged violation of the Code of Ethics took place in connection to a FIDE-rated tournament with international participants.
- 5.2 The Complainant is the organiser of the tournament with a direct interest in players' compliance with the rules governing the tournament;
- 5.3 The Respondent is a FIDE registered and rated player;
- 5.4 The EDC Chamber accordingly finds that it therefore has jurisdiction to investigate a violation of the Code of Ethics.
6. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the issue of the Respondents' guilt as follows:
- 6.1 In the present case, the Respondent has withdrawn from a FIDE-rated round robin tournament, without presenting a doctor's certificate or any other just cause for his withdrawal.
- 6.2 The EDC Chamber finds that the requirements for Art 2.2.6 are satisfied in the present case in order to conclude that there had been a violation of this article by the Respondent.
7. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the matter of an appropriate sanction that:
- 7.1 In determining the sanction, the EDC Chamber must take into consideration all relevant aspects of the case.
- 7.2 A withdrawal from a tournament without a just cause is a serious offence. This is not least valid for round-robin tournaments and events where norms can be obtained, as in this case.
- 7.3 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.
- 7.4 In this case, the EDC Chamber has taken into consideration the fact that the Respondent had forwarded various complaints about problems related to the tournament and the fact that the director (organizer) of the event, Mr Nagy, did engage in text message correspondence with the Respondent where Mr Nagy used inappropriate and insulting language. These facts do not neutralize the seriousness of the offence but are taken as mitigating factors.
- 7.5 The Respondent is taken as first offender.
- 7.6 Taken together with all aspects of the case motivates a sanction of a warning.
8. Accordingly, the EDC Chamber **unanimously decides** as follows:
- 8.1 The Respondent is **found guilty** of a violation of Art. 2.2.6 of the Code of Ethics;
- 8.2 The Respondent is **sanctioned** to a warning.

- 8.3 The Respondent is cautioned that should the Respondent again breach Art. 2.2.6 in the future, the Respondent may, depending on the circumstances, be sanctioned to a ban from participating in FIDE-rated tournaments for at least one (1) year.
9. The parties are **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. 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.
10. The EDC Chamber **requests** the FIDE Secretariat to communicate forthwith the decision to the Complainant, the Respondent, the Jordanian Chess Federation, and to publish in due course the decision on the FIDE website.

DATED ON THIS 13th DAY OF AUGUST, 2021.



Ravindra Dongre

CHAMBER CHAIRMAN
FIDE ETHICS & DISCIPLINARY COMMISSION