



GENS UNA SUMUS

# FÉDÉRATION INTERNATIONALE DES ÉCHECS

Recognized by the International Olympic Committee (1999)

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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. David Hater

Members: Mr. Ravindra Dongre  
Ms. Yolander Persaud

following an exchange of correspondence and virtual meeting, the EDC Chamber came to the following -

## DECISION

### Case n. 09/2021: “Alleged sandbagging at the Orbis-2 tournament, July 2019”

1. The EDC Chamber notes its establishment by the EDC Chairman on 13 September 2021.
2. The Complainant is the Fair Play Commission (FPL) and the Respondent is FM Matija Ivic (FIDE ID 953687).
3. The EDC Chamber notes the Fair Play Commission redacted report submitted on 13 September 2021.
4. The EDC Chamber notes the written answer from FM Matija Ivic dated 15 September 2021.
5. The EDC Chamber notes the subject matter and defences:
  - 5.1 FM Matija Ivic was a participant in the “Orbis-2 2019” WGM-WIM Round Robin tournament held in Paracin, Serbia from 13-19 July 2019.
  - 5.2 It is alleged that FM Ivic offered to lose a game in order to lower his rating and to receive money from his opponent. The complaint was made by a “whistle-blower” who wished to remain anonymous. The identity of the whistle-blower is known to the EDC Chairman, but not to the members of the EDC Chamber. In this particular case, the identity of the whistle-blower was not critical to the resolution.
  - 5.3 The incident was investigated by the Fair Play Commission who came to the conclusion that FM Ivic did in fact make an offer of sandbagging and the FPL Commission recommended a 2-year ban from all FIDE activities with 12 months of the ban suspended.
  - 5.4 The game in question was the Respondent’s game versus Luke Scott (IRL).
  - 5.5 During the course of the investigation, FM Ivic admitted his guilt to the FPL Commission. He also admitted his guilt in his response to the EDC Chamber.

- 5.6 Initially, in the FPL investigation, FM Ivic did not admit his guilt. However, there is an electronic message that shows that the offer was made. When confronted with this evidence, FM Ivic admitted guilt.
- 5.7 FM Ivic asks for leniency based on a) his youth (he was 21 years old when the offense occurred), b) he did not realize the gravity of his offense and c) his offer to lose in exchange for payment was rejected by his opponent. FM Ivic claims the game was contested fairly, but he did lose the game in the end.

### **ADMISSIBILITY AND JURISDICTION**

6. Upon due consideration of the documents, arguments and submissions by the parties, the EDC Chamber, by unanimity of its members, finds that:
  - 6.1 The complaint before the EDC is made by the FPL, an organ of FIDE and the commission tasked with ensuring fair play standards are upheld in chess as a sport.
  - 6.2 The respondent is a FIDE titled and rated player, and as such a member of the FIDE family over which the EDC exercises jurisdiction.
  - 6.3 The tournament was an international event with members of six different National Federations and therefore falls under the jurisdiction of the FIDE EDC.
  - 6.4 Article 2.2.5 of the FIDE Code of Ethics forbids “Cheating or attempt at cheating during games and tournaments”.
  - 6.5 The offer to lose a game in exchange for money or even to lower a player's rating in order to win a future prize is considered “an attempt at cheating”, and a violation of 2.2.5.
  - 6.6 The ethical transgression took place about 2 years before the matter came to the knowledge of the FPL and an investigation was convened which is well within the prescription period.
  - 6.7 Based on the above, the EDC Chamber unanimously finds that the complaint is admissible.

### **FINDINGS**

- 7 The EDC Chamber having considered, and deliberated on, the material before it made the following conclusions:
  - 7.1 FM Majita Ivic is guilty of violating article 2.2.5 of the FIDE Code of Ethics.
  - 7.2 The First Instance Chamber does find that FM Ivic’s youth and his admission of guilt are mitigating factors when determining the sanction. However, the First Instance Chamber also agrees with the FPL Commission that FM Ivic confessed only to obtain a more lenient sanction and once confronted with indisputable evidence of his wrongdoing.
  - 7.3 FM Majita Ivic remained an active player in FIDE rated events throughout the period July 2019 until February 2022, and did not voluntarily withdraw from participation when he was informed of the disciplinary enquiry against him in July 2021. In the circumstances, it is not appropriate to back-date the commencement of the proposed ban in any way.
  - 7.4 Based on the above, FM Majita Ivic is sanctioned to a worldwide ban of 24 months (whereof the last twelve months are suspended on conditions and will serve as a probationary period) from participating as a player in any FIDE rated chess competition. The sanction will take

effect from the date of this decision, 21 March 2022 and the effective part of the sanction will apply immediately (i.e. months 1 – 12 from now).

- 7.5 The conditions of the suspension of the half of the imposed sanction are that FM Majita Ivic does not make himself guilty of any dishonest conduct in chess during a probationary period of twelve months commencing immediately after the expiry of the effective ban of twelve months (in other words months 13 – 24 from now).
- 8 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.
- 9 The EDC requests the FIDE Secretariat to communicate forthwith the decision to the Respondent FM Majita Ivic and to publish in due course the decision on the FIDE website.

**DATED ON THIS 21<sup>st</sup> day of March 2022.**

David A. Hater

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*First Instance Chamber Chairperson*

**FIDE ETHICS & DISCIPLINARY COMMISSION**