



FIDE ETHICS AND DISCIPLINARY COMMISSION

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

Chairperson: Mr. Khaled Arfa

Members: Mr. Johan Sigeman
Mr Ravindra Dongre

during an exchange of correspondence as well as teleconferences, came to the following decision:

DECISION

Case 3/2023: "Alleged disrespect of opponent at the 2023 European Chess championship".

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 21 March 2023.
2. The EDC Chamber notes that on 20 March, 2023 the FIDE Ethics and Disciplinary Commission (EDC) received a complaint from Mr. Mikhail Kobalia (the Complainant) about the refusal of his opponent, **Mr. Kirill Shevchenko** (the Respondent) to shake the Complainant’s hand prior to the start of their game in the 7th round of the 2023 European Individual Chess Championship in Serbia, thereby expressing personal hostility, aggression and unworthy behaviour and making himself guilty of a violation of various articles of the FIDE Ethics and Disciplinary Code, to wit:
 - The alleged violation of **art. 6.3 of the Ethics Code** (“Members of the FIDE Family shall respect the right of all individuals to dignity and to be treated with respect in order to maintain and enhance the self-esteem of others by demonstrating respect for others, at all times, regardless of race, colour, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability, physical attributes, playing ability or other status”.) **and/or art. 6.4 of the Ethics Code** (“Safeguarding the dignity of the individual is fundamental and all forms of harassment, vilification, and abuse by any member of the FIDE Family, be it physical, professional, or sexual, and inflicting, facilitating or tolerating any non-accidental physical or mental injuries are



strictly prohibited”.) **and/or articles 11.9(a) of the Disciplinary Code** (“Socially unacceptable behaviour: Misbehaviour of a personal nature which is generally unacceptable by normal social standards, or a failure to comply with normally accepted standards of courtesy and chess etiquette”.) **and/or art 11.9(j) of the Disciplinary Code** (“Attempt to Undermine Honour: Any person who attempts to undermine the honour of another person subject to this Code in any way, especially by using offensive language, gestures or signs.”).

3. The EDC Chamber **notes** that both parties have been given the opportunity to submit written submissions in accordance with Rule 33 of the EDC Procedural Rules with the proviso that the Respondent shall be given the last opportunity to respond.
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, Mr. Kobalia’s appeal to the Appeal Committee of the 2023 European Chess Championship dated 09 March 2023, the decision of the Appeal Committee dated 09 March 2023, defensive statement by the Romanian Chess Federation (RCF) with build-in annexures on behalf of the Respondent received on 11 April 2023, the reply by the Complainant dated 30 May 2023, and the reply by the Respondent dated 18 July 2023. The same two written statements on behalf of the respondent were re-submitted by email on 28th August 2023, co-signed by the defendant, Mr. Kirill Shevchenko.
5. The EDC Chamber **notes** the subject-matter of the complaint and defence:
 - 5.1. Mr. Mikhail Kobalia (Russian GM playing under the FIDE flag) lodged a complaint against Mr. Kirill Shevchenko (Ukrainian GM playing under the Romanian flag), alleging that Mr. Shevchenko refused to shake his outstretched hand before the game for the 7th round of the 2023 European Chess Championship, held in Serbia and that this behaviour was done defiantly and deliberately in the playing hall in the presence of many players, arbiters and other officials. The Complainant adds that the incident disturbed his psychological balance, affected the result of the game and his subsequent games of the tournament. Moreover, the Respondent shook hands with his other opponents including in the game of the last round, with another Russian chess player, and a campaign was launched against the Complainant on social networks.

Mr. Kobalia informed the Chief Arbiter who took no action, thus, after the game he lodged an appeal to the Appeal Committee but with no more success as his appeal was rejected.

The complainant is considering that Mr. Shevchenko’s act is an infringement of the rules of chess and the FIDE Ethics and Disciplinary Code requesting that appropriate steps should be taken against the Respondent.
 - 5.2. The Respondent was assisted by the RCF and fully endorsed their written statements as signed by him, denying any breach of the rules of chess or the



FIDE ethics and disciplinary code. The main elements of their memorandum can be summarized as follows:

- 5.2.1. The tournament Appeal Committee's decisions are final by competitions regulations, which implies that, they can no longer be attacked, contested, changed or ignored (a kind of "*res judicata*").
- 5.2.2. In the legal reality, there has never been any mandatory handshake in the Laws of Chess and/or Ethics & Disciplinary Code. In other words, there has never been an express text with legal force that imposes the obligation of chess players to shake hands before the start of the game, and in case of non-compliance, that leads to the application of any sanctions
- 5.2.3. In the present case, there is no violation of pure ethics or chess ethics/etiquette.
- 5.2.4. There is legitimate suspicion that the attitude and the entire scandal produced by the Complainant is a premeditated and carefully directed one as various sources evoked Mr. Kobalia's very close relationship with the Kremlin regime while Mr. Shevchenko is described as an ordinary young Ukrainian, who was forced to leave his native country due to the nightmarish aggression of the same regime.
- 5.2.5. About the campaign launched against the Complainant on social networks and that allegedly affected his reputation: it is of the sole responsibility of the administrator/owner of the page(s) where the post(s) are published.
- 5.2.6. The alleged refusal to shake hands was not a premeditated gesture, but an inaction/omission based on a huge emotional charge suffered by the Respondent as, on the previous day of round no. 7, and also in the morning of March 9, 2023, the Russian-Ukrainian war has reached a terrible climax and the Respondent was looking for news about his parents and 12-year-old brother who were in the basement, he did not sleep and was worried as a ballistic missile had fallen in the area where his relatives live.
- 5.2.7. The incident did not negatively affect Mr. Kobalia's entire tournament, because he won his game from round no. 8 against a strong International Master (R. Samadov, 2471 Elo), then he managed to draw with two super Grandmasters (G. Sargissian, 2699 Elo & D. Navara, 2685 Elo), and in the last round he made draw with another strong international Master (Y. Parkhov, 2485 Elo).
- 5.2.8. The handshake between the Respondent and Alexei Sarana (another Russian player), has nothing to reinforce as the tournament winner Alexei Sarana is one of the few Russian players to have left their country and openly criticized the war in Ukraine.
- 5.2.9. The refusal of Ukrainian players to shake hands with opponents from Russia or Belarus in various sports is not a rarity at all and no International Sports Federation or disciplinary/ethical body has ever sanctioned a Ukrainian athlete on the grounds that he refused to shake hands or greet his opponent from Russia or Belarus.



- 5.3. In his written reply to the defensive statements by the RCF on behalf of the Respondent, the Complainant raised the following:
- 5.3.1. Expressing his disappointment that the EDC accepted for consideration the "Memorandum" of the Romanian Chess Federation (RCF), and thus allowed a personal conflict between two players to turn into a political issue and confrontation between national federations.
 - 5.3.2. Pointing that "Together with 43 other Russian elite chess players, he signed an open letter to Russian president Vladimir Putin, protesting against the 2022 Russian invasion of Ukraine and expressing solidarity with the Ukrainian people."
 - 5.3.3. Emphasizing that the EDC decision will have far-reaching consequences and for example, as a head of the Russian delegation during the upcoming World Youth Rapid and Blitz Championship and based on the decision of this Commission, he will convey to Russian children whether they should shake hands with their rivals, or, according to FIDE, this is not mandatory, and they can openly express their attitude towards rivals from any country in the world. The Complainant concludes: "The decision is yours: respect and tradition - or hostility and chaos. We do not choose times; we can only decide how to live in those times that have chosen us."
- 5.4. The RCF on behalf of the Respondent was given the last opportunity to respond and stated the following main points:
- 5.4.1. The letter against the war, dating from March 3, 2022 and signed by the Complainant is not a new piece of evidence, the letter being notorious throughout the chess community and beyond;
 - 5.4.2. The issue with Mr. Kobalia is his behaviour and attitude after signing this letter, which is in total discrepancy with the position expressed in the letter in question;
 - 5.4.3. There is absolutely no valid reason/ground for the Respondent as sportsman to apologize to the Complainant as all responsibility for this case was clearly provoked / directed by the Complainant.

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. Both parties are players registered in the FIDE database and as such part of the FIDE Family, over which the EDC exercises jurisdiction. In addition, the Complainant was personally affected by the alleged misconduct;
 - 6.2. The statements *prima facie* has the potential to constitute a violation of conduct prohibited in article 6.3 or, alternatively, 6.4 of the Ethics Code and/or articles 11.9(a) and/or art 11.9(j) of the Disciplinary Code.



- 6.3. The potential transgression took place in the international sphere during a FIDE rated event, the European Individual Championships with multi-national participation see article 5.1 d) read with 4.7 a) of the EDC Code;
- 6.4. The ground for possible inadmissibility of a complaint in article 5.3 d) of the Ethics Code (personal affair) is not applicable in this case as the matter is related to the practise of the sport of chess and there is no personal affair between the Complainant and the Respondent; The Complainant admitted that he never communicated with Kirill Shevchenko nor had a personal conflict; The differing opinions about the war in Ukraine as an international crisis cannot be considered as a personal affair between the Complainant and the Respondent in terms of art. 5.3 (d) of the EDC Code.
- 6.5. That the requirements of “*res judicata*” have not been met in the present case: therefore, these proceedings are not affected by it. Indeed, the existence of “*res judicata*” is subject to the “triple identity test” used in all jurisdictions: the parties must be the same, the claim must be the same, and the claim must have been decided on merits and finalized. Such test is not satisfied at least with respect to the second ground as the claim in front of the appeal committee of the 2023 European Chess Championship was to reverse and/or change the result of the game while the claim for the ongoing procedure is to handle the respondents' behaviour and decide regarding the issue of his guilt in terms of the FIDE Ethics and Disciplinary Code.
- 6.6. The EDC Chamber finds therefore that it has jurisdiction to investigate the alleged violation of the EDC Code.

FINDINGS

7. Upon due consideration, the EDC Panel, by unanimity of its members, **observes** and **finds** regarding the issue of the Respondents' guilt as follows:
- 7.1. The EDC Panel refers, in its written decision, only to the relevant submissions and evidence it considers necessary to explain its reasoning. It has no jurisdiction to discuss or evaluate political matters raised by the parties which do not have a bearing on the final decision.
The essence of the allegations against the Respondent concerns a “disrespect of opponent” and/or a “failure to safeguard his dignity as an individual” and/or “socially unacceptable behaviour” and/or an “attempt to undermine honour”.
- 7.2. Regarding articles 6.3 “disrespect of opponent” and 6.4 “Safeguarding dignity of individuals” of the Ethics Code and art. 11.9(j) of the Disciplinary Code “Attempt to Undermine Honour”, the EDC Panel draws attention that liability, as per the previous articles, must satisfy two main prerequisites. Firstly, it requires an active, physical, and voluntary act or conduct, as per the “*actus reus*” principle. Secondly, it requires the intention to achieve at least one of the specified purposes, such as discrimination, attempting dignity, or undermining the honour of a person.



- 7.3. In the present case, considering the allegations made by the Complainant and the lack of sufficient evidence to support them, the EDC Panel finds that the Respondents' conduct, characterized by an act of omission, albeit voluntary, driven by a significant emotional charge of anger or perhaps a desire for vindication against a perceived aggressor, does not support a finding of guilt to the comfortable satisfaction.
- Moreover, In relation with Article 11.9(j), it must be noted that the mere reference to a web link pointing to a Facebook page, whose author remains unknown and written in a language other than the standards of this panel, does not support the conclusion that a campaign exists to undermine the honour of the Complainant and thus the causal connection between the Respondent's act and the possible harm or result caused by the act is not established.
- 7.4. The EDC Panel continues to consider the possible violation of article 11.9(a) of the Disciplinary Code (Socially unacceptable behaviour: Misbehaviour of a personal nature which is generally unacceptable by normal social standards, or a failure to comply with normally accepted standards of courtesy and chess etiquette.).
- 7.5. The preliminary matter that must be addressed is related to Respondent's reliance on the legality principle expressed by the maxim "*nullum crimen, nulla poena sine lege scripta et certa*".
- 7.6. The EDC Panel notes that CAS jurisprudence recognised the principle of legality as a fundamental principle of both criminal and disciplinary law that cannot be ignored [(CAS 2017/A/5086) (CAS 2014/A/3516) (CAS 2011/A/2452) (CAS 2011/A/2358/2385/2411) (CAS 2008/1545). Likewise ETH / EDC precedents (Case 02/2019 NCF against Mr. Bomo Kigigha) (Case 02/2022 & 02/2022 (A) FIDE Council against Sergey Karjakin)]. However, CAS also accepted that this principle may be applied more flexibly in the context of disciplinary proceedings than of criminal proceedings merely because disciplinary provisions are often broadly drawn (CAS 2014/A/3516 George Yerolimpos vs WKF). Generality and ambiguity are different concepts. Sports governing bodies, are drafting disciplinary provisions with a reach capable of embracing the multifarious forms of behaviour considered unacceptable in their respective sport areas. The real issue for the CAS Panel was whether the relevant offence could be identified on the facts of that case which embraced the conduct with which the Respondent was charged.
- 7.7. Having regard to the formulation of article 11.9(a) of the Disciplinary Code, the EDC Panel finds that although the Article is widely drawn and capable of covering many socially unacceptable behaviours, the Article is not ambiguous and meets the "predictability test" , namely the imposition of a duty not to infringe normal social standards or normally accepted standards of courtesy and chess etiquette and it is further clearly conveyed that a breach of such duty will attract disciplinary sanctions. It is not possible, nor necessary, for the Article to specifically mention the nature of the various types of conduct that would breach the specified standards.



- 7.8. Accordingly, the EDC Panel rejects the Respondent's reliance on the legality principle. His argument in this regard that there has never been an express text with legal force that imposes the obligation of chess players to shake hands before the start of the game has no force and it is held that it was indeed foreseeable by him that his behaviour, as a chess player, brings him into the ambit of Article 11.9(a) of the Disciplinary Code and that he could be sanctioned for a breach of that rule. The only issue to be addressed is whether the Respondent's behaviour, exactly his refusal to shake the hand of his opponent at the start of the game, could be identified as an infringement of normal social standards or normally accepted standards of courtesy and chess etiquette.
- 7.9. FIDE is recognised by its members and by the International Olympic Committee as the international federation in the domain of chess, the supreme body responsible for the sport of chess, its championships and events (art. 2.4 of the FIDE Charter).
- 7.10. FIDE in its governance of the sport of chess subscribes to the "Fundamental Principles of Olympism" promoted by the Olympic and Sports movement and adopted by the IOC; Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the International Olympic Committee. In 1999, FIDE was recognized by the IOC as a Global Sporting Organization. All member federations are compelled, by virtue of their membership of FIDE, to follow, implement and promote the same principles and ensure that all their members and various bodies, including leagues, and clubs also comply with them (see art. 11(a) of the FIDE Charter).
- 7.11. The Olympic Movement has as its mission to contribute to peace through sport and to unite the world in peaceful competition beyond all political disputes. The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity and in pursuance of the values of peace, solidarity and non-discrimination in sport for whatever reason. The idea is that sports events should unite athletes of countries which are in confrontation and sometimes war.
- 7.12. More specifically, and according to the ICO Charter, the fundamental principles of Olympism make it possible, among other things, to:
- Practice sport as a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.
 - Encourage and support the promotion of ethics and good governance in sport.
 - Oppose any political or commercial abuse of sport and athletes;
 - Promote safe sport and the protection of athletes from all forms of harassment and abuse.



- 7.13. The FIDE principles and values as enshrined in its Charter relays the aforementioned Olympic principles. Article 2.6 of the Charter makes it part of FIDE's mission to support close international cooperation of chess devotees in all fields of chess activities, thereby also aiming to improve harmony and promote peace among all peoples of the world.
- 7.14. In terms of Article 4 of the Charter:
- FIDE is a democratically established and fully independent organisation, based on the principle of equal rights of its members (4.1);
 - FIDE preserves the autonomy of chess and sport (4.2);
 - FIDE is committed to respecting all international recognised human rights and shall strive to promote the protection of these rights (4.3);
 - FIDE rejects any kind of discrimination against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, citizenship, birth, age, status, wealth, disability, language, religion, sex, gender identity or expression, pregnancy, sexual orientation, political opinions, or any other reason (4.4);
 - FIDE shall undertake all measures necessary to guarantee equal access to the game of chess and tournaments to all countries, zones and continents (4.6);
- 7.15. All FIDE members, organs and officials must observe FIDE Rules and Regulations, and all FIDE members must include in their statutes the obligation for their members to observe FIDE Rules and Regulations (7.11 and 7.12).
- 7.16. In terms of Article 7.2 of the new Ethics and Disciplinary Code, non-compliance with the FIDE principles set out in the FIDE Charter by any members of the FIDE family shall constitute a breach of the new Code and be subject to either remedial action or disciplinary action in terms of the new Code.
- 7.17. Some principles and values of FIDE are closely connected to Article 11.9(a) of the Disciplinary Code, which is the subject of discussion in this case.
- 7.18. FIDE especially encourages and supports the promotion of ethics and any effort aimed to ensuring that, in chess, the spirit of fair play prevails (2.11)
- 7.19. FIDE shall promote friendly relations between and among member associations, clubs, officials and players (4.8);
- 7.20. In terms of Article 5 of the Charter, the FIDE motto is "*Gens Una Sumus*" ("We are one family").
- 7.21. In terms of Article 11(m), member federations must promote amicable and courteous relations with other member federations and their members, officials and players.
- 7.22. Article 8.1 of the Charter provides that “The interpretation of FIDE rules and regulations must be in conformity with the Olympic Charter...”
- 7.23. In the modern era, and for over a century, the game of chess has implemented and embraced various good practices that align with the principles and values of



- courtesy, friendship, respect for opponents, fair play, and sportsmanship. These practices have been widely accepted and repeated within the chess community, becoming the standards of behaviour for the model chess player.
- 7.24. These standards of chess player behaviour together with the normal social standards are those protected by article 11.9(a) of the Disciplinary Code.
- 7.25. The chess community, specifically the “Chess Family”, has long adopted and accepted the "traditional handshake" or "customary handshake" as a well-established practice and a standard of behaviour amongst chess players at the start of the game.
- 7.26. The handshake between chess players at the start of a game is a longstanding practice that embodies the fundamental principles of Olympism as described and outlined in both the Olympic and FIDE Charters.
- 7.27. Accordingly, and as in other sports, the handshake is a sign of good sportsmanship. It signifies trust, respect, friendship, and equality, making it the ultimate illustration of the generally accepted standards of courtesy and chess etiquette.
- 7.28. In chess history, shaking hands before the start of the game is a well-established tradition. Chess literature has relayed many examples as proof of this accepted ritual and the world chess championship matches serve as models in this field.
- 7.29. During the first world chess championship match (1886) between Steinitz and Zukertort the ritual was described as follows: “...When in a full suit of black Dr. Zukertort stepped up and shook hands with his opponent.” (Kurt Landsberger: William Steinitz, Chess Champion)
- 7.30. Alexander Münnhoff in his book “Max Euwe, the biography” describes the arrival of players to the playing hall for the last game of the world chess championship match Alekhine – Euwe 1935 in these terms: “Euwe, who appears on the scene a minute later, is dressed in a simple grey suit. A handshake, a few flashlights, and then the game can start.”
- 7.31. Some other writings reported the nobility and sense of Tal's fair play based on what he was saying: “I would like to say that chess is still, first of all, a game of knights. I would like that, in addition to the traditional handshake at the beginning of the game, we knew how to preserve the true chivalric spirit among all. ”
- 7.32. On an other hand, since those times, it is a fact that all renowned and respectable trainers have been teaching new players the standards of chess etiquette, including the handshake as the first element;
- 7.33. For example, Heinz Brunthaler wrote in his book 'Chess for Kids and Parents' (Quality Chess, 2006) under the title 'Behaviour and Sportsmanship'
*“In tournament form, chess is a sport and thus subject to the rules of sporting behaviour and fairness. That starts with formalities. Like every sport, chess has its own ritual:
At the start of every game, without exception, you greet your opponent with a handshake. When you lose, you congratulate your opponent with a handshake.*



Not to do so is extremely bad manners and a sign of bad behaviour, which makes a terrible impression on anyone seeing it”

7.34. The renowned grandmaster and trainer, John Nunn, wrote the following in his book “Learn Chess”:

“There are various conventions and matters of etiquette involved in playing chess, but most of these are just common sense. It is normal to shake hands with your opponent at the start and end of each game; failure to do this is considered a serious insult and has led to some controversial incidents in international events. This has led FIDE (Federation Internationale des Echecs - the international chess federation) to move towards making the handshake compulsory, although their rules are still not entirely clear.”

7.35. For the purposes at hand, it is important to highlight that the discussion whether the handshake at the start of the game in official competitions is mandatory or not, is irrelevant in the current state of the enforced rules. In fact, what is mandatory in terms of article 11.9(a) is to comply with generally accepted standards of courtesy and chess etiquette and as far as shaking hands at the start of an official game is considered as a standard of courtesy and chess etiquette (which is undisputed among chess community) non-compliance with this longstanding and accepted practice can lead to disciplinary sanctions.

7.36. Exceptions to article 11.9(a) are acceptable during friendly events or in cases where there is a personal affair between the parties or an important concern to protect the integrity, safety and health of individuals (FIDE decision during COVID period, making the handshake optional). Such exceptions should however be used restrictively.

7.37. The EDC Panel notes the occurrence of various controversial incidents in past international events regarding the refusal of handshakes, such as:

- The episode During Baguio World Chess Championship Match 1978, where after an incident preceding the eighth game, Karpov refused to shake hands with Kortchnoi at the start of the game.
- The incident occurred at the 1980 Olympiad, where GM Alburt standing ready with an outstretched hand, but the World Champion (Karpov) disregarded it.
- The avoidance of a handshake between Alburt and Kasparov that took place during the third round of the World Chess Olympiad held in Lucerne in 1982. The same issue arose again during the 10th round between Korchnoi and Kasparov.
- The incident occurred during the World Chess Championship match in 1986. Specifically, after the sixteenth game, Karpov, playing against Kasparov, left the stage without the customary handshake.
- The famous incident, known as “Toilet-gate”, occurred during the World Championship match in 2006. It resulted in a refusal of a handshake between the two grandmasters, Topalov and Kramnik.
- The refusal of handshake by Anna Rudolf’s opponents at the Vandoeuvre Open in December 2007; that opponent believed that she



had cheated by having a computer in her lip balm.

- 7.38.** The EDC Panel finds that the aforementioned prior incidents hold no pertinent influence over the current decision, as none of them have been escalated to a disciplinary proceeding. Likewise, for the Short-Cheparinov incident discussed by the parties and occurred during the eighth round of the Wijk aan Zee 2008 chess tournament, where the arbiter's and appeal committee's decisions are always of a purely technical nature (they have no jurisdiction to decide on disciplinary issues). The matter was settled by mutual agreement of the parties, with acceptance by Mr. Short of Mr. Cheparinov's apology, and the game being replayed with the customary handshake at its start.
- 7.39.** The EDC Panel having taken the respondent's statement of defence into full consideration (see 5.2 & 5.4 above) finds that:
- 7.40.** A prejudgment about the opponent's political opinions, which moreover turned out to be "*prima facie*" unfounded, does not justify an attitude of refusal to shake hands at the start of the game. Furthermore, the EDC does not have the competence to assess the political opinions or attitudes of the parties outside the subject matter of the case in charge.
- 7.41.** The Respondent did not present sufficiently persuasive justifications to the comfortable satisfaction of the Panel regarding the fact that he shook hands with another Russian player during the same event. This differentiation is all the more condemnable as all Russian players were playing under the FIDE flag. FIDE's Council decision, dated February 27, 2022, which allowed players from Russia and Belarus to play under the FIDE flag, was certainly intended not to sanction players for the fact that their federations were sanctioned (although this may seem humiliating for some and remains completely understandable from a sentimental point of view). However, it also had another goal, which is to protect Russian players against any act of unequal or unjustified treatment by other players due to their origin.
- Due to his behaviour, the Respondent took the liberty of not complying with the standards of courtesy and chess etiquette, where a FIDE decision was intended to eliminate any difference in treatment between players, regardless of the reason.
- 7.42.** The immense emotional charge endured by the Respondent due to the terrible climax of the Russian-Ukrainian war and the precarious situation of his family in Ukraine just before the game can be considered as mitigating factors in the determination of an appropriate sanction. However, it cannot, in any way, relieve him of the duty to comply with generally accepted standards of courtesy and chess etiquette, specifically the customary handshake before the start of the game during an official FIDE event, as an ultimate manifestation of the standards of courtesy and chess etiquette described above.
- 7.43.** The argument that no International Sports Federation or disciplinary/ethical body has ever sanctioned a Ukrainian athlete on the grounds that he refused to shake hands or greet his opponent from Russia or Belarus is irrelevant. In fact,



the most recent developments prove the contrary. The EDC Panel cites the case of Olga Kharlan, a four-time Olympic medallist fencing athlete, who refused to shake hands with her Russian competitor, Anna Smirnova, after their match at the World Championships in Milan (July 2023). She was black-carded and disqualified by the International Fencing Federation (FIE); And despite the fact that the FIE permitted the Ukrainian fencer to take part in the competition again, it was clearly stated in the press article published on the FIE Website that “The FIE stands fully behind the penalty, which, after a thorough review, is in complete accordance and compliance with its official rules and associated penalties.” adding that “ Furthermore, and after consultation with the International Olympic Committee, we believe this decision is made in keeping with the Olympic Spirit. It also sends a message of sensitivity and understanding to our members and all sports federations, as the world faces tremendous challenges.”

- 7.44. The EDC Chamber finds, against the background given above, on the standard of comfortable satisfaction and after an overall evaluation of the facts in this case, that the Respondent Kirill Shevchenko, by his decision not to shake the hand of his opponent (the Complainant) at the start of their game during the 2023 European Chess Championship, failed to comply with a normally accepted standard of courtesy and chess etiquette and thus he is guilty of a violation of article 11.9(a) of the Disciplinary Code ;
8. On the other hand, the EDC Chamber firmly condemns the complainant's attitude and statements during the proceedings in this case. His harassing emails and some of his written submissions are *prima facie* infringements of Articles 29.5 and 29.6 of the new EDC procedural rules, which provide the following:
- Art. 29.5. Parties shall not attempt to prescribe to the EDC regarding any aspect of the proceedings, especially regarding the dates to be fixed for any procedural steps and shall take no action which is aimed at undermining the authority of the EDC in the proceedings.
 - Art. 29.6. Without prejudice to the right of reasonable criticism of an EDC decision, a Member of the FIDE family may not engage in any actions that may bring disrepute to FIDE or to the sport of chess in one or more of the following ways: public ridicule of an EDC decision; personal attacks against, or threatening, insulting or vulgar language directed toward the EDC as a body or of an individual member of the EDC. A Member of the FIDE family who engages in any such conduct will be liable to a summary investigation and sanctioning in accordance with the Code by the EDC *ex officio*.
- 8.1. In addition to his statements denoting a total ignorance of the most basic rules of procedure, part of his written conclusions attempts to proscribe what must or must not be done during the procedure to the chamber. Moreover, he threatens to spread chaos among the chess family (see 5.3.3) in case of a decision that is unfavourable to him. He believes this will exert pressure on the EDC Panel and its members with the aim of influencing their decision and consequently undermining their independence."



- 8.2. Due to such behaviour, the Complainant has made himself guilty of breaching articles 29.5 and 29.6 of the new EDC procedural rules.
- 8.3. The EDC Chamber currently has no intention to exercise its powers, given the highly emotional nature of the dispute between the parties involved. However, it wants to draw attention to and emphasize that such behaviour may warrant a prompt investigation and subsequent penalties as prescribed by the EDC Code, ex officio.
9. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the matter of an appropriate sanction that:
- 9.1. The EDC Chamber notes that an admission of facts 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 as he refused to apologize to his opponent.
- 9.2. The Respondent is taken as first offender.
- 9.3. The Respondent is a youthful player (born 22 September 2002).
- 9.4. The incident took place during a FIDE event held at the height of the war in Ukraine and, as a result, players from the belligerent countries were subjected to a great emotional charge challenging to manage; in particular, the Respondent was personally and directly affected by news of the war threatening his family and which pressure weighed upon him on the day of his misconduct.
- 9.5. The EDC Chamber cannot exclude the possibility that the Respondent in person was ignorant of the fact that the Complainant has signed a letter against the war and thus was suffering from a misapprehension about Mr. Kobalia's opinions regarding the war. The EDC Panel has further found the defendant's behaviour was not induced on the basis of a personal affair between the Complainant and Respondent.
- 9.6. However, regardless of the Respondent's belief and motive, the EDC Chamber finds that the Respondent was wrong and failed to comply with well-established and long-standing standards of courtesy and etiquette between chess players.
- 9.7. Taking the degree of the Respondent's blameworthiness and youth together with all aspects of the case, this motivates a sanction not more serious than a warning in accordance with Art. 13.1 (a) of the Disciplinary Code.
- 9.8. The EDC Panel cautions that its present decision must not be seen as a precedent for the likely punishment to be imposed in respect of another player who makes himself guilty of the same violation in future as each instance of a guilty refusal to shake the opponent's hand must be evaluated on the peculiar facts of each case.
10. Accordingly, the EDC panel **unanimously decides** as follows:
- 10.1. The Respondent is **found guilty** of a violation of article 11.9(a) of the Disciplinary Code ;
- 10.2. The Respondent Kirill Shevchenko is **sanctioned** to a warning



11. The parties are referred to Chapter 7 of the EDC Procedural Rules and advised that this decision may be appealed to the EDC Appeal Chamber by giving written notice of such appeal to the EDC Chairman (ethics@fide.com) 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. An appeal lodgement fee of 150 EUROS must at the same time be paid to the FIDE Financial Department. Failing the due exercise of this right of appeal, the EDC Chamber's decision will become final.

12. The EDC Chamber requests the FIDE Secretariat to communicate forthwith the decision to the Complainant, the Respondent and its representative the Romanian Chess Federation and to publish in due course the decision on the FIDE website.

DATED ON THIS 30th DAY OF August, 2023.

Khaled Arfa

First Instance Chamber Chairperson

FIDE ETHICS & DISCIPLINARY COMMISSION