



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. Pedro Dominguez
Ms. Yolander Persaud - Sammy

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

DECISION

Case n. 04/2023: "Alleged false accusations and insults made on social media."

INTRODUCTION

1. The EDC Chamber notes its establishment by the EDC Chairman on 29 March 2023.
2. The Complainant is GM Efstratios Grivas (GRE) and the Respondent is GM Mikhail Kobalia (RUS).
3. The EDC Chamber notes the written complaint by GM Grivas submitted on 29 March 2023 consisting of seven files which include various attachments showing posts made on social media.
4. The EDC Chamber notes the written answer from GM Kobalia received on 27 April 2023 through his attorney Mr. Pavel Fedotov. The response included two exhibits: GM Kobalia’s FIDE profile and a statement from GM Farrukh Amonatov.
5. The EDC Chamber notes that GM Kobalia is charged with violations of art. 11.6(a), 11.6(c), 11.9(d) and 11.9(j) of the Disciplinary Code.

FACTUAL DETAILS OF THE CASE

- 6.1 Between 2009 and 2018, namely in 2011, 2012 and 2017 GM Grivas won the Best Junior Trainer awards (Euwe medal) given by the FIDE Trainers Commission (TRG). Between 2009 and 2018, GM Grivas served as Secretary of the TRG, but he was not a member of the Expert’s Panel in 2011, 2012 and 2017 that decided on the awards
- 6.2 Previously, in various social media posts, GM Kobalia questioned the selection of GM Grivas for several of the award categories stating that there were better choices. Further, GM Kobalia suggested that a significant reason that GM Grivas won the award is because he was serving on the TRG Commission.
- 6.3 The present allegations concern comments posted on social media in January 2023. Following the appointment of GM Grivas on the ECU Trainers Commission, GM Kobalia posted on the Facebook page of the ECU Secretary General the following words:



“It is not the merit of the ECU, it is the shame of the ECU that E Grivas was appointed the secretary of this commission. Until 2018, he was the secretary of the ECU Trainers commission and thanks to this he won SIX nominations as the best coach of the year!...”

- 6.4 As part of the complaint, GM Grivas submitted comments posted by GM Kobalia in 2018. These comments made in 2018 provide context, but GM Kobalia is not accused in the present case of making the comments in 2018 and the comments made in 2018 cannot be used in the present case either to find GM Kobalia guilty or to decide a sanction. The only value of these comments is to give clarity to comments made in 2023, given that social media comments by their nature are very brief.

DEFENCES PROVIDED BY RESPONDENT

7. The EDC Chamber notes the subject matter and defences:
- 7.1 In the statement of defence, GM Kobalia states that he has no personal animosity toward GM Grivas and introduces evidence to that effect in the statement provided by GM Amonotov, that GM Amonotov observed GM Grivas and GM Kobalia behaving in a friendly manner toward each other.
- 7.2 GM Kobalia denies that he accused GM Grivas of winning the awards dishonestly.
- 7.3 GM Kobalia states that awards such as these are based on subjective opinions. GM Kobalia provides numerous anecdotes on his subjective opinion that there are better choices for these awards.
- 7.4 GM Kobalia states that his comments were directed toward the TRG and not to GM Grivas personally and thus cannot be construed as a personal attack.
- 7.5 GM Kobalia states that he did not mention his own FIDE position in any of the posts, therefore he cannot be accused of misusing his own FIDE position.
- 7.6 GM Kobalia states that article 11.6(a) only applies to “players” and not to anyone who is not a “player”
- 7.7 GM Kobalia states that he has free speech rights and that his posts did not cause any harm to GM Grivas.
- 7.8 GM Kobalia states that article 11.9(d) Misbehaviour only applies to physical acts and that he did not commit any of the actions that are listed as potential violations of article 11.9.

ADMISSIBILITY AND JURISDICTION

8. Upon due consideration of the documents, arguments and submissions by the parties, the EDC Chamber, by unanimity of its members, finds that:
- 8.1 The complaint before the EDC is made by GM Grivas, a FIDE title holder (GM, FST, IA, IO), a former FIDE office holder and a present member of the FIDE family.
- 8.2 The respondent is a FIDE titled and rated player and current FIDE official and as such a member of the FIDE family over which the EDC exercises jurisdiction.
- 8.3 The social media posts were seen by a large audience in the international sphere.
- 8.4 The subject matter of the posts involves FIDE interests.



- 8.5 The subject matter of these posts can be understood as making false or unjustified accusations which do fall under article 11.6(a) of the FIDE Ethics and Disciplinary Code.
- 8.6 The subject matter of the posts could potentially harm the reputation of the subject of the posts which would be a violation of article 11.6 (c) of the FIDE Ethics and Disciplinary Code.
- 8.7 If the subject matter of the posts were unjustified accusations, that would constitute an act of misbehaviour in violation of article 11.9 (d) of the FIDE Code of Ethics.
- 8.8 The subject matter of the posts does involve language which could be deemed to be offensive and thus a violation of article 11.9 (j) of the FIDE Ethics and Disciplinary Code.
- 8.9 Based on the above, the EDC Chamber unanimously finds that the complaint is admissible.

FINDINGS

9. The EDC Chamber having considered, and deliberated on, the material before it made the following conclusions:
- 9.1 The First Instance Panel finds that while the majority of the posts fall within the realm of free speech and are completely proper, there are several instances where GM Kobalia does in fact violate the Ethics and Disciplinary Code. Specifically, the posts where he states or implies that GM Grivas only won the award because he was the Secretary of the Commission are improper. The statement “Until 2018, he was secretary of the FIDE Trainers Commission and **thanks to this**, he won SIX nominations as the best coach of the year.” (*emphasis added*) is an unjustified accusation which causes harm to GM Grivas. Similarly posting, “And I wrote about this back in 2018, he has the same position in the commission. **And it led to a total conflict of interest.**” (*emphasis added*) also constitutes a violation of the Ethics and Disciplinary Code. Additionally, the post “...could you express your opinion on the fact that your **friend E. Grivas being the secretary of the FIDE Trainers Commission** won six times in various nominations as best coach of the year.” (*emphasis added*) and “I note that until 2018 (**after which Grivas left the FIDE Trainer commission**) the representatives of India for example did not win a single award.” (*emphasis added*). Clearly, GM Kobalia is stating that GM Grivas improperly used his FIDE position to influence the award process or that he only won the awards because of his position in the TRG (and accordingly not on merit). Given that there is no actual evidence of this (and in fact Grivas produced evidence that this was not the case), these statements constitute unjustified attacks which harm GM Grivas’ reputation and are thus in violation of the FIDE Ethics and Disciplinary Code.
- 9.2 Regarding paragraph 7.1, the Panel decides that even if there is no personal animosity between the parties, the statements still represent an unjustified accusation that causes potential harm.
- 9.3 In response to paragraph 7.2, the Panel decides that merely because the word “dishonesty” was not used or implied, will not excuse GM Kobalia from the fact that the attacks were unjustified and injurious.



- 9.4 The Panel agrees with GM Kobalia that the majority of his postings are not a violation of the Ethics and Disciplinary Code and do fall under the realm of free speech and legitimate questioning of a subjective award. Thus, the points made (see above 7.7) are a viable defence in the case of most of the posts. However, as explained above in paragraph 9.1, the posts that accuse GM Grivas of misusing his office are what constitutes the violation.
- 9.5 Regarding point 7.4 above, GM Kobalia maintains that the posts were directed toward official bodies and not to Grivas. The problem with this assertion is that by its very nature social media is relatively unconstrained and the comments made by GM Kobalia were shared with a worldwide audience. Had GM Kobalia made the same points in private or official correspondence to the relevant bodies, his defence might have more merit, but as applied to social media posts, the Panel rejects GM Kobalia's assertion that the posts were made to relevant official organs of FIDE.
- 9.6 Regarding point 6.5 that GM Kobalia did not mention his official position, this is factually incorrect. He stated in one post, "I am a consul at FIDE Trainers Commission which is not such a key position." Even if one's position is not explicitly stated, the fact that GM Kobalia is a significantly known person within FIDE and the chess world means that his FIDE positions will likely be known to many in the world-wide audience.
- 9.7 The EDC Chamber doubts the argument that article 11.6(a) applies only to players in competitions. However, for purposes of the present case, it is unnecessary to decide this point as the respondent's misconduct is sufficiently covered by the other offenses.
- 9.8 The EDC Chamber rejects the argument that these articles only apply to physical space and not to "cyberspace" or the virtual environment. There is nothing in the Ethics and Disciplinary Code to suggest that the Code does not apply to "cyberspace", or to comments solely on the internet. Such a policy would not comport well with the realities of the 21st century communication models and would certainly not seem to be the intent of the Code.
- 9.9 Accordingly, the EDC chamber **finds GM Kobalia guilty** of violating articles 11.6 (c), 11.9 (d) and 11.9 (j) of the FIDE Ethics and Disciplinary Code.
- 9.10 The First Instance Chamber is mindful that GM Kobalia's has contributed many years of valuable service to FIDE as well as the fact that he is a first-time offender, which are mitigating factors when determining the sanction.
- 9.11 Based on the above, **GM Kobalia is sanctioned** to a ban of 12 months from participating as an office holder in any FIDE Commission. This sanction is suspended in its entirety on the condition that there are no further occurrence of any violation of the FIDE Ethics and Disciplinary Code by GM Kobalia in the next 12 months.
10. The Respondent is 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 lodgment 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.

11. The EDC requests the FIDE Secretariat to communicate forthwith the decision to the Complainant GM Grivas and to the Respondent GM Kobalia and to publish in due course the decision on the FIDE website.

DATED ON THIS 24th day of June 2023.

David A. Hater

First Instance Chamber Chairperson

FIDE ETHICS & DISCIPLINARY COMMISSION