



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. David Hater
Mr. Pedro Dominguez

during an exchange of correspondence and online meetings, made the following -

DECISION

Case no. 9/2023: “Interference with FIDE and BCF investigations in connection with alleged cheating by another player”.

INTRODUCTION

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 7 July 2023.
2. The EDC Chamber **notes** that on 4 July 2023 the FIDE Ethics and Disciplinary Commission (EDC) received a report from an investigatory panel of the FIDE Fair Play Commission (FPL). The report was titled “Report of the Investigatory Panel in the Stefan Docx case” and focused primarily on a case of alleged cheating by IM Stefan Docx during the Benidorm Chess Open in December 2022. In the report, there were also allegations regarding interference with the investigation against Mr. Dimitri Logie (FIDE ID 231207), the Respondent in the present case.
3. Initially the EDC decided to join the cases against Mr. Docx and Mr. Logie under case number 6/2023. After objections from both of them, the EDC decided on 28 July 2023 to separate the cases. The case against Mr. Docx continues under case number 6/2023.
4. The EDC Chamber **notes** that the Respondent has been given the opportunity to respond to the allegations in the report and that he has submitted e-mail statements in his defence.
5. The EDC Chamber **notes** the contents of the following documents and correspondence received as part of the case file: the report by FPL mentioned above, e-mails by the Respondent dated 31 July, 2 August (2), and 6 August 2023 dealing with the merits of the charges against him and other e-mails by the



Respondent dated 12 July, 29 July, 16 August, 20 August and 22 August 2023 dealing with ancillary aspects.

6. On 18 August 2023 the BCF confirmed to the EDC that the federation has initiated a disciplinary procedure against the Respondent, based on alleged wrongdoings in his dealings with the BCF, but the federation has put the matter on hold until after the decision by the EDC in this case.

FACTUAL DETAILS OF THE CASE

- 7.1 The Benidorm Chess Open took place during period 3-11 December 2022. Mr. Stefan Docx was one of the participants of the tournament. After having refused to undergo a scan by a metal detector, Mr. Docx was expelled from the event. The FPL received on 31 December 2022 a report from the chief arbiter of said tournament, Mr. Ramón Garcia.
- 7.2 FPL decided to launch an investigation into the matter. An investigatory panel (IP) consisting of GM Aleksandar Colovic (MKD), Richard Newman (USA) and Vincent Geeraets (NLD) was composed.
- 7.3 In its report, which primarily concerned the alleged cheating of Mr. Docx, the IP observed that the Respondent, the chairperson of a chess club in Antwerp, an organizer of chess events and a licensed National Arbiter, had on numerous occasions contacted members of the IP. The Respondent claimed that he represented Mr. Docx. Later in the investigation, it came to the attention of the IP that the Respondent also repeatedly had contacted Belgian chess officials in the same matter.

THE FINDINGS OF THE IP REPORT

- 8.1 The FPL report states that the Respondent, on his own initiative, sent an email on 25 January 2023 to the IP, claiming that the IP had no jurisdiction. In addition, Mr. Logie wrote:

‘Aside from the above, you are asking the wrong questions my dear. Your questions are based upon information in the report (‘direct questions’) – yet as an investigator you must ask ‘indirect’ questions. As such your approach is already wrong, and not neutral nor legit. Your investigation is already compromised, as the below questions are based upon the report - and not upon the facts. Basically your statement below is based upon a single report of a CA arriving way too late, not being shared, ... If anything, the commission should sue this CA for not doing his job.’

- 8.2 On 26 January 2023, the IP sent a reply to the Respondent, informing him that he



was not a party to the case. The Respondent answered the same day, claiming to represent Mr. Docx.

8.3 On 24 February 2023, the Respondent contacted the IP once more, claiming that he was in fact representing Mr. Docx. He also stated the following:

*‘I’m not so sure you appreciated this mail. I have evidence afterwards it was informed to Mr. Docx that I **damaged his case**. The fact that you used my mail to give such a communication is **entirely wrong & manipulative**.*

As such, similar to an active trial, I feel obligated **to avenge all of you as you are clearly not objective & are unable to perform a legitimate & objective conclusion**. Intimidation is entirely prohibited, despite who answers you or how you feel about it. As such, I believe you are unable to make any judgement objectively if you take remarks of what you consider an outsider personal (and ignore them even if they are righteous). I as such expect all of you to stop pursuing this as clearly you do not seem to be objective. FYI: I empathise with European law defending a fair trial, as well as its methods - which are clearly not in practice here.’

8.4 Mr. Docx has on 9 March 2023 submitted his own response to the IP on the allegations against him related to the Benidorm tournament. He also stated the following: ‘I did not mandate Mr. Logie to speak for me at any point in time. His actions were of his own accord and as such only he can comment on them.’

8.5 The IP has received reports from the Belgian Chess Federation (BCF) claiming that the Respondent also, during March – May 2023, contacted representatives of the BCF in an intrusive manner in relation to BCF’s own investigation into the Benidorm incident.

8.6 The IP has sent out questionnaires to several representatives of the BCF and received five answers. Among the statements made by these representatives, the IP noted the following:

‘I had a long phone call (45 minutes) with Mr. Logie just after the tournament in Benidorm. I had not received any official information about the case at that time. He told me the case, and he expected me to support our compatriot unconditionally. I said I wanted to wait for the official information and would take all information into account. Mr. Logie then said the arbiter could not be trusted and I should not believe the report. When I then remarked that Mr. Dockx had apparently refused a check during the tournament, Mr. Logie got angry and threw down the phone. When he could not reach me by phone, he started sending defamatory emails on other subjects. I allegedly obtained my title as IO illegally and he also defamed me with (incomplete) anecdotes from previous initiatives.’

‘He approached me first by phone. [...] Both times he directly contacted me it was late after 21h00. Each time I told him I refused to communicate about the Docx case and then he became angry telling me: you answer me now or it will be at court, that I was totally useless... I did not answer and cut the sound of my phone to can go sleep.’

‘At first, D. Logie contacted me especially with phone calls even at very late time in the evening (after 22:00 pm). After I told him not to do this anymore, he started with whatsapp-messages, dozens of them (also often after 22:00 pm). He has also sent me several emails, also with threats.’



‘Yes, I feel pressure, since his first phone call. I realise that our board’s decision is not in line with Mr. Logie's judgement and, as a result, he is able to relentlessly make life very hard for everyone that decided – in his opinion – against his will. The spreading of unsubstantiated and defiant emails on my behalf is a clear example of his behaviour.’

‘I felt totally pressured. Not only because of his direct threatenings: I am not afraid but because he was phoning everybody around: Even when we were meeting on zoom he was phoning the other members of the commission. He also contact the president and the vice president of my chess club.’

‘His messages were almost every time threatening and menacing, sometimes insulting. Often, he threatened with attorneys and court procedures. He also threatened that he had the support of very rich, powerful and influential persons. [...] So yes, I felt pressurized!’

- 8.7 The IP informed the Respondent that the investigation had broadened from the allegations towards Mr. Docx to also include himself. The IP gave the Respondent a possibility to answer and comment.
- 8.8 The IP concluded in its report that the Respondent had made himself guilty of harassment in the form of bullying and that he had obstructed or tried to obstruct the investigation.

DEFENCES PROVIDED BY RESPONDENT

- 9.1 The Respondent has argued that he did not act as an individual in his contacts with IP and BCF. He acted as chairman of the chess club in which Mr. Docx was a member. The club was aiming to advance to the second division of the Belgian chess league and a suspension of Mr. Docx would have had a negative impact on this ambition.
- 9.2 The Respondent is, in his capacity of chairman of a non-profit organization, protected by Belgian law against claims, if he acts to the best of his abilities and upon request of the members of the organization.
- 9.3 The Respondent has never threatened anyone. He merely reminded them of the potential legal consequences in case of a court case and the implications for them personally.
- 9.4 The testimonies to the IP by certain representatives of the BCF should be disregarded as they have for a long time denied the Respondent his IO title and FA-norms. One must take into consideration that his adversaries in BCF has acted



against him in various ways. The investigation carried out by the IP was not objective.

- 9.5 The BCF did disregard their own regulations when BCF decided to suspend Mr. Docx.
- 9.6 The Respondent would like to apologize for the manner in which he tried to defend Mr. Docx. He regrets that some of his interventions may have been inappropriate, but he never intended to be disrespectful. He is suffering from a medical condition which at times is influencing his behaviour.
- 9.7 The Respondent would like a hearing in this case. The EDC should also investigate the actions of the BCF.

ADMISSIBILITY AND JURISDICTION

- 10.1 In order to be admissible, the complaint must meet the minimum requirements laid down in article 5 in the EDC Code.
- 10.2 The FPL is a FIDE organ, representing the general interest of FIDE and therefore has the necessary standing to submit a report to EDC, (see article 5.2 d).
- 10.3 The Respondent must be a member of the FIDE Family (see article 5.1 b). The Respondent is a player registered in the FIDE database and therefore a member of the FIDE Family (see article 4.2 k).
- 10.4 The alleged misconduct must have been committed during a course of no more than three years immediately preceding the date on which the complaint is received by FIDE (see article 5.1 e). This condition is fulfilled, see 5.1 – 5.3 above.
- 10.5 The IP report contains allegations concerning actions committed both in the national sphere (towards representatives of BCF) and in the international sphere (interference with the IP investigation). The EDC Chamber confirms that FIDE member federations have principal authority in respect of the governance of chess activities in their own countries. The EDC shall exercise jurisdiction over occurrences within the national sphere only in exceptional circumstances, namely in instances where the case has international implications and is not judged at national level, (FIDE Charter 26.9 and 4.7 (b) in the EDC Code).



- 10.6 The alleged misconduct has international implications as it revolves around cheating allegations connected to an international chess competition. In addition to this, interference with an investigation carried out by a FIDE organ has by its very nature international implications. The IP states that the contacts between the Respondent and the BCF had the potential to jeopardize the IP investigation as Belgian officials could have felt intimidated and therefore hesitant to co-operate with the IP. The EDC Chamber agrees with this.
- 10.7 The alleged misconduct of the Respondent with respect to the IP investigation has international implications as it concerns alleged wrongdoings in relation to FIDE, which by its very nature makes it international.
- 10.8 For all the reasons mentioned in 10.2 – 10.7 above, the jurisdiction of the EDC Chamber in the present matter and admissibility of the complaint against the Respondent are confirmed.

FINDINGS

- 11 The EDC Chamber notes that the Respondent has not denied having had the various contacts with BCF officials and members of the IP, as described in the IP report. His argument that he cannot be sanctioned because he acted in his capacity as a representative of the chess club and not as an individual is rejected by the EDC Chamber.
12. Members of the FIDE Family should in all interactions with other members act in accordance with the fundamental principles of respect laid down in the Charter and the EDC Code. A vast majority of the members are working on a non-profit basis in the interest of the sport of chess and it is therefore important to show each other respect and understanding.
13. Investigations made by national federations and FIDE organs are important as they are aimed at upholding the respect for the FIDE Charter and the EDC Code and must not be obstructed, nor must the officials carrying out the investigations be subject to harassment or other forms of bullying.
14. The EDC Chamber fully respects the right of a party to a disciplinary procedure to question the procedure itself and to protect its interest in various ways. This is a fundamental right of all parties being subject to a disciplinary proceeding and must



not be restricted as such. On the other hand, this right must be exercised in accordance with the principles mentioned above.

15. A third party, not being directly affected by an ongoing disciplinary case, must not on his/her own initiative interfere with the case or with an investigation preceding this. Nor is it acceptable that a third party, as in this case, incorrectly claims to represent the party directly affected.
16. The EDC Chamber is comfortably satisfied that the Respondent has repeatedly contacted several representatives of the BCF during Spring 2023, during which time the IP was carrying out its investigation on the Docx case and reaching out to the same representatives to gather information from them. In his contacts with the representatives, the Respondent, in the view of the EDC Chamber, has tried to exercise influence over the procedure, at times using inappropriate means, such as intimidation and bullying.
17. The EDC Chamber especially notes that the Respondent has tried to use intimidation as a tool for his endeavours and that he has acted in a manner that is contrary to what is expected by a member of the FIDE Family.
18. The Respondent has also contacted members of the IP in a manner that was somewhat less intrusive than his contacts with the representatives of the BCF but nevertheless of a nature that is not acceptable, accusing the members of the IP of not being objective and trying to manipulate.
19. The Respondent was not authorized by Mr. Docx to represent the latter. Despite this, the Respondent initially claimed to be representing Mr. Docx, a position he continued to uphold, thereby supposedly wanting to add extra weight and authority in his correspondence and contacts with the BCF and the IP.
20. Upon due consideration of the documents submitted and arguments advanced, the EDC Chamber finds that the Respondent, by his actions has breached the following articles in the EDC Code: 6.5 a), 6.5 e), 11.4 e) and 11.9 a).

6.5 Harassment refers to systematic, hostile and repeated acts intended to isolate or ostracise a person or group and affect the dignity of a person or group. In particular, but without limitation, members of the FIDE Family shall not engage in the following forms of harassment:

- a) Bullying, including cyber bullying, may include without limitation unwanted, repeated and intentional, aggressive behaviour usually among peers, and can involve a real or- perceived power imbalance.
- e) Psychological abuse means any treatment that may diminish the sense of identity, dignity or self-worth, and may include without limitation any unwelcome act such as confinement, isolation, verbal assault, humiliation, or infantilization;



11.4 e) Obstructing or delaying any investigation: Any person who knowingly obstructs or delays any investigation that may be carried out by FIDE or other sports organization in relation to a possible violation of this Code, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

11.9 General misbehaviour

- a) 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;

Appropriate sanction

21. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the matter of an appropriate sanction that:

21.1 The Respondent is taken as first offender.

21.2 The Respondent has apologised to the EDC and expressed remorse and has also referred to medical problems that may have influenced his behaviour. He did act with the intention to safeguard the interest of the chess club in Belgium where he was the chairman, albeit in a somewhat meddlesome manner. The Respondent has vacated the position as chairman of his Belgian club.

21.3 The EDC finds that the Respondent has violated important principles, both with respect to interactions between members of the FIDE Family and with respect to investigations carried out by FIDE organs. A warning or reprimand is therefore not sufficient. An appropriate sanction is a one-year ban from holding any office or position within FIDE and the BCF, including its chess clubs. The sanction may be suspended.

22. Accordingly, and considering all the above, the EDC Chamber **unanimously decides** as follows:

22.1 The Respondent is found guilty of breach of articles 6.5 a), 6.5 e), 11.4 e) and 11.9 a) of the EDC Code.

22.2 The Respondent is sanctioned by a one-year ban from holding any office or position within FIDE and the BCF, including its chess clubs. The sanction is wholly suspended for a period of two (2) years, on the condition that the Respondent, during said period, is not found guilty of a similar breach of the EDC Code.



23. The EDC Chamber **requests** the FIDE Secretariat to communicate forthwith the decision to the Respondent, the Belgian Chess Federation and the FPL and to publish the decision on the FIDE webpage.

DATED ON THIS THE 28th DAY OF SEPTEMBER 2023

Johan Sigeman

CHAMBER CHAIRMAN
FIDE ETHICS & DISCIPLINARY COMMISSION