



FIDE ETHICS & DISCIPLINARY COMMISSION

REPORT TO FIDE COUNCIL

DECEMBER 2023

Dear Mr President and members of the FIDE Council

This report covers the activities of the Ethics & Disciplinary Commission (EDC) for the 16-month period since August 2022, the date of the previous Congress in Chennai, until December 2023.

1. Membership of the EDC

1.1 The EDC has 7 members:

- Francois Strydom (RSA), **EDC Chairman**, elected August 2014 (Tromso), re-elected October 2018 (Batumi).
- Yolander Sammy (GUY), elected October 2018 (Batumi), **EDC Deputy Chairman** since December 2021.
- Johan Sigeman (SWE), elected February 2020 (Abu Dhabi), **EDC Vice-Chairman** since December 2021.
- Ravindra Dongre (IND), elected October 2018 (Batumi).
- Khaled Arfa (TUN), elected February 2020 (Abu Dhabi).
- David Hater (USA), elected February 2020 (Abu Dhabi).
- Pedro Dominguez, elected August 2023 (Chennai).

The FIDE Office performs an excellent secretarial service to members of the EDC and we thank Ms Polina Tsedenova for her loyal and diligent service over the past year!



1.2 Pursuant to the FIDE Charter the term of the current EDC members endures until the General Assembly to be held in Budapest, September 2024.

2. EDC Fact-finding Committee

2.1 The EDC FFC has been established to act as an investigatory body in complex cases. In December 2021, the FFC completed its first and only assignment so far, an investigation into FIDE management practices during the term of the previous administration over the years 2014 – 2018.

2.2 Following the resignation of the former FFC chairman, Mr. Ralph Alt (GER), the FFC currently has two remaining members, Mr Dabilani Buthali (BOT) and Ms. Swee Sie See (MAS). In due course a third member needs to be appointed by the FIDE Council, considering the advice of the EDC Chairman, and the FFC should be re-activated.

3 Meetings

3.1 In the period **14 – 18 June 2023** the EDC had an in-person meeting in Malmo, Sweden which was attended by Johan Sigeman (host), Francois Strydom, Yolander Persaud, Khaled Arfa and David Hater. Unfortunately, Ravindra Dongre and Pedro Dominguez were prevented by visa problems from attending. The meeting focussed on further equipping EDC members on various aspects of sports law and aspects of the EDC practice with guest lectures by a Sports Law Professor attached to the University of Neuchatel in Switzerland and self-training by EDC members. A review of recent EDC cases was also performed.

3.2 On **13 December 2023** at 18:00, as part of the virtual Congress, the EDC held an open (public) meeting. Present were all EDC members (save for Pedro Dominguez) and more than 30 other attendees, including FIDE Treasurer Zhu Chen, Deputy Chairman of the Management Board, Dana Reizniece-Ozola,



Lukasz Turlej, FIDE Secretary-General and many representatives of FIDE member federations and other FIDE Commissions. The EDC Chairman introduced each of the EDC members and delivered his annual report. Thereafter each EDC member gave a mini presentation on an aspect of the EDC practice and procedure. General discussion and a Questions & Answer session followed before the open meeting was closed after two hours of meeting. The EDC members met for another hour in a private meeting discussing aspects of their work.

4 Cases decided

- 4.1 In case **3/2021** the EDC Chamber (K. Arfa as chair; Y. Persaud-Sammy and R. Dongre) considered a complaint by an arbiter, Mr. Bart de Vogelaere (BEL) against two officials of the Belgium Chess Federation Mr. Luc Cornet (BEL) and Mr. Geert Bailleul (BEL) for the non-submission of his arbiter performance records to FIDE and the submission of allegedly fake records for other arbiters. The EDC Chamber decided the complaint was unfounded and dismissed all charges.
- 4.2 In case **3/2021(A)** the Appeal Chamber (F. Strydom as chair, D. Hater and P. Dominguez) dismissed Mr. Bart de Vogelaere's appeal against the decision of the First Instance Chamber as they found the acquittals fully justified on a consideration of the evidence and a proper understanding of the relevant facts.
- 4.3 In case **1/2022** the EDC Chamber (D. Hater as chair; R. Dongre and J Sigeman) considered a complaint of match-fixing by the FPL against player FM Bojan Jovanovic and organiser Stanko Jovic at the 2018 Narcis tournaments organized in Serbia. The decision of the EDC Chamber was not unanimous. One member dissented from the majority decision and considered that the respondents had indeed been proven guilty applying the



standard of comfortable satisfaction. However, the majority of two members held that in the absence of direct evidence of wrongdoing, despite suspicions the statistical evidence was insufficient to convict the respondents.

- 4.4 In case **3/2022** the EDC Chamber (R.Dongre as chair; Y.Persaud and K. Arfa) considered the complaint of FM Mieszko Mis (POL) against the Cyprian organizer and tournament director Pambos Zacharoplastis for failing to pay the advertised money prizes to the top 3 finishers in an international open tournament held in Cypress in October 2021. The EDC Chamber sanctioned the organiser with a two-year ban, the President of the Cyprus Chess Federation with a stern warning and the Federation itself with a one-year ban, to be fully suspended upon payment of the prize monies which payment was subsequently indeed made.
- 4.5 In case **4/2022** the EDC Chamber (R.Dongre as chair; J Sigeman and D Hater) decided the complaint of the Sharjah Cultural & Chess Club, U.A.E. against GM Parham Maghsoodloo (Iran) for the breach of art. 11.9(b) or (d) of the Ethics & Disciplinary Code by withdrawing from a tournament after having signed a contract for his participation. The respondent was found guilty and sanctioned to a fine of 500 Euros.
- 4.6 In case **5/2022** the EDC Chamber (J Sigeman as chair; R Dongre and P Dominguez) was called upon to consider possible breaches of the Ethics Code by uncompetitive behaviour by some participants at the 2022 Spring Festival in the US Virgin Islands where they resigned or accepted draws in situations in which further play could be expected. The Respondent Margaret Murphy was found not guilty. The Respondent Anthony Mongiello was found guilty and sanctioned with a warning.
- 4.7 In case **6/2022** the EDC Chamber (Y. Persaud-Sammy as chair; D Hater and P Dominguez) was confronted by a confession of cheating by a Singaporean player, Pang Kai Jie Ryan at the Hoogeschool Zeeland



tournament which was undetected, but he came forward and reported himself. The Respondent was found guilty and, given the mitigating circumstances, sanctioned to a 2-year ban retrospective to the date of his confession.

- 4.8 In case **7/2022** the EDC Chamber (D Hater as chair; Y Persaud-Sammy and P Dominguez) had to deal with the complaint by the President, AIDEF against the Vice-President, AIDEF for writing an offensive letter to the Tunisian Minister of Youth and Sport and using the President's signature, causing severe reputational harm for AIDEF, a FIDE affiliated organisation. The Vice-President, Mr Mohamed Zouaoui was found guilty and sanctioned to a 24 month ban from acting as office holder in any FIDE Commission or office.
- 4.9 In case **1/2023** the EDC Chamber (J Sigeman as chair; K Arfa and R Dongre) received from the FPL a report of an alleged violation of the EDC Code by the chief arbiter, IA Nebosja Radosavljevic during the "GM ASK MIX" tournament held in Arandjelovac, Serbia, in March 2022. The allegations towards the Respondent related to his failure to give proper explanations and information to the FPL on the suspected irregularities during the tournament. The EDC Chamber found that the Respondent without justification had failed to cooperate with the FPL and had consequently breached article 11.4 d in the EDC Code. The EDC Chamber imposed on the Respondent a ban of ten months from acting as an arbiter, whereof five months was suspended.
- 4.10 In case **2/2023** the EDC Chamber (Y Persaud-Sammy as chair; K Arfa and P Dominguez) considered complaints brought by the FPL against GM Magnus Carlsen related to the Hans Niemann controversy during and after the Sinquefield Cup in September 2022. Carlsen withdrew from the tournament after his loss to Niemann and later accused Niemann of having cheated "more often and more recently" that Niemann had publicly confessed to in relation to Chess.com online events. The EDC Chamber



found that Carlsen's statements were based upon objectively reasonable suspicions even if it subsequently transpired that there are no evidence of any over-the-board cheating by Niemann and that Carlsen must be acquitted on the charge of making unfounded accusations of cheating. Carlsen was also found not guilty of undermining the honour of Niemann and having disparaged the reputation of FIDE. On the other hand, Carlsen was found guilty of withdrawing from the relevant tournament without valid reason and sanctioned with a fine of 10,000 Euros.

- 4.11 In case **3/2023** the EDC Chamber (K Arfa as chair; J Sigeman and R Dongre) was called upon to decide the complaint of GM Mikhail Kobalia (RUS) about the refusal of his opponent, Kiril Schevchenko (Ukrainian GM playing under the Romanian flag) to shake his hand at the start of their game in the 2023 European Chess Championship. The EDC Chamber found that GM Schevshenko had failed to comply with the normally accepted standard of courtesy and chess etiquette and that he is guilty of a violation of art. 11.9(a) of the Disciplinary Code. Given the Respondent's personal circumstances and other mitigating factors, he was sanctioned to a warning.
- 4.12 In case **4/2023** the EDC Chamber (D Hater as chair; Y Sammy and P Dominguez) considered a complaint from GM Efstratios Grivas (GRE) regarding defamatory comments posted about him by GM Mikhail Kobalia (RUS) on Facebook. The Respondent was found guilty and sanctioned to a ban of 12 months from being an office holder in any FIDE Commission, but the entirety of the sanction was suspended on certain conditions. This matter is the subject of an internal appeal to the EDC Appeal Chamber.
- 4.13 In case **5/2023** the EDC Chamber (J Sigeman as chair; D Hater and R Dongre) heard a complaint by Calvin Prasad to the effect that his federation, the Fiji Chess Federation has imposed a permanent ban on him without following due legal process. The EDC Chamber held that the disciplinary action taken against the Complainant were indeed done in violation of fundamental principles of law and fair trial. The EDC Chamber accordingly



declared the ban imposed by the national federation as null and void and offered the Fiji Chess Federation an opportunity to file a complaint against Mr Prasad for hearing *de novo* by the EDC. The FCF failed to pursue the matter any further.

- 4.14 In case **6/2023** the EDC Chamber (J Sigeman as chair; D Hater and P Dominguez) considered a charge of cheating by IM Stefan Docx (BEL) at the 2022 Benidorm Chess Open brought by the Fair Play Commission (FPL). The EDC Chamber was not convinced of the Respondent's guilt on the charge of cheating at the required standard of proof, namely comfortable satisfaction, and acquitted him on this charge. The Respondent was however found guilty of a failure to cooperate with the anti-cheating officials by refusing to submit himself to a metal scan to check for the possession of a mobile phone. The Respondent was sanctioned to a one-year ban as a player in FIDE-rated competitions. This matter is the subject of an internal appeal to the EDC Appeal Chamber.
- 4.15 In case **8/2023** the EDC Chamber (R Dongre as chair; Y Sammy and P Dominguez) considered the complaint of Omer Deab of the Sudan Chess Federation against Turki Al Sheikh of the Saudi Chess Federation that the latter had posted insulting messages concerning Deab him in the Whatsapp group of the Arab Chess Federation. The Respondent did not offer a defence in the EDC proceedings and was found guilty and sanctioned to a warning.
- 4.16 In case **9/2023** the EDC Chamber (J Sigeman as chair; D Hater and P Dominguez) considered a charge of harassment and interference in the disciplinary steps taken against another player by the Belgium Chess Federation (BCF) and an investigation conducted by the Investigatory Panel of the FPL. The Respondent was found guilty and sanctioned to a one-year ban from holding any office or position within FIDE and the BCF, wholly suspended on certain conditions. This matter is the subject of an internal appeal to the EDC Appeal Chamber.



4.17 In case **10/2023** the EDC Chamber (Y Sammy as chair; K Arfa and R Dongre) considered a complaint from the US Chess Federation against IO Xuhao He, alleging the manipulation of pairings in a FIDE norm tournament to benefit his son. The Respondent was sanctioned to a worldwide ban of 5 years from serving as an International Organiser, but the EDC Chamber declined to revoke the Respondent's IO title as requested by the Complainant. This matter is the subject of an internal appeal to the EDC Appeal Chamber.

4.18 All the above decisions are published on the EDC website at <https://ethics.fide.com/decisions/>.

5 Statistics of distribution of cases

5.1 It is the responsibility of the EDC chair to nominate a First Instance Chamber of three members for each case. In the event of an appeal against the decision of the First Instance Chamber, the EDC chair and two other members will sit as the Appeal Chamber.

5.2 It is the policy of the EDC chair to rotate the chairmanship of the First Instance Chambers between the EDC members. In terms of the Charter, the EDC chair always act as chair of the Appeal Chamber.

5.3 During the period under review (August 2022 – December 2023), the EDC registered 14 new first-instance cases (Cases no. 5 - 7/2022 and 1 - 11/2023), as well as five new internal appeals (Cases no. 3/2021(A), 4/2023(A), 6/2023(A), 9/2023(A) and 10/2023(A)). Over the last 8 years (September 2015 – December 2023) a total of 66 decisions were published on the EDC website.

5.4 The statistics relating to all first-instance, appeal and review cases received by the EDC since the introduction of the two-chamber regime with the adoption



of the new FIDE Charter in the beginning of 2020, showing the participation of each EDC member, are as follows:

Johan Sigeman - 22 cases (incl. chair in 10 cases)

Yolander Persaud-Sammy – 22 cases (incl. chair in 7 cases)

David Hater - 21 cases (incl. chair in 6 cases)

Khaled Arfa – 20 cases (incl. chair in 6 cases)

Ravindra Dongre – 19 cases (incl. chair in 4 cases)

Pedro Dominguez – 10 cases (no chairs)

Francois Strydom – 9 appeal cases (in all the chair).

6 Reform of Rules: EDC Internal Rules; EDC Code; EDC Procedural Rules

6.1 At its meeting on 7 December 2021, the EDC adopted a set of **Internal Rules** which governs the internal functioning of the commission, including the respective roles and responsibilities of the members.

6.2 The new **Ethics and Disciplinary Code** was adopted by the General Assembly on 28 December 2021 and took effect from 1 April 2022.

6.3 The new **EDC Procedural Rules** were adopted by the FIDE Council at its meeting in Chennai and took effect from 1 September 2022.

Johannesburg, 13 December 2023

The Chairman of the Ethics & Disciplinary Commission
Francois Strydom