



## **FIDE ETHICS & DISCIPLINARY COMMISSION**

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

Chairperson: Mrs Yolander Sammy

Members: Mr Khaled Arfa

Mr David Hater

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

### **DECISION**

#### **Case no. 3/2024: "Alleged harassment of an official".**

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 27<sup>th</sup> February 2024.
2. The EDC Chamber **notes** that on the 19<sup>th</sup> February 2024 the FIDE Ethics and Disciplinary Commission (EDC) received a Complaint against IA Arild Rimestad from Ms. X, concerning allegations of harassment in violation of the FIDE Ethics & Disciplinary Code, more particularly *Articles 6.1(a)* – ethical value of human dignity – read with Art. 6.2 and 6.3, 6.4, 6.5 (e) and 6.5 (g) of the Ethics Code, Art. 11.9 (a) – socially unacceptable behaviour – of the Disciplinary Code, and Art. 11.9 (f)- misconduct towards a competition official- of the Disciplinary Code.
3. The Complainant is Ms. X.
4. The Respondent is IA Arild Rimestad.
5. The Complainant has requested to remain anonymous in the published decision, as well as the identities of the Witnesses. Their identities are known to the EDC Panel and the Respondent. In accordance with Rule 64 of the EDC Procedural Rules, they will therefore be identified as Witness A, B, C, etc.



6. The EDC Chamber **notes** that the Respondent was given the opportunity to respond to the complaint by way of notice dated 29<sup>th</sup> February 2024. He requested an extension to respond, by e-mail on 1<sup>st</sup> March 2024, which was subsequently granted.
7. The EDC Chamber **notes** the contents of the following documents received as part of the case file: the Complaint of Ms. X (17<sup>th</sup> February 2024) along with its exhibits, the notice of respondent sent by the EDC Chamber (30<sup>th</sup> August 2024), the Respondent's response dated 10<sup>th</sup> September 2023 with exhibit and follow-up e-mails from the Respondent dated 19<sup>th</sup> April 2024 and 20<sup>th</sup> June 2024.
8. The EDC Chamber **notes** the subject-matter of the Complaint, and defensive statements submitted:
  - 8.1 The Complainant submitted a Complaint against the Respondent, involving several incidents of alleged inappropriate behaviour by the Respondent.
  - 8.2 The Complainant is a FIDE employee. The Respondent is an International Arbiter.
  - 8.3 The Complainant asserts that the Respondent and herself have only been acquaintances through working at chess events, with no personal or intimate relationship shared between them.

*Incident 1- Norway Chess Event (May-June 2022)*

- 8.4 The Complainant recounted an incident at Norway chess, where during a playing round, while chatting with another female working at the event (Witness A), the Respondent approached the Complainant from behind and allegedly slid his hand behind her head, touching her neck and moving upwards, and proceeded to slide his fingers through her hair. The Complainant turned around and saw the Respondent. She remained there shocked while the Respondent allegedly smirked and left. The Respondent discussed this incident with Witness A. That evening, the Respondent also accounted the incident to Witness B, Chief Arbiter of the event. The Respondent was advised to make a report of the occurrence to the Organiser.
- 8.5 The Complainant also discussed the issue with a volunteer and friend at the event- Witness C, who also recounted being harassed by the Respondent during the event with alleged unsolicited physical contact and gestures, as well as messages on social media.



8.6 The Complainant alleges that for the remainder of the Norway tournament, the Respondent constantly followed her, stared intently and attempted to make physical contact with her, with constant approaches at a 'disrespectful' distance. On the day following the last round of the event, the Complainant was working upstairs in an office alone when it is alleged the Respondent followed her and stood staring at her with a smirk for several minutes. The Complainant texted her partner Witness D to come upstairs, and after his arrival the Respondent left the premises.

8.7 The Complainant and Witness C reported these incidents to the organiser of the Norway Chess Event.

*Incident 2- European Chess Cup, Albania*

8.8 In October 2023 the Complainant was working at the European Chess Cup in Durres, Albania. The Respondent was working at this event as an Arbiter. The Complainant informed the Chief Arbiter Witness D of her discomfort working in the working environment, in the presence of Witness F. The Chief Arbiter refused to reassign the Respondent to another playing area.

8.9 During round 4 (October 4<sup>th</sup>), the Complainant alleges that the Respondent approached her from behind and caressed her shoulder. The Complainant exited the playing hall and burst into tears in the lobby. The Complainant alleges that this was witnessed by 2 persons: Witness G and Witness H.

8.10 The Pairings & Fair Play Officer Witness I and FIDE FPL Secretary Witness F were in the lobby at that moment and led the Complainant to the Arbiters' Office to discuss the incident. The Chief Arbiter was informed.

8.11 Later that evening, a female participant in the event Witness J informed Witness F of being subject to similar unpleasant behaviour from the Respondent.

8.12 The Respondent sent the Complainant an Instagram message that evening, addressing his gesture, which is attached to the case file. The Complainant screenshot the message, which was subsequently unsend by the Respondent.

*Witness statements*

8.13 Witness C submitted a statement to the EDC which accounts the Respondent sending her unsolicited messages on Instagram during the tournament, with



reference to her physical appearance; intense staring during the tournament which made her feel uncomfortable; the Respondent touched her on two occasions without her consent by the waist and stroking her back and shoulders; and verifies the Complainant was subject to similar transgressions during the tournament.

- 8.14 Witness D in his statement submitted to the EDC, corroborates the Complainants allegations of the Respondent touching her on her back, neck and head; the Complainant's anxiety for the remainder of the event because of the Respondent's behaviour which included staring for prolonged periods; the Respondent's presence in the hallway staring at the Complainant while she was upstairs working alone after the event.
- 8.15 Witness G submitted a statement concerning the European Club Cup in Duress, where he witnessed the Respondent pat the Complainant's shoulder 'tenderly'.
- 8.16 Witness H submitted a statement detailing his observation of the dynamics between the Respondent and Complainant, having been aware of the previous incident between them. Witness H also attests to seeing the Respondent approach the Complainant by the boundary ropes and 'intimately and caressed her arm and shoulder.' Witness H followed the Complainant out of the playing hall, where he saw her burst into tears.
- 8.17 Witness F submitted a statement about witnessing the incident in Duress. The statement further details an incident in Baku, at an FPL Seminar in July-August 2023, involving the Respondent, who made inappropriate sexual comments towards Witness F about the FPL devices/tools in the presence of other persons.
- 8.18 Witness J submitted a statement about the Respondent's inappropriate behaviour, such as remarks during a dinner about her appearance, remarks about exchanging hotel keys and room arrangements.
- 8.19 The Chief Arbiter (CA) Witness E submitted a witness statement, on how he dealt with the report of the incident when brought to his attention. When summoned to his office, the Chief Arbiter found the Complainant crying, in the presence and support of Witnesses I and F, G and H. The Complainant informed the CA of being inappropriately touched on the right shoulder by the Respondent. The CA took the Respondent out of the playing hall to



enquire of any incident in the playing hall as there was a serious complaint against the Respondent for harassing behaviour. The Respondent initially denied anything, but subsequently admitted that ‘he might have touched some woman but it was just a friendly gesture.’ The CA moved the Respondent to another playing hall with the intention to keep the Respondent and Complainant away from each other’s presence.

#### *Respondent’s Response*

- 8.20 The Respondent in his Defense statement outlined 3 occasions which he worked at the same event as the Complainant, two of which are Incidents mentioned above.
- 8.21 The Respondent claims he has no recollection of the first incident concerning the Complainant in Norway. In the same breath he states “...*if I have touched her hair, surely it has only been meant in a friendly way...*”. The Respondent denies following the Complainant and staring at her for the remainder of the Norway tournament after the touching incident.
- 8.22 The Respondent does not explicitly deny the accusation that he followed the Complainant to the offices upstairs after the event. The Respondent goes further to state that as a result of a medical condition he suffers, which causes face paralysis, this could be the reasons persons think he is staring.
- 8.23 The Respondent admits to giving “compliments” to Witness C at Norway Chess Event.
- 8.24 The Respondent admits to gibing a “similar [sexist] stupid remark” to Witness F, to which he states he apologised for.
- 8.25 The Respondent asserts that he was shocked on 4<sup>th</sup> October 2023 (European Club Cup) when the Chief Arbiter informed him that he touched a woman inappropriately. The Respondent claims to have no idea who he touched. He claims he later deduced it could be the Complainant who worked in the area and messaged her to enquire.
- 8.26 The Respondent states that on the 5<sup>th</sup> October he was removed from the tournament following the Complainant’s written complaint.
- 8.27 The Respondent denies the occurrence of the Incident at the European Club Cup and claims it is “a set-up.” However, he further states that as an Arbiter



one sometimes has to “communicate” with players, officials without words, which can sometimes be a little pat on their shoulders.”

- 8.28 The Respondent admits to complimenting Witness J about her dress.
- 8.29 The Respondent states that he has been an arbiter for over 30 years without incident, and has been removed from tournaments since, such as the ECU, FIDE World Youth Championships and is now kept in the “red panel” by the FIDE Arbiters’ Commission until 2025.
- 8.30 The Respondent expressed remorse for making the Complainant “feel this bad.”

9. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the admissibility of the complaint that:

- 9.1 The Complainant is a FIDE employee who works at FIDE Events, which qualifies as a member of the FIDE family under *Art 4.2(i) of the Code*, with the necessary locus standi to submit a complaint to the EDC, and of which FIDE exercises jurisdiction.
- 9.2 The Respondent is a FIDE Arbiter (IA), and as such a member of the FIDE family.
- 9.3 The complaint discloses a prima facie case of a breach of the EDC Code by the Respondent, with a possible breach of *Art 6.1 (a) and Art 11.9(a) and (f) of the Code*.
- 9.4 The alleged misconduct took place at FIDE tournaments with international participation and is therefore regarded as having taken place in the international sphere.
- 9.5 The tournaments where the alleged incidents occurred took place between May 2022 and October 2023 in Norway and Albania, within the prescriptive period.
- 9.6 The matter is therefore admissible, and the EDC has jurisdiction to investigate and sanction a violation of the EDC Code.

10. Upon due consideration, the EDC Chamber, by unanimity of its members, **observes** and **finds** regarding the issue of the Respondent’s guilt as follows:

- 10.1 Sexual harassment and sexual abuse in the world of sports have become a more spoken about matter in Sports in recent times with the advocacy of the ‘me too’ movement, and the support victims have received to encourage them to speak up.



10.2 Sexual harassment and abuse (SHA) have “severe and long-term physical, psychological, social and performance related consequences.”<sup>1</sup> It is understood that the true impact on the victim is “based on a subjective experience of a situation as uncomfortable, asymmetric in terms of power, and unwanted in terms of actions.” Lack of consent, or key terms like “unwanted” and “unwelcome” are the root of SHA.

10.3 A trending narrative with SHA accusations are that the incidents are downplayed by the perpetrator, and the victims are mocked for exaggerating something “friendly.”

10.4 FIDE strongly supports chess players competing in a safe and respectful environment. This environment includes and extends to all officials of events, be it arbiters, volunteers, photographers, fair play officers. Part of this support is encouraging and empowering victims to speak up and report transgressions which contravene with these principles to safeguard a safe environment.

*Article 6.1(a)- read with Art. 6.2, 6.3, 6.4, 6.5(e) and 6.5(g)*

10.5 The Respondent, as a member of the FIDE Family, is bound by the Principles of Human Dignity- *Art. 6.1*. As a holder of the International Arbiter (IA) FIDE title and as a professional Arbiter for over 30 years, it is expected that the Respondent should act as an Ambassador of FIDE principles and always conduct himself accordingly. Therefore, he is supposed to comply and emulate the ethical values and principles expected of the FIDE family as he presides over events and maintains good order.

10.6 It is strictly prohibited by the Code to infringe on the dignity of an individual, and all forms of harassment are explicitly prohibited (*Art 6.4*).

10.7 Harassment is defined in *Art 6.5* of the Code. “*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.*”

10.8 In particular, *Art. 6.5 (e)* defines psychological abuse as “*any treatment that may diminish the sense of identity, dignity or self-worth, and may include without*

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<sup>1</sup> Zaksaitė, S. (2022). Sexual harassment and abuse in sport: Some legal and criminological considerations. *Kriminologijos Studijos*, 10(ISSN 2351-6097 eISSN 2538-8754), 97-118. <https://doi.org/10.15388/CrimLithuan.2022.10.5>



*limitation any unwelcome act such as confinement, isolation, verbal assault, humiliation, or infantilization.*

- 10.9 Art 6.5 (g) defines sexual harassment to mean “*unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal, or physical. The assessment is based on whether a reasonable person, in the given cultural and contextual circumstances would regard the conduct as undesirable or offensive.*”
- 10.10 The EDC notes that the Complainant’s allegations are supported and largely corroborated by witness statements, as compared to the Respondent’s position which has no supporting evidence. In fact, the Respondent denies, and then addresses the situation at the Norway Chess event in a hypothetical manner. At the European Club Cup, in addition to the witness statements submitted which support the Complainant’s allegations, the Chief Arbitrator’s statement mentions an admission by the Respondent of “touching some woman.”
- 10.11 While in this case, there lacks a position of power of the Respondent over the Complainant, it does not negate the instance of harassment or abuse, nor its negative impact on the Complainant’s mental health.
- 10.12 By the definition of harassment as systemic, hostile and repeated actions affecting the dignity of a person, the conduct of the Respondent qualifies as such behaviour. The Respondent’s unwanted behaviour against the Complainant is repeated and extends beyond physical touch of a sexual nature. The Complainant describes what can only be interpreted as intimidation and conduct which extends to psychological abuse through his following, staring and smirking at the Complainant. Her reactions to his behaviour clearly show the negative, psychological effect it has had on her. The EDC rejects the excuse that “Bell’s Palsy” is the reason for staring. The Respondent is guilty of *Art 6.1 (a)*.

*Article 11.9 (a) of the Disciplinary Code*

- 10.13 *Article 11.9 (a)* speaks of socially unacceptable behaviour as an offense - 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.
- 10.14 When considering the other witness statements, it appears as if the Respondent has a penchant for inappropriate conduct towards women, including comments





and unwanted touching. If it has not been pellucidly clear before, unwanted touching, sexual and inappropriate comments towards women is not socially acceptable behaviour. The Respondent is therefore guilty of *Art 11.9 (a)*.

*Article 11.9 (f) of the Disciplinary Code*

- 10.15 *Art 11.9 (f)* addresses misconduct towards a competition official. The EDC finds that this section speaks more to unsporting behaviour, physical assault, verbal abuse or threatening behaviour. The Panel does not find any such evidence presented in the Complaint and therefore finds the Respondent not guilty of this charge.
11. Accordingly, and considering all of the above, the EDC Chamber **unanimously decides** as follows:
- 11.1 The Respondent is found **guilty** of Article 6.1, read with 6.2, 6.3 and 6.4 of the Ethics Code.
- 11.2 The Respondent is found **guilty** of Article 6.5 (e) and (g) of the Code.
- 11.3 The Respondent is also found **guilty** of *Articles 11.9(a)* of the Disciplinary Code.
- 11.4 The Respondent is found **not guilty** of Art 11.9 (f) of the Disciplinary Code.
- 11.5 The Respondent is **sanctioned** a worldwide ban of **2 years** from serving as an International Arbiter of which half (1 year) is suspended for 3 years from the date of this decision on condition that the Respondent does not make himself guilty of a similar offence during the period of suspension. For clarity, the Respondent cannot act as an Arbiter, plan or participate in any FIDE event during his ban.
12. 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. 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.
13. The EDC Chamber **requests** the FIDE Secretariat to communicate forthwith the decision to the Respondent and the Complainant and to publish in due course the decision on the FIDE website.



DATED ON THIS 13<sup>th</sup> of July 2024

*Yolander Sammy*

*Yolander Sammy*

CHAMBER CHAIRPERSON

DEPUTY CHAIRPERSON

FIDE ETHICS & DISCIPLINARY COMMISSION