



FIDE ETHICS AND DISCIPLINARY COMMISSION

APPEAL CHAMBER

The EDC Appeal Chamber, sitting in the following composition –

Chairperson: Mr Francois Strydom

Members: Mr Ravindra Dongre

Mr David Hater

in accordance with Articles 12.1 and 17.6 of the FIDE Ethics & Disciplinary Code, hereby renders the following:

RULING

CASE NO. 11/2023 (A): INTERNAL APPEAL AGAINST FINDINGS OF THE VIOLATION OF THE FIDE CHARTER AND EDC CODE RELATED TO THE RUSSIAN INVASION OF UKRAINE

Following due consideration of the Second Appellant's request for a stay of the execution of the decision of the EDC First Instance Chamber of 7 June 2024, received on 17 July 2024, and the Answer of the First, Second and Third Respondents, received on 1 August 2024, the EDC Appeal Chamber makes the following determination:

1. In terms of paragraph B 2 of the operative part of the First Instance Chamber's decision, the Second Appellant (CFR) was sanctioned by a temporary exclusion of membership in FIDE for a period of 2 years.
2. In terms of paragraph B 3 of the operative part of the First Instance Chamber's decision, the sanction was provisionally suspended on condition that the Second Appellant meets certain requirements within a period of 60 days from the date of the decision, failing which the sanction would become immediately effective and be of full force upon the lapsing of the 60-day period.



3. To date there is no reason to believe that the Second Appellant has fully complied with the conditions of suspension or intends to fully meet the conditions of suspension within the 60-day period and, unless a stay of execution is granted, the sanction of a temporary exclusion of membership in FIDE shall take effect and be of full force from 7 August 2024.
4. Considering the substantive requirements for the granting of provisional measures according to the CAS jurisprudence, read with Art. 12.1 of the EDC Code, the Appeal Chamber is satisfied that the Second Appellant has discharged its onus of proving:
 - 4.1 the stay is necessary to safeguard the Second Appellant from irreparable harm in the interim in the event of a final decision favourable to the Second Appellant, i.e. should the sanction of temporary exclusion of membership in FIDE be annulled.
 - 4.2 the Second Appellant has plausible prospects of success on the merits of its appeal.
 - 4.3 The balance of interests test favours the Second Appellant as the sanction primarily concerns the relationship between the Second Appellant and FIDE, and the disadvantages to be suffered by the Second Appellant by an immediate execution of the sanction outweigh the risks to the interests of the original complainants (the First, Second and Third Respondents) in the event that a stay of execution is permitted.
 - 4.4 It will be in the interests of justice to maintain the *status quo* and preserve the rights of the Second Appellant as a National Federation member of FIDE pending the final outcome of the appeal in front of the Appeal Chamber.
5. Accordingly, the EDC Appeal Chamber unanimously rules that implementation of the sanction of a temporary exclusion of the Second Appellant's membership in FIDE will be stayed for the time being and the stay will lapse simultaneously with the publication of the final decision of the Appeal Chamber in Case 11/2023 (A).

FRANCOIS STRYDOM
EDC CHAIR & CHAIRMAN OF THE APPEAL PANEL