



## **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. Johan Sigeman  
Mr. Pedro Dominguez

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

### **DECISION**

**Case no. 4/2024: “Alleged FIDE Arbiter titles and norms fraud”.**

#### **INTRODUCTION**

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 5 March 2024.
2. The EDC Chamber **notes** that on 4 March 2024, the FIDE Ethics and Disciplinary Commission (EDC) received a report from the FIDE Arbiter Commission (ARB). The report was titled “Alleged false tournament registration and irregular arbiter norms.” The respondents are IA Reden Cruz FIDE ID 5228506, FA John Abaro FIDE ID 5261503, FA Ruel Jayan FIDE ID 5257948, FA Jasmine Navaez FIDE ID 5231442, and GM Jayson Gonzalez FIDE ID 5201080. The complainant is the FIDE Arbiter Commission. In the report, it is alleged the respondents falsified tournament reports and/or falsely registered tournaments in the tournaments Asian Senior Championship Tournament IDs 343312, 344230, 346552 and 346553 held 14 to 22 October 2023 and the 6<sup>th</sup> Kamatyas FIDE Rapid Chess Tournament 2022 held 10 December 2022.
3. IA Cruz and GM Gonzalez are alleged to have violated art. 11.5(a) *Unworthy of Confidence or Trust*, 11.5(b) *Lack of Impartiality or Responsibility*, 11.6(b) *Disparagement of FIDE’s Reputation and Interests*, 11.7(b) *False Reports*, and 11.7(d) *Corruption* of the Disciplinary Code. FA Abaro, FA Jayan, and FA Navarez are alleged to have violated 11.6(b) *Disparagement of FIDE’s Reputation and Interests*, 11.7(d) *Corruption* and 11.9 *General Misbehaviour* of the Disciplinary Code.
4. The EDC decided to join the cases against all the respondents under case 4/2024.
5. The EDC Chamber **notes** that on 8 March 2024, the Respondent was given the opportunity to respond to the allegations in the report. IA Cruz requested additional



time to respond and was granted an extension of time. He submitted e-mail statements in his defence on 15 April 2024. IA Cruz submitted one response along with 24 annexes/exhibits on behalf of all the respondents. There was initial discussion of the responses by the EDC Chamber during April and May 2024. Because the response by the respondents was so factually different from the complaint, in accordance with Procedural Rule 33, a second round of submissions was invited. The ARB report was based on a complaint from IA Casto Abundo so EDC invited him to respond to the defences raised by IA Cruz. IA Abundo's comments were received on 8 September 2024. IA Cruz was given the opportunity to comment on IA Abundo's response and his comments were received on 15 September 2024.

6. The EDC Chamber **notes** the contents of the following documents and correspondence received as part of the case file: the report by ARB mentioned above, e-mails by the IA Cruz on behalf of all the Respondent dated 15 April and 15 September 2024, and email from IA Abundo dated 8 September 2024.

### **FACTUAL DETAILS OF THE CASE**

- 7.1 The Asian Senior Tournaments consisting of an Over 50 and an Over 65 section along with blitz events for each category was held in Tagaytay City, Philippines from 14 to 22 October 2023. The Chief Arbiter was IA Casto Abundo. The Chief Organizer was GM Jayson Gonzalez. The event was registered with FIDE by the rating officer of the Philippines, IA Reden Cruz. IA Cruz was listed on the registration. FA John Abaro was also listed on the registration. However, neither arbiter actually served as an arbiter at the event. IA Abundo submitted the tournament rating report directly to FIDE. The tournament rating report accurately listed the arbiters and neither IA Cruz nor FA Abaro were listed on the tournament report.
- 7.2 The 6th Kamatyas FIDE Rapid Chess Tournament 2022 was held in Paranaque City Philippines on 10 December 2002. The chief arbiter was IA Reden Cruz. The organizer was Roderick Nava. Ruel Jayan and Jasmine Navarez were listed as arbiters.
- 7.3 Ruel Jayan and Jasmine Navarez used the 6th Kamatyas FIDE Rapid Chess Tournament 2022 as one of their norms to advance to FIDE Arbiter. According to Chief Arbiter Cruz, Ruel Jayan was not present for the 6th Kamatyas FIDE Rapid Chess Tournament 2022 but instead worked the 7th Kamatyas FIDE Rapid Chess Tournament 2023. Jayan is listed on the rating report for the 6<sup>th</sup> Kamatyas, but not for the 7<sup>th</sup> Kamatyas. According to CA Cruz, this is a typographical error.



## **ALLEGATIONS OF THE ARB COMPLAINT**

- 8.1 ARB received the complaint in October 2023. They did an initial investigation, but they ceased their own investigation when they determined they lacked jurisdiction over certain parts of the case because some allegations were not committed in the scope of arbiter duties and some of the respondents are not certified arbiters. For instance, IA Cruz is the rating officer of the Philippines and GM Gozalez is not a licensed arbiter. Because ARB, did not completely conclude their inquiry, their statements need to be regarded as allegations rather than facts determined by another organ of FIDE. As such, it was incumbent of the First Instance panel to ascertain the veracity of the allegations.
- 8.2 As relates to the Asian Senior tournament there are two alleged violations of the Ethics and Disciplinary Code: 1) IA Cruz rendered a false report by including his name as Deputy Chief Arbiter and FA John Abaro as arbiter and 2) IA Cruz used this tournament to upgrade his own arbiter certification and he was not present at the tournament and performed no duties there.
- 8.3 As relates to the 6th Kamatyas FIDE Rapid Chess Tournament 2022 the allegation is that Ruel Jayan and Jasmine Navarez used the tournament as one of their norms to advance to the title of FIDE Arbiter when they were not present at the event and thus could not have performed arbiter duties. If true, their norm form would be a false report.

## **DEFENCES PROVIDED BY RESPONDENTS**

- 9.1 IA Cruz asserts that it is the rating officer and the National Federation Officer's prerogative to determine who to list as arbiters when registering a tournament. IA Cruz also states that the National Chess Federation of the Philippines (NCFP) directed him to list himself as the DCA and this is their prerogative to do so.
- 9.2 As relates to the allegation against Ms. Navarez that she was not present at the 6<sup>th</sup> Kamatyas Rapid Tournament 2022, IA Cruz answering for the respondent asserts that FA Jasmine Navaez was present for the 6<sup>th</sup> Kamatyas tournament but fell ill and departed early. He provides multiple witness statements that support this including witness statements from several arbiters and players who claim to have seen FA Navarez. IA Cruz also suggests that the evidence supplied by IA Abundo



in the original complaint are mistaken and that this mistake occurred for several reasons: 1) Navarez departed early, 2) witness Laureano was not in a position to know whether Navarez was present because their scheduled work hours were different and 3) Chief Organizer Nava was not in a position to determine whether Navarez was present because Nava relied on records and was not present.

- 9.3 As relates to the allegation against FA Jayan, IA Cruz writing for the respondent concedes that Rayan was not present for the 6<sup>th</sup> Kamatyas tournament, but was instead present for the 7<sup>th</sup> Kamatas tournament and this was a typographical error.

### **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 ARB 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 Respondents are all players, arbiters, or organizers 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.
- 10.5 The ARB report contains allegations concerning actions committed in the international sphere as the allegations involve the awarding of FIDE Arbiter titles as well as the fact that the tournaments have players from multiple federations. 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 dishonesty allegations connected to an international chess competition.
- 10.7 The alleged misconduct of the Respondent with respect to the ARB 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 Respondents are confirmed.

## FINDINGS

- 11 The EDC Chamber does find that IA Cruz did in fact add his own name as well as the name of John Abaro when he registered the tournament with FIDE. The tournament registration reflects what is planned. Sometimes, the plan changes because an arbiter may become unavailable due to schedule change, illness or a variety of other reasons. Listing arbiters on the registration report who do not work the event is not a false report. Listing arbiters on the rating report who did not work would in fact be a serious ethical transgression as that report would be false, but that is not what occurred here. Modifying the report without authority to do so could potentially be a violation of the EDC Code. A significant factor would be whether the rating officer had the authority to modify the submission. In this case, the evidence is that the NFCP directed the addition of these names. NFCP is an organizer of the event and had authority to direct the rating officer to include the names, so there is no violation of the EDC Code. It appears there may be some disagreement between the chief arbiter, IA Abundo and the NFCP over who should be included on the staff. That disagreement was resolved with IA Abundo working with the staff he wanted and that being documented on the rating report. There is no evidence in the complaint that Respondent Gonzalez had anything to do with the registering of the tournament (other than being listed as the organizer). FAs Abaro, Navarez, and Jaylen are not included in the allegation of filing a false report. For the above reasons, none of the respondents are guilty of any of the alleged violations of the Disciplinary Code for the conduct of registering the tournament.
12. Regarding the allegation that IA Cruz used the Asian Senior tournament to advance his arbiter credentials, the records as shown on the FIDE website demonstrate that this did not occur. IA Cruz upgraded to IA-C in August 2023. The next time he is eligible to apply for an upgrade would be August 2025. This Asian Senior tournament was held in October 2023. IA Cruz has not applied for or had any upgrades since August 2023. It is theoretically possible IA Cruz could attempt to use this tournament for future upgrades, but that is speculative and certainly any future actions that may or may not happen cannot be used to support a violation of the Code of Ethics at the present time. There is no evidence that this allegation



involves Respondents Abaro, Navarez, Gonzalez or Jayan.

13. Regarding the allegation that Ruel Jayan was not present at the 6th Kamatyas FIDE Rapid Chess Tournament 2022, the EDC Chamber accepts the defence that this was a typographical error and that he should have been listed on the 7<sup>th</sup> edition and not the 6<sup>th</sup> edition. However, as of the date of this decision, the administrative record has not been corrected. The EDC Chamber strongly recommends that IA Cruz contact FIDE as soon as possible to make this correction. The EDC Chamber does observe that IA Abundo disputes that it was a typographical error and that the action was fraudulent. It is of course possible that IA Abundo's characterization is correct, but in the absence of compelling evidence, the Respondent's must be given the benefit of the doubt. The EDC Chamber does not have comfortable satisfaction that the erroneous listing was due to fraud. The alternative explanation of a typographical error is plausible. For the above reasons, there is no false report, merely administrative error and thus violations of the other paragraphs of the Disciplinary Code cannot be supported. The panel also observes that FA Jayan did use this tournament to advance to FIDE Arbiter. Given that he was not present, this calls into question the awarding of the FA Title. This however is not in the EDC jurisdiction and needs to be referred back to the Arbiter Commission.
14. Regarding the allegation that Ms. Navarez was not present at 6th Kamatyas FIDE Rapid Chess Tournament 2022, the EDC Chamber accepts the explanation that Ms. Navarez was present for some parts of the tournament but fell ill and departed early. Again, Ms. Navarez used this event to advance to FIDE arbiter. It is certainly possible that since she was not present for all of the event, that she should not have earned a norm. Again, this is a matter for the Arbiter Commission to consider. The EDC Chamber is not comfortably satisfied that the report is fraudulent.
15. The EDC Chamber has concluded that all five respondents are not guilty of any of the allegations. However, the panel wishes to caution IA Cruz that the position of National Rating Officer is a position of trust. As such, IA Cruz needs to conduct his business with such competence and transparency that he is above reproach. IA Abundo raised legitimate concerns. His complaint may not rise to the level where an individual can be convicted of a violation of the EDC Code, but the complaint is troubling, nonetheless.
16. The EDC will provide a copy of this decision to the Arbiter Commission with a recommendation to review the FA norms earned by Mr. Jayan and Ms. Navarez to determine whether these norms should have been earned given that Mr. Jayan was not present at all and Ms. Navarez departed early. The Arbiter Commission may



also want to review whether IA Cruz should have signed these norms. Again, these reviews are in the Arbiter Chamber jurisdiction, not the EDC jurisdiction.

17. Accordingly, and considering all the above, the EDC Chamber **unanimously decides** as follows:
18. The Respondents are found not guilty of breach of articles 11.5(a), 11.5(b), 11.6(b), 11.7(b), 11.7(d) and 11.9 of the Disciplinary Code.
19. The Respondents and Complainant are 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](mailto: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.
20. The EDC Chamber **requests** the FIDE Secretariat to communicate forthwith the decision to the Respondents, and the ARB and to publish the decision on the FIDE webpage.

DATED ON THIS THE 20th DAY OF SEPTEMBER 2024

*David Hater*

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CHAMBER CHAIRMAN  
FIDE ETHICS & DISCIPLINARY COMMISSION