



## **FIDE ETHICS & DISCIPLINARY COMMISSION**

The Appeal Chamber of EDC sitting in the following composition -

Chairperson: Mr. Ravindra Dongre

Members: Ms. Olga Baskakova  
Mr. Ali Nihat Yazici

Following a review of all documents, filed in the first instance and on appeal and deliberations between members of the Appeal Chamber came to the following.

### **DECISION**

**Caseno.3/2024(A)**: Alleged Harassment of an official.

#### **Introduction**

1. Mr. Arild Rimestad (“the Appellant”) appeals the decision of the first instance Chamber (Mrs. Yolander Sammy as Chairperson, Mr. Khaleed Arfa and Mr. David Hater) which on 13<sup>th</sup> July 2024 upheld a complaint of Ms. X. The appellant was found guilty of Breach of the EDC code and sanctioned with 2 years ban for serving as IA out of which 1 year (half) is suspended for 3 years on the 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.

#### **Formal admissibility of appeal**

2. The Decision of the First Instance Chamber was published on July 13, 2024. The appellant had 21 calendar days to lodge his appeal and pay the prescribed appeal lodgment fee. On August 4, 2024, the appellant submitted his statement of appeal.
3. In terms of Article 17.1 of the EDC Code and Rule 42.2 of the EDC Procedural Rules, any member of the FIDE family who has been found guilty of a violation of the EDC Code and sanctioned in any form, has a right of appeal against the conviction and/or the sanction imposed.
4. The appellant is International Arbiter and International organizer registered in the FIDE Database under FIDE ID.7200455 and therefore a member of the FIDE family (Article 4.2(k) of the EDC Code)

5. Based on the above, the appellant has a right of appeal and has met the formal requirements for filing such an appeal. The appellant's appeal is accordingly declared admissible.

### **Relevant facts**

6. Ms. X has in her complaint quoted several instances of inappropriate behavior towards her by International Arbitrator Arild Rimestad (FIDE ID.7200455).

7. Ms. X has quoted several instances of inappropriate behavior from the "Appellant" in Norway and Albania.

8. Also there were witnesses to the above instance, who gave details in their statements.

### **Grounds for Appeal**

9. In the Appellant's statement of appeal of 6 September 2024, represented by his lawyer, Mr. Birger Hagstrom, he contradicts all nine witness statements and says they saw nothing.

10. The Appellant's lawyer calls the complainant "hysterical".

11. He also relies on the fact that since silence has to be maintained, the Arbitrator may have to touch people to indicate they should keep quiet or move out of the tournament hall.

12. The Appellant's lawyer wants to summon witnesses to cross-examine them.

13. The Appellant relies on the statements of witnesses produced by him, giving him a clean chit.

14. With Regards to staring at Ms. X, the Appellant's lawyer Claims that the First Instance Chamber did not place any weight on his client's claim of illness of Bell's palsy and rejected his client's Appellant's claim.

### **Discussion**

15. The Appellant stood accused of sexual Harassment of Ms. X. His Lawyer's contention that he was not given enough time to respond does not hold grounds as the normal time given in all Appeal cases of EDC was granted to him. In any case, no specific request from him was asked for any extension. In fact the EDC Chair has given additional time in spite of the payment of Lodgement fees coming late by 10 Days.

16. The Appeal Chamber finds the statement of the Appellants Lawyer mentioning the complainant as “hysterical” in bad taste and unacceptable.
17. The Appellant’s statement that there were no witnesses is not correct. In fact, as many as nine witnesses have either agreed with the statement of the complainant, Ms. X, or witnessed the appellant touching the complainant inappropriately.
18. The Appeal Chamber finds that the attached letters in favor of the Appellant include all those who were either not there or have seen nothing. They are like a character certificate in favor of the Appellant and nothing contradicting the statements made in favor of the complainant.
19. The Appeal Chamber discussed and unanimously agreed that personal summoning of witnesses is not required in this case. The Appeal Chamber has individually verified that all witness statements submitted by the complainant belong to the respective witnesses, confirming that these statements were sent to the complaint by the witnesses via email and that the emails are indeed from them.
20. Regarding the Appellant’s contention regarding his Bell’s palsy, the Appeal Chamber notes that he failed to prove his Bell’s palsy communication anywhere earlier before this dispute. Also, this case is much more than just staring, and the First Instance Chamber has rightly rejected this contention.
21. The Appeal Chamber unanimously agrees that a strong deterrent is required in case of Harassment of Women, it takes into account the mental health trauma and psychological factors involved in Ms. X.
22. The Appeal Chamber unanimously decides as follows and agrees with the decision of the first instance Chamber as far as
  - 22.1 The Appellant is found guilty of Article 6.1, read with 6.2, 6.3, and 6.4 of the Ethics Code.
  - 22.2 The Appellant is found guilty of Article 6.5 (e) and (g) of the Code.
  - 22.3 The Appellant is also found guilty of *Articles 11.9(a)* of the Disciplinary Code.

**However, considering the grave nature of the Appellant’s behavior. The Appeal Chamber unanimously varies the sanction given by the First Instance Chamber under rule 42.6 of the EDC procedural code.**

22.4 The Appellant is sanctioned with a worldwide ban of 2 years from serving as an International Arbiter from the date of the decision of the first instance chamber. There shall not be any concession in this sanction, for clarity the Respondent cannot act as an Arbiter, Organizer or he cannot participate in any FIDE events during his ban.

23. Accordingly, the appeal fails and is dismissed in all aspects.

24. The Respondent is advised that this decision may be appealed to the CAS, in 21 Days following communication of this decision.

25. The EDC Appeal Chamber requests the FIDE Secretariat to communicate the decision to the Respondent and the Complainant and publish the decision on the FIDE website in due course.

DATED ON THIS 06<sup>th</sup> of November 2024



Ravindra Dongre

CHAIRPERSON, APPEAL CHAMBER

FIDE ETHICS & DISCIPLINARY COMMISSION