



FIDE ETHICS COMMISSION

The Ethics Commission (hereafter called the ETH), sitting in the following composition -

Chairman: Mr. Francois Strydom
Members: Mr. Willy Iclicki
Mr. Ion Serban Dobronauteanu
Mr. Rajesh Hari Joshi
Mr. Pedro Dominguez
Secretary: Dr. Elli Sperdokli (non-voting)

during the meeting held in Zurich, Switzerland on 24 June 2018, made the following -

DECISION

Case no. 3/2018: Selection complaint of Susan Cooke against WCU

1. The ETH **confirms** that a quorum is established by the presence and participation of all five (5) of its voting members.
2. The ETH **notes** the complaint of Ms. Susan Cooke (née Blackburn) against the Welsh Chess Union ("WCU"), dated 17 May 2018, relating to her non-selection for the Welsh national women's team for participation in the 2018 Olympiad in Batumi, Georgia. Ms. Cooke submits, *inter alia*, that the principles of natural justice were not respected as the decision of the WCU Selection Committee was patently not made purely on chess-playing merit, as per the published

selection criteria, no clear reasons were provided for the selection decision made that would correspond to the published selection criteria and there is no framework within the WCU for an appeal against the Selection Committee's decision.

3. The ETH **notes** the provisional ruling made by the Chairman of the ETH on 24 May 2018, subject to the right of Ms. Cooke to request a decision by the ETH in plenary session, to the effect that the ETH lacks the necessary jurisdiction to intervene in the dispute and that Ms Cooke's complaint is therefore not admissible before the ETH.
4. The ETH **notes** the request by Ms. Cooke on 11 June 2018 for a reconsideration of the matter by the ETH in plenary session.
5. The ETH **notes** the email of Mr. Mark Adams, the Executive Director of the WCU, on 11 June 2018 undertaking that the WCU Management Board will review its selection procedures with a view to providing for a right of appeal against, or review of, decisions of the WCU Selection Committee in the future.
6. The ETH **registers** the present case as Ethics case no. 3/2018.
7. The ETH **reiterates** that FIDE member federations have principal authority over chess activities in their own countries. The ETH shall exercise jurisdiction over the conduct of officials of national federations only in exceptional circumstances, namely in instances where the case has international implications and is not judged at national level, or instances where the national federation fails to prosecute disciplinary cases in compliance with fundamental justice (FIDE Statutes, Chapter 8, Ethics Commission - Objectives and Competencies).
8. Upon due consideration of the matter, **rules** that there does not exist the necessary factual basis for the ETH to assume jurisdiction in the present matter which concerns a national case in which none of the exceptional grounds for the ETH's intervention has been shown to be present to the comfortable satisfaction of the ETH. The ruling is made on the basis of the following:
 - 8.1 The dispute relates to an internal matter of the WCU, namely the selection of its national team;

- 8.2 The fact that the team is selected for participation at an international team event, namely the Chess Olympiad, does not affect the character of the matter as a national affair;
- 8.3 There are no factual grounds for the ETH to become involved on the basis that the national federation has failed to prosecute a disciplinary case in compliance with fundamental principles of law;
- 8.4 There are no factual grounds for the ETH to become involved on the basis that the alleged violation has international implications or affects various national federations of FIDE;
- 8.5 In the circumstances, the jurisdictional grounds required by the FIDE Statutes for the ETH's intervention are wholly absent.
9. Consequently, the ETH **unanimously decides** that Ms. Cooke's complaint to the ETH is not admissible and the case should therefore be **dismissed**.
10. The ETH **requests** the FIDE Secretariat to communicate this decision to Ms. Susan Cooke and c/o her attorney Dr. Gregory Ioannidis and the WCU, and to publish it on the FIDE website.

DATED ON THIS THE 27th DAY OF JUNE 2018

F P Strydom

CHAIRMAN
FIDE ETHICS COMMISSION