



FIDE ETHICS COMMISSION

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

Chairman: Mr Francois Strydom
Members: Ms Yolander Persaud
Mr Ravindra Dongre
Mr Rajesh Hari Joshi

during the meeting held in Lausanne on 23rd - 24th of November 2019, made the following-

DECISION

Case n. 1/2019: "Alleged abusive disciplinary action and conduct by SCF and certain of its officials."

1. The ETH confirms that a quorum is established by the presence and participation of all four (4) of its voting members.
2. The ETH **notes** the complaints of:
 - Obay Izzeldin Awad (Complainant #1)
 - Gamal Elsafi (Complainant #2)
 - Abdelsalam Ghareeb (Complainant #3)
 - Khalid Osman Ahmed (Complainant #4)
 - Ahmed Turtour (Complainant #5)
 - Ramzi Fadlalla (Complainant #6)

3. The ETH **notes** the complaints are made against the following federation and officials:
 - Sudan Chess Federation (Respondent #1)
 - Omar Deab (Respondent #2)
 - Omer Musa (Respondent #3)
 - Maher Musa (Respondent #4)
 - Mohammed Alsideg (Respondent #5)
 - Hashim Abodafira (Respondent #6)
 - Nadir Samir (Respondent #7)
4. The ETH **notes** the complaint against Respondent #1, the Sudan Chess Federation (SCF) consists of allegedly taking disciplinary action and imposing bans on the Complainants in violation of the fundamental principles of fairness and justice.
5. The ETH **notes** the complaints against Respondents # 2 - 7, all officials of the SCF, for a possible violation of Art. 2.2.2, 2.2.3 or 2.2.11 of the FIDE Code of Ethics by an alleged abuse of office by taking politically-motivated steps against the Complainants; and, in regard to certain of the Complainants, to falsely claim that they have been banned by FIDE.
6. The ETH **notes** the complaints against Respondents # 2, 3 and 4, for a possible violation of Art. 2.2.2, 2.2.3, 2.2.10 or 2.2.11 of the FIDE Code of Ethics by the alleged use of intimidation and attempts of undue influence of Complainants # 3, 4 and 5 in the course of the current ETH proceedings.
7. The ETH **notes** that during the period June until October 2019, a full exchange of statements by the Complainants and Respondents have taken place, and both have answered the ETH's queries.
8. The ETH **notes** the subject-matter of the complaints and the nature of the Respondents' defence:

- 8.1 On 21 October 2018 the SCF Board by decision 16/2018 referred the matter to the SCF Investigation and Accountability Committee (“the IAC”) for investigation based upon acts of allegedly publishing in the media and social media materials that harmed the SCF reputation and, at the same time, suspended Complainants # 1, 2, 3, 4 and 6 pending the outcome of the IAC investigation;
- 8.2 Proof was furnished to the ETH that the relevant Complainants were invited in writing by the SCF secretary to attend a meeting of the IAC on 27 October 2018. The ETH **notes** the nature, form and contents of the invitation / summons;
- 8.3 On 11 November 2018 the IAC resolved to recommend the termination of SCF membership of Complainants # 1, 3 and 4 “*for their non-cooperation and absence from two successive sessions and because the procedures were made for their accusations of harming SCF, hatred and religious decriminalization and malicious deployment to defame SCF regionally and internationally in addition to forming illegal body and intentionally to harm chess family*”. The said Complainants were not present at the meeting of 11 November 2018 and were also absent from two previous meetings of the IAC held on 27 October and 3 November 2018;
- 8.4 No proof was furnished to the ETH that the relevant Complaints were invited in writing by the IAC to attend the meetings of 3 November and 11 November 2018;
- 8.5 In attendance at the IAC meeting of 11 November 2018 were Omer Musa Omer (Chairman), Mohammed Izzeldin, Rahamtalla Babiker and Mohammed Zahir.
- 8.6 On 15 November 2018 the SCF Board resolved to impose a ban of two (2) years on Complainants # 1, 3 and 4. According to Respondent #1, the decision was agreed to by all the members of the SCF Board;
- 8.7 On 21 December 2018 the SCF General Secretary (Respondent # 4) advised FIDE of the SCF suspension of Complainants # 1, 3

and 4 and requested that their FIDE identities also be suspended. The FIDE department responsible for the FIDE Directory accordingly removed the profiles of Complainants # 1, 3 and 4 on or about 18 January 2019;

- 8.8 On 23 January 2019 a SCF press release was sent by Mohammed Izzeldin Abdolsadiq, Manager of SCF Media (at the direction of Respondent #2, the SCF President), to public groups and newspapers in Sudan that based upon a report sent by SCF to FIDE regarding the SCF ban of Complainants # 1, 3 and 4, "*FIDE has approved the ban, so FIDE banned them internationally too*" and "*their ID's and everything related to them is deleted from the FIDE archive*".
- 8.9 On 4 February 2019 the SCF President (Respondent #2) published in the SCF Whatsapp Group that Complainant #2 "*is stopped (banned) by both the SCF and the international federation (FIDE) for two years*". It is not clear to the ETH on which date Complainant #2 was banned by the SCF.
- 8.10 On 5 September 2019 the Sudan National Commissariat for Youth and Sports held that the SCF Board committed a breach of the SCF Statutes and failed to follow due process in banning the relevant Complainants and set aside the SCF Board decision.
- 8.11 Subsequently the SCF lodged an appeal to the Ministry of Youth and Sport against the decision of the Commissariat. The outcome of the appeal, if announced yet, is not known to the ETH.
- 8.12 On 2 January 2019 Complainant # 6 was notified of a meeting of the IAC on 6 January 2019. Complainant # 6 denies having received this notification and claims that he was only verbally informed about a meeting on 28 January 2019, on which occasion his request for legal representation was refused. Presumably the SCF decision to ban Complainant # 6 was taken on the last-mentioned date.

- 9 The ETH **notes** that in fact no ban was imposed by FIDE on Complainants # 1 - 4, and the SCF's claims in this regard were false. The ETH **reminds** that it is the only body in FIDE that may impose bans for disciplinary violations with world-wide effect. On 6 March 2019 the profiles of Complainants # 1, 3 and 4 were restored on the FIDE players' database under the FIDE flag.
- 10 The ETH **confirms** that FIDE member federations have principal authority in respect of the governance of 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).
- 11 Upon due consideration of the documents submitted and arguments advanced by the parties, the ETH, by unanimity of its members, **finds** that:
- 11.1 the disciplinary action taken and bans imposed by the SCF were done in violation of fundamental principles of fairness and justice in light of *inter alia* the following:
- a) The inadequate summons issued to the Complainants to attend the meetings of the IAC, which failed to state in the summons the nature of the investigation to be undertaken and the charges faced by the Complainants, as well as the possible sanctions if they were to be found guilty;
 - b) the Complainants were sanctioned without prior notice that attendance at the IAC meeting was compulsory and a failure to attend would result in further penalty for non-attendance;
 - c) The participation in the SCF Board decision of 15 November 2018 by individuals who were part of the IAC and who made the recommendation of disciplinary action against the Complainants to the SCF Board: the Chairman of the IAC, Mr Omer Musa (Respondent #3) and Mr. Mohammed

Ezzeldeen are also members of the SCF Board. These members neglected to recuse themselves in the final decision-making process;

- 11.2 **Mr Omar Deab** (Respondent #2) and **Maher Musa** (Respondent #4) **are found guilty** of a violation of art. 2.2.2 of the FIDE Code of Ethics for their respective roles in the deliberately false announcement that FIDE had banned Complainants #1, #2, #3 and #4 for a period of two (2) years, thereby seeking to punish the said Complainants in the international sphere and beyond the powers and jurisdiction of the SCF.
- 11.3 The ETH finds there is insufficient evidence of Respondents #2 - #7 abusing their offices in taking disciplinary steps against the Complainants, or that they performed their duties as members of the SCF Board or the IAC (where applicable) in a malicious or irresponsible manner when they made or accepted the recommendation of the IAC that the Complainants should be sanctioned, but the Board decided at the same time to impose a lesser period of suspension. In any event, their conduct does not have international implications or affect other federations which operates to preclude the ETH's jurisdiction. These parts of the complaints against Respondents #2 - #7 are accordingly **found not admissible**.
- 11.4 The ETH is not in a position to reach a conclusion on the basis of a comfortable satisfaction that there have been intimidation/ threats by the Respondents # 2, 3 and 4 towards Complainants #3, 4 and 5 in light of the conflicting versions of the Complainants and Respondents. Respondents # 2, 3 and 4 are accordingly given the benefit of doubt and **found not guilty** in respect of this complaint.

12 Accordingly, the ETH unanimously **decides** as follows:

12.1 the sanctions consisting of a 2 year ban issued by the SCF (Respondent #1) against the Complainants # 1, 2, 3, 4 and 6 shall be **set aside** and, in view of the fact that the Complainants endured a suspension from 21 October 2018, no fresh disciplinary charges shall be proffered against them in respect of the subject-matter of the previous complaints investigated by the SCF against them. The ETH **notes** that the temporary suspensions imposed by the SCF Board on 21 October 2018 lapsed upon completion of the IAC investigation and the adoption of the SCF Board decision on 15 November 2018;

12.2 The following sanctions are imposed on **Mr. Omar Deab** (Respondents #2) and **Mr. Maher Musa** (Respondent #4):

- a) A **reprimand** (severe expression of disapproval and warning of consequences if conduct is repeated); and
- b) A **fine** of US One Thousand Dollars (USD 1000) each payable to the FIDE Secretariat within three (3) months from the date of this decision; **failing which**, a **ban of 1 year** as an official of any FIDE, ACC or SCF Chess structure is imposed with effect from 15 March 2020.

For the sake of clarity, if the fine is paid within the prescribed period, there will be no ban. On the other hand, if the fine is not paid within the prescribed period, the ban will become effective on 15 March 2020.

13 The ETH **requests** the FIDE Secretariat to communicate forthwith the decision to all the Complainants and Respondents per paragraphs 2 and 3 above, and to publish in due course the decision on the FIDE website.

DATED ON THIS THE 10th DAY OF DECEMBER 2019.

F P Strydom

CHAIRMAN
FIDE ETHICS COMMISSION