



FIDE ETHICS COMMISSION

REPORT TO FIDE EXECUTIVE BOARD

ABU DHABI, FEBRUARY 2020

Dear Mr President, members of the Executive Board, officials and delegates

Reporting period

This report by the Ethics Commission (EC) covers its activities since the General Assembly and Elections in Batumi in October 2018, and in particular during the 2019 calendar year.

Membership 2018 – 2022 term

In Batumi, Francois Strydom (RSA) was re-elected as EC chairman and additionally the following four members were elected onto the EC: Ravindra Dongre (IND), Ruth Haring (USA), Rajesh Joshi (NEP) and Yolander Persaud (GUY).

Regrettably, the EC lost WIM Haring within 2 months due to her untimely death on 29 November 2018.

At the Management Board meeting that took place in St. Petersburg at the end of December 2018, permission was granted for Ms Yuliya Levitan (USA) to join the EC as secretary in a non-voting capacity. She took up her responsibilities in January 2019.

The vacancy in the EC, i.e. the 5th voting member, needs to be filled by election by the General Assembly at its extraordinary meeting in Abu Dhabi at the end of February 2020.

If the proposed new Charter is adopted by the General Assembly in its current form, the EC will be enlarged to 7 members and an election will have to take place for the two additional positions.

Meetings

The Commission members met in person on one occasion, namely at Lausanne, 23 – 24 November 2019. All the elected members were present. The secretary was unable to attend due to personal circumstances.

The EC was one of the first FIDE Commissions to meet at FIDE's new offices at the *Maison du Sport International* in Lausanne, Switzerland and was hosted in a friendly and professional manner by FIDE Chief Operating Officer, Mr. Willy Iclicki and his Assistant, Ms. Sava Stoisljevic. Our thanks to them!

During the meeting over the course of two full days, the EC conducted an oral hearing (the Rausis matter) and deliberated upon and decided eight (8) other cases based upon the written statements received from the complainants and respondents in the various cases.

Other EC activities

Outside the meeting, the EC members prepared the written decisions and had regular e-mail contact with each other regarding the cases.

In respect of the cases decided at the Lausanne meeting, all of the EC's written decisions (containing a summary of the facts and the parties' arguments, as well as the EC's verdict and sanction imposed (if applicable) with motivation for its findings) were released within one month from the conclusion of the meeting.

During the year the Chairman performed the secretarial functions of corresponding, through the office of the FIDE Secretariat, with complainants and respondents in the administration of the cases. In this regard, Ms. Polina Tsedanova's assistance was as invaluable as always!

The Chairman also regularly engaged in correspondence with other FIDE Commissions on common matters.

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The EC decisions are published at its own domain on the FIDE website.

Advisory opinion

In November 2018 the EC was asked to provide an opinion regarding the proposed settlement of the disputes between former FIDE President Kirsan Ilzumzhinov and FIDE in the CAS appeal following the decision of the EC in case 2/2018. The EC provided advice on 16 & 25 November 2018 and on 21 December 2018 the CAS Panel issued an award by consent of all parties.

Review of the Code of Ethics and Procedural Rules

In Tromsø, August 2014 our predecessors under chairmanship of Roberto Rivello proposed a change to the FIDE Code of Ethics by replacement and improvement of the part thereof that deals with sanctions, i.e. the various forms of sanctions and the maximum period of a ban / amount of a fine, etc. which can be imposed. This amendment was passed by the Presidential Board in Sochi, November 2014. It remains required to reform the other parts of the Code of Ethics, as well as the EC Procedural Rules (especially if a new Charter is adopted by FIDE).

Complaints ruled non-admissible prior to registration

The EC ruled the following cases were not admissible:

Complaint by GM Daniil Yuffa against the operators of the chess website *chess.com*: complaint in relation to disqualification in online tournament and adverse comment in online article published on website – Held that EC has no jurisdiction in the matter and complaint is inadmissible. Decision issued on 18-12-2018.

Complaint by Umnuwara Chess Club (Jordan) against Royal Jordan Chess Federation: complaint related to alleged discrimination by federation against club by denying it participation in elections and league championships and seeking fresh elections under FIDE supervision and control – Held that matter relates to domestic issues and is not a disciplinary matter and that EC is not competent to direct fresh elections to be held. Decision issued on 26-12-2018.

Complaint by Liana Tanzharikova against GM Evgeniy Solozhenkin: further complaint against GM Solozhenkin as a sequel to case 5/2017 for making unjustified accusations of cheating against complainant's daughter - EC finds complaint unfounded on the facts, but in any case similar complaint by complainant already decided by Russian Chess Federation resulting in a

reprimand. Held complaint not admissible in circumstances. Decision issued on 1-4-2019.

Cases withdrawn or discontinued

By mutual consent between Mr Dvorkovich & Mr Makropoulos, the following complaints were withdrawn following the elections:

Case 6/2018 Georgios Makropoulos / Arkady Dvorkovich & Others

Case 7/2018 Arkady Dvorkovich & Others / Georgios Makropoulos

Complaint by Gabriel Mirza against Irish Chess Union: complaint of unfair disciplinary action by ICU against Complainant. Subsequently Complainant's internal appeal to the ICU Appeal Committee resulted in reduction of 30 month ban to 15 month ban expiring on 19-2-2019 and Complainant again became eligible for membership of ICU. Complaint to EC resolved. Matter concluded on 21-3-2019.

Decided cases

During the reporting period, the Ethics Commission decided the following cases in the manner indicated:

Case 1/2019: Complaint by Obay Izzeldin & 5 others against Sudan Chess Federation & 6 officials for taking disciplinary action and imposing 2 year ban on the Complainants without due process, an alleged abuse of office by the officials 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. No ban was in fact imposed by FIDE - EC finds that the disciplinary action taken against the Complainants by the SCF was done in violation of fundamental principles of fairness and justice. Bans accordingly set aside. In view of the fact that the Complainants endured a suspension since October 2018, no fresh disciplinary charges to be proffered against them. Omar Deab and Maher Musa sanctioned for their respective roles in the false announcement of a FIDE ban and punished with reprimand and \$ 1,000 fine each; failing payment, 12 months' suspension each. Insufficient evidence of Respondents otherwise abusing their offices. Decision issued on 10-12-2019.

Case 2/2019: Complaint by Bomo Kigigha against Nigerian Chess Federation and its President for taking disciplinary action and imposing 5 year ban on the

Complainant without due process. Respondent was charged with gross misconduct, insubordination and bringing the name of Nigerian chess into disrepute related to missing souvenir chess packs – EC holds that the disciplinary action taken against the Complainant by the NCF was done in violation of fundamental principles of fairness and justice. Ban accordingly set aside. EC assumes jurisdiction over the NCF's complaint against Complainant and will conduct itself an enquiry *de novo* in relation to the Complainant's alleged misconduct. NCF President found not guilty of any violation of Code of Ethics. Decision issued on 23-12-2019.

Case 3/2019: Complaint by Austin Apemiye against Nigerian Chess Federation and its President for taking disciplinary action and imposing 2 year ban on the Complainant without due process. Respondent was charged with undermining the NCF by contravening its rules regarding participation in international competitions related to his participation in Zonal Championships without consent of the NCF and Ministry of Youth and Sport, and failing to honour the invitation of the disciplinary committee – EC holds that the disciplinary action taken against the Complainant by the NCF was done in violation of fundamental principles of fairness and justice. Ban accordingly set aside. EC assumes jurisdiction over the NCF's complaint against Complainant and will conduct itself an enquiry *de novo* in relation to the Complainant's alleged misconduct. NCF President found not guilty of any violation of Code of Ethics. Decision issued on 23-12-2019.

Case 4/2019: Complaint by FIDE Presidential Board against Marc Morgunov for admitted cheating at 2018 EYCC. Respondent (a minor) already punished by Austrian Chess Federation with 8 months' local ban and further voluntarily subjected himself to non-participation in all FIDE rated tournaments worldwide during that time. Delay between notification of the ACF decision to FIDE and the EC's receipt of the PB report 11 months later. Sole issue to be addressed is an appropriate sanction for such violation in light of mentioned delay - Respondent sanctioned with a worldwide ban of 24 months from participating as a player in any FIDE rated chess competition, of which 7 months' effective ban taking effect retroactively from the commencement date of the ACF sanction, and 17 months of the total ban suspended on certain conditions. Respondent practically subjected to a probationary period of two years. Decision issued on 18-12-2019.

Case 5/2019: Complaints by Kirill Zangalis and Sergey Karjakin against Evgeny Surov for posting a tweet on Twitter and publishing the tweet on a chess website, which conduct of the Respondent they claimed were highly insulting and disparaged their honour and dignity. Russian Chess Federation has already sanctioned the Respondent for the same conduct by banning the Respondent from visiting official events and sports competitions held under the auspices of the RCF – EC held that the complaints do not raise issues connected sufficiently with the administration or practice of chess as a sport, but rather relate to a personal conflict between the Complainants and the Respondent; in addition, matter is not an international matter in true sense and adjudication of the case by the RCF at the national level sufficiently served the interests of justice. In circumstances, complaints held not to be admissible and case dismissed. Decision issued on 17-12-2019.

Case 6/2019: Complaint by FIDE Fair Play Commission against Nicolas Gabriel Costa Dias Matos (BRA) for admitted cheating at rapid tournament in Santa Catalina, March 2018. Respondent thereafter withdrew completely from chess participation. FIDE ACC received a post-tournament complaint in April 2018. Appropriate sanction to be imposed in circumstances where FIDE has unreasonably delayed the investigation of this matter - Respondent sanctioned with a worldwide chess ban against participation in any FIDE rated chess tournaments for a period of 18 months, to take effect retroactively on April 25, 2018. Decision issued on 24-12-2019.

Case 7/2019: Complaint by (1) Mostafa Mokhtar & Maher Elameir and (2) African Chess Confederation against Hesham Elgendy for alleged use of forged letters - Complaint of Mokhtar & Elameir held inadmissible for want of actual and direct personal interest in the complaint; Complaint of ACC declared provisionally admissible and subject to a further exchange of statements regarding the merits of the complaint, namely the alleged use by the Respondent of a forged ACC letter dated 28 April 2015. Decision issued on 9-12-2019.

Case 8/2019: Complaint by FIDE Fair Play Commission against Igor Rausis for cheating at 2019 Strasbourg Summer Festival and various other tournaments in period 2015 – 2019. Oral hearing held in Lausanne on 23 November 2019 at which evidence of Prof. Kenneth Regan and the Respondent were heard.

Respondent admits to cheating at Strasbourg and confessed his guilt in three other incidents of cheating at previous tournaments – Respondent found guilty and sanctioned with worldwide ban of 6 years with effect from 31 July 2019 and his grandmaster title revoked. Decision issued on 5-12-2019.

Case 9/2019: Complaint by FIDE Presidential Board against Mustafa Eroglu (TUR) and Mr Tural Zeyanlov (AZE) regarding discriminatory incident at Sivas Buruciye tournament in Turkey – Respondent Eroglu found guilty of failing to perform his functions as assistant to LOC in an impartial and responsible manner and sanctioned to a 12 months’ suspension; case against Respondent Zeyanlov held not admissible for want of sufficient proof of wrongdoing. Decision issued on 24-12-2019.

Pending cases

The following cases remain pending at the end of the reporting period:

Case 5/2016: Complaint by FIDE General Assembly regarding alleged fictitious transactions between the European Chess Union (ECU) and the Bulgarian Chess Federation (BCF) during 2011 – 2014 and the use of an imposter corporation named European Chess Union LLC – Matter remains in investigatory phase pending criminal investigations in various countries.

Case 4/2018: Complaint by GM Efstratios Grivas against Mongolian Chess Federation and its President for non-compliance with commercial contract between them – matter held to be provisionally admissible – MCF making 50% payment in the meantime, complainant awaits further payment.

Case 2/2019 (see above).

Case 3/2019 (see above).

Case 7/2019 (see above).

Court of Arbitration for Sport (CAS)

During the reporting period, two cases concerning FIDE were disposed of in CAS:

- An appeal of Susan Cooke (CAS 2018/A/5816) against the EC's decision of non-admissibility in **EC Case no. 3/2018**, submitted on 2 July 2018 and withdrawn (terminated) on 19 November 2018.
- An appeal of Kirsan Ilyumzhinov (CAS 2018/A/5844) against the EC's verdict and sanction in **EC Case no. 2/2018**, submitted on 2 August 2018 and settled (by consent award) on 21 December 2018.

There are currently no CAS appeals pending against any of the EC's decisions.

Note of gratitude

In addition to the persons acknowledged above (Mr. Willy Iclicki, Ms. Sava Stoislavljevic and Ms. Polina Tsedenova), the EC wishes to express its gratitude to the FIDE Treasurer, Ms. Chen Zhu and the FIDE Accounts Department staff, Ms. Eva Perissiou and Mr. Nikos Katis for the friendly and able assistance received in the financial support of the EC's activities.

Finally, a special word of recognition and thanks to the FIDE President, Mr. Arkady Dvorkovich, the FIDE Executive Director, Mr. Victor Bologan and the FIDE Director General, Mr. Emil Sutovsky for their general support of the activities of the EC.

Johannesburg, 31 December 2019

The Chairman of the Ethics Commission
Francois Strydom