



GENS UNA SUMUS

FÉDÉRATION INTERNATIONALE DES ÉCHECS

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FIDE ETHICS & DISCIPLINARY COMMISSION

REPORT TO FIDE COUNCIL

DECEMBER 2021

Dear Mr President and members of the FIDE Council

This report covers the activities of the Ethics & Disciplinary Commission (EDC) for the 2021 calendar year.

1. Membership of the EDC

- 1.1 The EDC currently has 6 members: Francois Strydom (RSA), Ravindra Dongre (IND), Yolander Persaud (GUY), Khaled Arfa (TUN), David Hater (USA) and Johan Sigeman (SWE). The EDC lost one of its members, Mr. Rajesh Joshi (NEP) on 13 June 2021, creating a vacancy on the EDC still to be filled.
- 1.2 The **EDC Chairman** (elected by the Batumi GA, 2018) is Francois Strydom.
- 1.3 In December 2021 Yolander Persaud was elected by the EDC members as **Deputy Chairman** of the EDC, and at the same time Johan Sigeman was elected as **Vice-Chairman**.
- 1.4 In terms of the FIDE Charter the term of the current EDC members endures until the GA to be held in 2024.

2. Fact-finding Committee

- 2.1 The EDC FFC initially consisted of the chairman Mr Ralph Alt (GER), Ms Yumiko Hiebert (JAP) and Mr Dabilani Buthali (BOT). During the year, Ms. Hiebert resigned and Ms. Swee Sie See (MAS) was nominated by the FIDE Council in her

place. In December 2021, regrettably, Mr Alt also announced his retirement from the committee. A successor as chairman still needs to be appointed.

- 2.2 The FFC has been established to act as an investigatory body in complex cases. In December 2021 it completed its first assignment, an investigation into FIDE management practices during the term of the previous administration over the years 2014 – 2018.

3. Meetings

- 3.1 On 7, 8 and 9 December 2021, the EDC held a meeting in person in Dubai, U.A.E. This meeting was mainly spent working on a new set of EDC Procedural Rules.
- 3.2 On 21 December 2021, as part of the Congress, the EDC held an open (public) meeting on a virtual platform. At this meeting, the EDC Chairman gave his annual report and discussed the implications of the new Ethics & Disciplinary Code, and other Congress participants had the chance to make observations and ask questions.

4. Cases decided

- 4.1 In a resumption of case **4/2018** the EDC Chamber (K. Arfa as chair; R. Joshi and D. Hater as members) considered a complaint of GM Efstratios Grivas against the Mongolian Chess Federation relating to the non-payment of a debt owed in terms of a commercial contract between the parties for the supply of chess training materials and the assignment of rights to use the materials translated into the Mongolian language. The complaint was held admissible and the MCF was found guilty of a violation of Art. 2.4 and 2.2.10 of the Code of Ethics and sanctioned with a temporary exclusion from FIDE membership for a period of one year.
- 4.2 In case **4/2018(R)** the same EDC Chamber (K. Arfa as chair; R. Joshi and D. Hater as members) dealt with a request by the Mongolian Chess Federation for the review of the sanction imposed in circumstances where the full debt owed to GM Grivas had been paid. The status of the MCF as a FIDE national federation member was fully restored and the sanction was reduced to a temporary exclusion from FIDE membership for a period of 6 months, of which one month was served and the remaining five months were suspended on certain conditions.
- 4.3 In case **3/2020** the EDC Chamber (D. Hater as chair; Y. Persaud and R. Dongre as members) had to consider a complaint by Mr. Obay Izzeldin against the President of his national federation, the Sudan Chess Federation, namely Mr. Omer Deab. The complaint related to the alleged discriminatory exclusion from the Sudan national team for the 2020 online FIDE Olympiad. Mr. Deab was found guilty of a

violation of Art. 2.2.2 and 2.2.3 of the Code of Ethics and sanctioned to a ban of 12 months (half of which was suspended) from participating in any FIDE activities (This decision is under appeal – see hereunder).

- 4.4 In case **1/2021** the EDC Chamber (Y. Persaud as chair; R. Joshi and D. Hater as members) decided a case referred to it by the FIDE Fair-Play Commission for uncooperative behaviour during anti-cheating checks at an international tournament. GM Xuxiang Fang (CHI) was found guilty of a violation of Art. 2.2.5 and 2.2.11 of the Code of Ethics and sanctioned to a worldwide ban of 24 months from participating as a player in any FIDE rated chess competition of which 6 months were suspended, the ban taking effect retroactively from 13 August 2019.
- 4.5 In case **2/2021** the EDC Chamber (J. Sigeman as chair; R. Joshi and R. Dongre as members) decided the complaint of Ali Nihat Yazici (TUR) against the chairman of the FIDE Events Commission for the alleged unfair exclusion from a FIDE meeting. Mr Ozgur Solakoglu was found guilty of a breach of Art. 2.2.3 and 2.2.4 of the Code of Ethics and sanctioned to a warning.
- 4.6 In case **2/2021(A)** both Mr Yazici and Mr Solakoglu appealed the decision of the First Instance Chamber. The Appeal Chamber (F. Stydom as chair; Y. Persaud and D. Hater as members) dismissed the appeal of Mr Yazici relating to the sanction imposed, and in regard to Mr Solakoglu's appeal, set aside the conviction on one charge but maintained the conviction of the other charge as well as the sanction of a warning.
- 4.7 In case **4/2021** the EDC Chamber (Y. Persaud as chair; D. Hater and J. Sigeman as members) dealt with the complaint of three young Indian players of alleged intimidation, harassment and misbehaviour of the organizer of titled tournaments held in Serbia. The organizer, Mr. Ivan Sredojevik was found guilty of a breach of Art. 2.2.3 and 2.2.5 of the Code of Ethics and sanctioned to a warning as well as a 6 month ban, suspended on certain conditions.
- 4.8 In case **5/2021** the EDC Chamber (J. Sigeman as chair; K. Arfa and R. Dongre as members) had to consider a complaint relating to the initial failure by a trainer, GM Miodrag Savic (SRB) to refund coaching fees after the coaching sessions had been cancelled. By the time of the Panel's decision, the respondent had indeed refunded the fees. The Panel held that the complaint was not admissible (it related to an informal arrangement falling outside the public sphere governed by FIDE) and dismissed the case.

4.9 In case **7/2021** the EDC Chamber (R. Dongre as chair; D. Hater and J. Sigeman as members) considered a complaint by the Deputy Organiser of the June 2021 First Saturday tournament to the effect that IM Issa Rafat (JOR) had improperly withdrawn from the tournament. The Panel held that Art. 2.2.6 of the Code of Ethics had indeed been violated, and taking into account certain mitigating factors, sanctioned the respondent to a warning.

5. Cases underway

5.1 In case **3/2021** the EDC Chamber (K. Arfa as chair; Y. Persaud and R. Dongre as members) is considering a complaint by Mr. Bart de Vogelaere (BEL) against Mr. Luc Cornet (BEL) and Mr. Geert Bailleul (BEL) for the alleged false and non-submission of Arbiter performance records to FIDE.

5.2 In case **6/2021** the EDC Chamber (D. Hater as chair; Y. Persaud and K. Arfa as members) is considering a complaint of alleged cheating against WFM Patrycja Waszczuk (POL). The matter is awaiting completion of the proceedings in front of the Polish Chess Federation and Olympic Committee first.

5.3 In case **8/2021** the EDC Chamber (K. Arfa as chair; Y. Persaud and J. Sigeman as members) is considering a complaint by Mr. Ali Ozen and Ms. Eda Yalcinkaya Ozen (TUR) of alleged unfair disciplinary proceedings conducted by the Turkish Chess Federation concerning them.

5.4 In case **9/2021** the EDC Chamber (D Hater as chair; Y Persaud and R Dongre as members) is considering a complaint by the Fair Play Commission of sandbagging by FM Matija Ivic (SRB).

5.5 In case **10/2021** the EDC Chamber (Y. Persaud as chair; D. Hater and R. Dongre as members) is considering a complaint by the US Virgin Islands chess federation against FIDE Vice-President, GM Nigel Short for allegedly undermining and discrediting of the national federation and the undue interference in its domestic affairs.

5.6 In case **3/2020(A)** the Appeal Chamber (F. Stydom as chair; J. Sigeman and K. Arfa as members) has to consider the appeal of Mr. Omer Deab against his ban imposed in case 3/2020.

6. Statistics of distribution of cases

6.1 It is the responsibility of the EDC chair to nominate a First Instance Chamber of three members for each case. In the event of an appeal against the decision of the

First Instance Chamber, the EDC chair and two other members will sit as the Appeal Chamber.

- 6.2 During 2021 it was the policy of the EDC chair to rotate the chairmanship of the First Instance Chambers between the EDC members. In terms of the Charter, the EDC chair always act as chair of the Appeal Chamber.
- 6.3 Apart from the 10 first-instance cases registered this year, the EDC also received two internal appeals and one review case.
- 6.4 The statistics relating to the above-mentioned first-instance, appeal and review cases received (but not necessarily finalised yet) by the EDC during the 2021 year, showing the participation of each EDC member, are as follows:

Yolande Persaud – 8 cases (incl. chair in 3 cases);
David Hater - 8 cases (incl. chair in 2 cases);
Johan Sigeman - 7 cases (incl. chair in 2 cases);
Khaled Arfa – 6 cases (incl. chair in 3 cases);
Ravindra Dongre – 6 cases (incl. chair in 1 case);
Rajesh Joshi – 3 cases;
Francois Strydom – 2 appeal cases (both the chair).

7. Review of FIDE Code of Ethics & EDC Procedural Rules; adoption of Internal Rules

- 7.1 The main project undertaken by the EDC this year, was a review and complete re-write of the **Ethics and Disciplinary Code** to modernize the Code and give effect to the changes introduced by the adoption of a new FIDE Charter in 2020. The recommendations of the FIDE President, other members of FIDE Management, the FIDE Council as well as the Constitutional Commission were all incorporated, and a draft version was circulated amongst all national federation members for their input which was similarly incorporated. The new Code (consisting of 40+ pages compared to the 2 pages of the existing Code) is tabled for adoption by the GA on 28 December 2021 and will take effect from 1 April 2022.
- 7.2 The EDC members are currently busy with a review and re-write of the EDC **Procedural Rules** and have set themselves a deadline of 15 February 2022 for its completion with a view to approval by the FIDE Council at its first quarterly meeting in 2022.

7.3 At its meeting on 7 December 2021, the EDC adopted a set of **Internal Rules** which will govern the internal functioning of the commission, including the respective roles and responsibilities of the members.

8. Assistance in review of Procedural Rules of Fair Play Commission & Disciplinary Sub-Committee of Arbiters Commission

8.1 A sub-committee of the EDC collaborated with members of the Fair Play Commission, over a number of online meetings, to assist with the review of the FPL Procedural Rules and Anti-Cheating Regulations and certain fair play provisions to be included in the new Ethics & Disciplinary Code.

8.2 At present, a sub-committee of the EDC collaborates with members of the Arbiters Commission in the drafting of new Procedural Rules for the ARB Disciplinary Sub-Committee as part of the update of the FIDE Handbook.

Johannesburg, 24 December 2021

The Chairman of the Ethics & Disciplinary Commission
Francois Strydom