



## **FIDE ETHICS & DISCIPLINARY COMMISSION**

The First Instance Chamber of the Ethics & Disciplinary Commission (hereafter called “the EDC Chamber”), sitting in the following composition

Chairperson: Mr. Johan Sigeman  
Members: Mr. David Hater  
Mr. Pedro Dominguez

during an exchange of correspondence and online meetings, made the following

### **DECISION**

#### **Case no. 6/2023: “Alleged cheating at the 2022 Benidorm Chess Open”.**

### **INTRODUCTION**

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 7 July 2023.
2. The EDC Chamber **notes** that on 4 July 2023 the FIDE Ethics and Disciplinary Commission (EDC) received a report from an investigatory panel of the FIDE Fair Play Commission (FPL). The report was titled “Report of the Investigatory Panel in the Stefan Docx case” and focus primarily on a case of alleged cheating by IM Stefan Docx (FIDE ID 200778) during the Benidorm Chess Open in December 2022. In the report, there was also allegations regarding interference with the investigation towards Mr. Dimitri Logie (FIDE ID 231207).
3. Initially the EDC decided to join the cases against the respondents Mr. Docx and Mr. Logie under case number 6/2023. After objections from both Respondents, the EDC decided on 28 July 2023 to separate the cases. The case against Mr. Logie continued under case number 9/2023, where a decision has been rendered on 28 September 2023.
4. In this case (6/2023), the Respondent is Stefan Docx.
5. The allegations against the Respondent concerns breach of 11.6 (b) and 11.7 (e) (i) of the Disciplinary Code.
6. The EDC Chamber **notes** that the Respondent has been given the opportunity to respond to the allegations in the report and that he has submitted a defensive statement.



7. The EDC Chamber **notes** the contents of the following documents and e-mails received as part of the case file: the report by FPL mentioned above and defensive statement by the Respondent dated 13 August 2023.

### **FACTUAL DETAILS OF THE CASE**

- 8.1 The Benidorm Chess Open took place during the period of 3-11 December 2022. The Respondent was one of the participants of the tournament. After having refused to undergo a scan by a metal detector, the Respondent was expelled from the event. The FPL received on 31 December 2022 a report from the chief arbiter of said tournament, Mr. Ramón Garcia.
- 8.2 FPL decided to launch an investigation into the matter. An investigatory panel (IP) consisting of GM Aleksandar Colovic (MKD), Richard Newman (USA) and Vincent Geeraets (NLD) was composed.
- 8.3 In its report the IP, despite the denial of the Respondent of any wrongdoing, found to its comfortable satisfaction that the Respondent used a mobile phone during round 8 of the Benidorm tournament and was consequently deemed to have been cheating.
- 8.4 The Belgian Chess Federation (BCF) has on 27 February 2023 applied a provisional suspension of the Respondent pending the outcome of this EDC Case. This suspension ended on 31 August 2023.

### **THE FINDINGS IN THE IP REPORT**

- 9.1 The IP report states that the Benidorm tournament was not FIDE-rated but did in all other aspects fulfill the requirements of a rated event. There were participants from 30 countries, an IA was appointed and there was a prize-fund of EUR 42 000. The participants were informed of the technical rules in force at the event, among others the following: *“At the entrance, each player will pass an electronic and metal control. This control could also be carried out at any time during the round (entry and exit of toilets, etc.)”*. *”Any aspect not described in these Technical Bases will be resolved according to the regulations of the International Chess Federation (FIDE)”*.
- 9.2 Nothing out of the ordinary was noted during the first few rounds of the event. During round 7 however and especially round 8, the Respondent did numerous



bathroom visits, which he requested permission for. The CA of the tournament, Mr Garcia, became suspicious and followed the Respondent to the bathroom area. The cubicles were open at the top and the bottom, so it was possible to see reflexions on the tiles. The CA did stay in the bathroom area for about 15 minutes, whereunder the Respondent were inside one of the cubicles. The CA observed clear reflexions on the floor tiles, which he interpreted as light coming from a mobile phone in use.

- 9.3 When the Respondent left the cubicle, he went directly to the tournament hall, without washing his hands. The CA then checked the cubicle for a hidden mobile phone but was unable to find one. He thereafter went into the tournament hall and, after deliberations with TD Alfonso Vilches, decided to subject the Respondent to a metal scan.
- 9.4 Upon being requested to submit himself to a metal scan, the Respondent refused. He continued to refuse the scan also after having been informed that this would mean that he would be declared the loser of the game in round 8 and expulsion from the tournament itself.
- 9.5 Mr Docx did on 9 March 2023 submit his response to the IP. In this response, the Respondent declared that he was feeling unwell, both during previous rounds of the event but particularly during round 8. When he was accused of cheating and asked to submit himself to a metal scan, he was surprised and decided to refuse. This was made in the heat of the moment and afterwards he did regret his decision. He did not use a mobile phone, nor did he carry one.
- 9.6 The IP appointed Professor Kenneth Regan to carry out a full statistical analysis of the Respondent's games during the Benidorm tournament. The so-called z-scores from the games from the Benidorm event were found to be far below the FIDE-approved 2.5-threshold. Professor Regan did not find sufficient statistical evidence to support the allegation of computer-aided cheating. The IP also asked Professor Regan to carry out a simpler test of the Respondent's available games from the past five years. This was made by establishing the ROI-score (Raw Outlier Index) of these games. Nothing out of the ordinary was found here either.
- 9.7 The IP has received testimonials containing rumours of the Respondent cheating previously or at least has been suspected of cheating.



- 9.8 The IP did consider two possible scenarios; the first being that the Respondent did cheat by using a mobile phone and therefore refused a metal scan, the second being that he did not cheat and refused the metal scan due to surprise and not feeling well. The IP decided that the first scenario was the most likely and consequently, came to the conclusion that the Respondent did in fact cheat by making use of a chess program on his mobile phone.
- 9.9 The IP concluded in its report that the Respondent had made himself guilty of breach of the EDC Code and recommended a ban of two years from taking part in any FIDE-rated tournament.

### **DEFENCES PROVIDED BY RESPONDENT**

- 10.1 The Respondent has in his reply to the EDC Chamber stated that he did not use a mobile phone as alleged in the IP report. He was sick on the day of round 8 and needed to go to the bathroom several times. He did however not ask for permission to do so, contrary to what is stated in the IP report, as this was not required by the tournament rules. He has provided the EDC with testimonies to support his position in this respect.
- 10.2 The Respondent has put forward that the tournament was not FIDE-rated and therefore the FIDE Anti-cheating rules were not directly applicable.
- 10.3 The Respondent has further stated that the allegations by the CA Garcia were totally unfounded and false.
- 10.4 The testimonies on the Respondent's past tournaments are irrelevant, and he wants to remind the EDC that he has never been sanctioned or found guilty of cheating.
- 10.5 The Respondent would like to have an oral hearing so that his lawyer can attend and argue his case.
- 10.6 The Respondent regrets that he did not submit himself to a metal scan during the round. This would have been much better. But he was shocked by the unfounded allegations towards him and was also suffering from physical problems.
- 10.7 The Respondent has been subject to a lot of negative publicity and rumours due to the incident in Benidorm and this has damaged his reputation.



## ADMISSIBILITY AND JURISDICTION

- 11.1 In order to be admissible, the complaint must meet the minimum requirements laid down in article 5 in the EDC Code.
- 11.2 The FPL is a FIDE organ, representing the general interest of FIDE, specifically in the area of fair play and therefore has the necessary standing to submit a report to EDC, (see article 5.2 d).
- 11.3 The Respondent must be a member of the FIDE Family (see article 5.1 b). The Respondent is a player registered in the FIDE database and therefore a member of the FIDE Family (see article 4.2 k).
- 11.4 The allegations made, and documents furnished by the FPL does disclose on a *prima facie* basis conduct which amounts to one or more violations of the EDC Code (see article 5.1 c).
- 11.5 The alleged misconduct must have been committed during a course of no more than five years immediately preceding the date on which the complaint is received by FIDE (see article 5.1 e). This condition is fulfilled, see 5.1 above.
- 11.6 The IP report contains allegations concerning actions committed in the international sphere. The fact that the Benidorm tournament, having participants from multiple countries, was not FIDE-rated does not change this.
- 11.7 For all the reasons mentioned in 8.2 – 8.5 above, the jurisdiction of the EDC Chamber in the present matter and admissibility of the complaint against the Respondent are confirmed.

## FINDINGS

- 12 The fact that the Benidorm tournament was not FIDE-rated means that the Anti-Cheating Guidelines Prepared by the FIDE/ACP Anti-Cheating Committee and approved by the FIDE Presidential Board in Sochi (November 2014) are not directly applicable.



- 13 The EDC Code 11.7 e states: ***Cheating***: *Any player, or any person assisting a player, who deliberately (i) uses or attempts to use electronic devices or other sources of information or advice during a game.*
- 14 The EDC Chamber notes that this case relates to alleged computer-assisted cheating, an area that the EDC has previously dealt with, *inter alia*, in Case 8/2015 (Tetimov), 2/2016 (Ricciardi) and 1/2018 (Fraiman). As in Case 1/2018, the furnished proof of possible cheating by the Respondent, rests upon some observational evidence by witnesses and the technical results of Professor Regan's statistical analysis of the probability of cheating if the Respondent's actual standard of play is compared with the projected standard of play for a player of his strength.
- 15 The EDC Chamber has, in accordance with Rule 36 and 62 of the EDC Procedural Rules, evaluated the Respondent's request for an oral hearing. Both the FPL and the Respondent have put forward their respective arguments in writing. The factual circumstances of the case are not complicated. The EDC Chamber is of the opinion that an oral hearing is not necessary in this case.
- 16 Computer-aided cheating is an increasingly problematic issue in chess. The rapid development of strong and easily available programs and modern technical tools has made it possible for players and others to obtain illegitimate help during games. The unfair advantage created by such cheating methods has the potential to seriously damage our sport. It is therefore of paramount importance to safeguard the interest of integrity and fair play. Security measures in the form of scans for electronic devices and similar methods are important parts of such safeguarding and refusal to submit oneself to a scan must therefore be regarded as a serious offence.
- 17 The refusal of a player to undergo a scan without sufficient reason will unavoidably lead to well-founded cheating suspicions against that player. This is especially the case where all participants in a tournament in advance have been made aware of the security measures in force and that random checks can be made anytime.
- 18 A refusal to comply with the request of a scan is especially serious in cases like this one, where the CA did confront the Respondent with suspicions of cheating by using a mobile phone.



- 19 Being subject to allegations of cheating is undoubtedly a very serious matter for any player. This is especially so in modern times where social media and the internet quickly picks up stories of this kind. Being convicted and sanctioned for cheating in chess will negatively affect the player's reputation for a very long time, maybe for ever. Against this background, it is vital that the disciplinary bodies adhere to fundamental principles of law and fair trial.
- 20 As pointed out in Case 1/2018 (Fraiman), the standard of proof required to show a player's guilt in case of cheating is *comfortable satisfaction*, which falls between the civil standard of *a balance of probabilities* and the criminal law standard *beyond a reasonable doubt*. In sports law, in serious matters such as fraud and/or cheating, it has been held that the more serious the allegation and its consequences, the higher level of proof and closer to the criminal standards is required for a matter to be substantiated.
- 21 The EDC Chamber has noted the details in the IP report, among other things the observations of suspicious reflections in the bathroom area during the Respondent's presence there, the numerous visits to said area by the Respondent during round 8 and not least the refusal of the Respondent to subject himself to a metal scan after having been accused of carrying a mobile phone.
- 22 The EDC Chamber has also considered the explanations given by the Respondent for refusing a scan and the results of Professor Regan's statistical analysis of the Respondent's game in the Benidorm tournament. The reasons given by the Respondent for his behaviour after being confronted by the CA are understandable although not entirely convincing. Professor Regan's analysis, however, does not support the suspicions that the Respondent did cheat during his play in the Benidorm tournament. In the first four rounds in the tournament, the Respondent performed approximately 300 Elo points below the expectations. In the last four rounds, the Z-score was clearly below the 2.5 FIDE approved threshold for strong statistical support of other evidence. The level of his play was below the expected standard for a player of his rating.
23. Even if the Respondent's conduct during round 8 of the event, especially his refusal to submit him to a check is highly suspicious, the EDC Chamber is not comfortably satisfied that the Respondent did consult a mobile phone during play. No one has observed the Respondent carrying or using a mobile device. The level of his play does not indicate any use of illegal assistance. Even if, on a balance of probabilities, the facts speak against the Respondent in this case, it has not reached the level of comfortable satisfaction. The Respondent must therefore enjoy the benefit of doubt and shall therefore not be found guilty of computer-aided cheating.



24. The refusal to submit himself to the security measures in the form of a scan, requested by the CA, is however a serious breach of an important rule in the EDC Code (article 11.4 d) (ii) **Failure to cooperate:**
- The failure of a person or national federation, without compelling justification, to cooperate with arbiters and anti-cheating officials, or to subject himself to official anti-cheating measures, during or at a competition.*
25. The Respondent has in his reply to the EDC Chamber stated that he should have accepted the scan and that he regrets his decision in this respect.
26. Upon due consideration of the documents submitted and arguments advanced, the EDC Chamber finds that the Respondent, by his actions has breached article 11.4 d (ii) in the EDC Code i.e., failure to cooperate. As this must be regarded as a lesser transgression than computer-aided cheating, the EDC Chamber may sanction the Respondent in accordance with said article even if it was not included in the allegations in the notification to the Respondent. The Respondent is not found guilty of computer-aided cheating.
- Appropriate sanction*
27. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the matter of an appropriate sanction that:
28. The Respondent is taken as first offender.
29. The Respondent has expressed remorse with respect to his refusal to undergo a metal scan at the tournament and has also referred to medical problems that may have influenced his behaviour at the time.
30. The EDC finds that the Respondent has violated an important rule in the EDC Code. A warning or reprimand is therefore not sufficient. An appropriate sanction is a ban from taking part in chess competitions or chess related activities. When determining the length of the ban, the EDC Chamber has taken into consideration that the Respondent, since the Benidorm tournament, has been subject to a six-month temporary suspension by the Belgian Chess Federation.





31. Accordingly, and considering all of the above, the EDC Chamber **unanimously decides** as follows:
- 31.1 The Respondent is found guilty of breach of article 11.4 d (ii) of the EDC Code.
- 31.2 The Respondent is sanctioned by a worldwide ban of one (1) year from taking part in FIDE-rated competitions and chess related activities as a player. The ban will be effective from the day of this decision.
- 31.3 The Respondent is referred to Chapter 7 of the EDC Procedural Rules and **advised** that this decision may be appealed to the EDC Appeal Chamber by giving written notice of such appeal to the EDC Chairman ([ethics@fide.com](mailto:ethics@fide.com)) within 21 days from the date upon which this decision is received. The notice of appeal must clearly state all the grounds for the appeal. An appeal lodgment fee of 150 EUROS must at the same time be paid to the FIDE Financial Department. Failing the due exercise of this right of appeal, the EDC Chamber's decision will become final.
- 31.4 The EDC Chamber **requests** the FIDE Secretariat to communicate forthwith the decision to the Respondent, the Belgian Chess Federation and the FPL and to publish the decision on the FIDE webpage.

DATED ON THIS THE 27th DAY OF OCTOBER 2023

*Johan Sigeman*

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CHAMBER CHAIRMAN  
FIDE ETHICS & DISCIPLINARY COMMISSION