



FIDE ETHICS AND DISCIPLINARY COMMISSION

APPEAL CHAMBER

The EDC Appeal Chamber, sitting in the following composition -

Chairperson: Mr Khaled Arfa

Members: Mrs Olga Baskakova

Mr Ali Nihat Yazici

In accordance with Article 26.4 of the FIDE Charter, hereby renders the following:

DECISION

CASE NO: 05/2024(A): ALLEGED POSTAL HARASSMENT OF FEMALE CHESS PLAYERS

1. This is an appeal against the Decision of the EDC First Instance Chamber (per Yolander Sammy (Chair), Johan Sigeman and David Hater) rendered on 7 August 2024.
2. In the First Instance Decision, Mr Andrejs Strebkovs was sanctioned to a worldwide ban of 5 years from participating in any FIDE rated event as a player, or to be physically present at any such FIDE rated event.
3. **The parties:**
 - 3.1. The first appellant is Mr Andrejs Strebkovs.
 - 3.2. The second appellant is the FIDE President, representing the general interests of FIDE.
4. The Appeal Chamber is required to deal with both an appeal and a cross-appeal:



- 4.1. The appellant in the main appeal is Mr Andrejs Strebkovs, the respondent in the original proceedings before the EDC First Instance Chamber. The respondent was found guilty of a breach of Art.2.2.4 and 2.2.10 of the Old Code and of Article 6.1(a) read with 6.3, 6.4, 6.5 (e) and 6.5 (g) and of Article 11.9(a) of the New Disciplinary Code and sanctioned by a worldwide ban of 5 years.
- 4.2. The appellant in the cross-appeal is the FIDE President, representing the general interests of FIDE who was the complainant in the original proceedings. The appellant is dissatisfied with certain findings made by the EDC First Instance Chamber and the sanction imposed.
5. For the sake of convenience, the parties in the appeal will be referred to in their original capacities:
 - 5.1. The FIDE President as “**the complainant**”; and
 - 5.2. Mr Strebkovs as “**the respondent**”.
6. On the 1st May 2024 the FIDE Ethics and Disciplinary Commission (EDC) received a Complaint against IM Andrejs Strebkovs from the FIDE President, concerning allegations of postal harassment in violation of the FIDE Ethics & Disciplinary Code, more particularly:
 - (a) Articles 2.2.4, 2.2.5 (unseemly behaviour) and 2.2.10 of the old Code of Ethics (the alleged offences occurred before the commencement date of the new EDC Code on 1 April 2022).
 - (b) Articles 6.1(a) - ethical value of human dignity - read with Art. 6.3, 6.4, 6.5 (e) and 6.5 (g) of the Ethics Code.
 - (c) Article 11.9(a) - socially unacceptable behaviour, and Art. 11.9
 - (d) - acts of misbehaviour and Art. 11.9 (e)- abuse and obscenity, of the Disciplinary Code.
7. The EDC Chairman, pursuant to his powers in terms of Article 26.5 of the FIDE Charter, ruled that the complaint was provisionally admissible



(subject to the final decision by the First Instance Chamber on the issue of admissibility) and nominated a First Instance Chamber to decide the case.

8. On 7 August 2024, the First Instance Chamber delivered the following unanimous decision:
 - 8.1. The Respondent is found guilty of Art.2.2.4 and 2.2.10 of the Old Code.
 - 8.2. The Respondent is found not guilty of Art 2.2.5 of the Old Code.
 - 8.3. The Respondent is found guilty of Article 6.1(a) for infringing on the dignity of the victims, read with 6.3, 6.4, 6.5 (e) and 6.5 (g) of the Ethics Code (new).
 - 8.4. The Respondent is also found guilty of Article 11.9(a)) of the Disciplinary Code.
 - 8.5. The Respondent is found not guilty of Art 11.9 (d) and (e) of the Disciplinary Code.
 - 8.6. Taking all the convictions together, the Respondent is sanctioned to a worldwide ban of 5 years from participating in any FIDE rated event as a player, or to be physically present at any such FIDE rated event.
9. **Formal admissibility of the appeal and cross-appeal:**
 - 9.1. In terms of Article 17.1 of the Ethics and Disciplinary Code (“EDC Code”), there shall be a right of appeal to the EDC Appeal Chamber for the unsuccessful party, whether complainant or respondent, and any other directly affected member of the FIDE family against the final decision of any First Instance Chamber of the EDC.
 - 9.2. Pursuant to Rule 42.2 of the EDC Procedural Rules (“the Procedural Rules”), any member of the FIDE family who has been found guilty of a violation of the EDC Code and sanctioned in any form, has a right of appeal against the conviction and/or the sanction imposed based upon a wrong application of the law, an incorrect or incomplete



finding of legally relevant facts, and/or an inappropriate decision either less or beyond the charged offence.

- 9.3. Based upon the above, Mr Strebkovs has a right of appeal to the EDC Appeal Chamber.
- 9.4. Pursuant to Rule 42.3 of the Procedural Rules, any member of the FIDE family who acted as the complainant in the first instance proceedings has a right of appeal against the acquittal of the respondent on any charge in the First Instance proceedings. Such member also has a limited right of appeal against the sanction imposed, only if the sanction can be described as grossly disproportionate or clearly inappropriate or affected by a serious misdirection regarding material facts.
- 9.5. In principle, the FIDE President has a right of appeal against Mr Strebkovs acquittal on the Second Charge and the fifth Charge and the severity of the sanctions imposed on Mr Strebkovs. He does not enjoy a right of appeal against specific findings relative to the other Charges, save to the extent that this may motivate his request for stricter sanctions.
- 9.6. According to Article 17.4 of the EDC Code and Rule 43.3 of the Procedural Rules, the right to appeal must be exercised within 21 calendar days from the date on which the appealable decision is communicated to the parties. In the present case, the decision of the First Instance Chamber was communicated to the parties on 8 August 2024 and the period in which to lodge an appeal lapsed on 29 August 2024.
- 9.7. The appeal documents of the FIDE President were received on 27 August 2024 and the appeal of Mr Strebkovs was received on 28 August 2024.
- 9.8. In terms of Rule 43.5 of the Procedural Rules, an appeal lodgement fee of €150 must be paid prior to or simultaneous with the lodgement of the appeal. This requirement was met by Mr Strebkovs.



9.9. The FIDE President, in matters where he represents the interests of FIDE, is exempt from the payment of an appeal lodgement fee.

9.10. Accordingly, the substantive and procedural requirements for lodging an internal appeal as set out in Procedural Rules 42 and 43 having been met, the appeal and cross-appeal are declared admissible in terms of Procedural Rule 44.5.

10. Procedural history

10.1. In addition to having access to the full case file of the First Instance Chamber proceedings, the Appeal Chamber received the following documents during the appeal proceedings:

10.2. The complainant delivered its notice of appeal with motivated grounds on 27 August 2024.

10.3. The respondent delivered his notice of appeal with motivated grounds on 28 August 2024.

10.4. On 28 August 2024 and in accordance with Procedural Rule 46, both parties were invited by the EDC Chairman to respond to each other's appeals by no later than Friday, 13 September 2024.

10.5. On 09 September 2024, a statement was received from the FIDE President, Mr Dvorkovich, in response to the respondent's appeal.

10.6. On 12 September 2024, a first response was received from the respondent, in comment to the complainant appeal.

10.7. On 18 October 2024, a statement of an additional evidence was received from the FIDE President.

10.8. On 29 October 2024 the respondent was invited by the Chairman of the Appeal Chamber to comment on the statement of an additional evidence submitted by the complainant.



10.9. On 09 November 2024, a second response was received from the respondent, in comment to the statement of an additional evidence submitted by the complainant.

11. The core facts of the matter

11.1. The original complaint:

The Complainant details that for a decade, sealed envelopes with pages from pornographic magazines and used condoms were sent to several women chess players (11 names of which are listed). The said letters were sent to the home addresses of the players, as well as their club, university and tournament venues.

11.2. The envelopes usually contained pornographic material- a page from a magazine, which was folded in half with a condom with a substance (presumably sperm) inside. The letters were all sent through mailboxes in Riga, Latvia.

11.3. The sender used a wide variety of names as the ostensible sender, sometimes the names of well-known male chess players and/or addresses to impersonate them.

11.4. There were two investigations with evidence that traced the letters to FIDE-registered chess player IM Andrejs Strebkova - an informal journalist investigation and a formal investigation by Riga police.

11.5. Mail Recipients and details of transgressions

Ms A - A letter was sent to Ms. A in spring 2018, and delivered to the chess club in Moscow (she was 14 at that time). The envelope labelled Mr. Alexander Khalifman as the sender. The envelope was opened by the head of the chess club, Mr. Sergey Nesterov, who stated that there were clippings from a pornographic magazine with two or three men raping a girl, and a condom with liquid in it. Mr. Nesterov called the police and the player's mother. The case was investigated by the police, but nothing concrete came from it. This incident was confirmed by the investigation undertaken by the



Meduza Internet Platform (hereinafter referred to as the “Meduza Article”).

- 11.6. Ms B - Ms. B received numerous letters from Latvia. The first letters received were sent when she was below the age of 18, in November 2013. The letters were sent to her home address in Moscow, Russia. At least 10 letters were sent and received by her mother between 2013 and 2018-2019. A few letters were kept safe in the refrigerator. This incident was also confirmed by the Meduza Article investigation.
- 11.7. Ms C - Ms. C received a letter from Riga in 2009 when she was 15. The labelled sender was a child of her age, who played in the same tournaments. The letter, opened by her parents, contained one used condom. The parents deemed the letter as a prank and did not take it seriously. This incident was confirmed by the Meduza Article.
- 11.8. Ms D- Ms. D received a letter with a Riga postmark during or about 2012/2013, when she was 20. Her parents opened the letter and informed her of the contents- a used condom and pornographic material. This incident is detailed in the Meduza Article.
- 11.9. Ms E - Ms. E received letters addressed to her at a chess school in Moscow in 2013, when she was 24 years old. The envelope was opened by the director of the school with pornographic materials and a used condom. This incident was confirmed by the Meduza Article.
- 11.10. Ms. F- Ms F from Moscow received a letter in 2015 when she was 23 years old, containing a used condom and pornographic material.
- 11.11. Ms G and Ms H- Similarly in 2015. 18 year old Ms G and 21 year old Ms H received envelopes with pornographic materials and a used condom in St Petersburg. Ms G kept her letter and gave it to Meduza. There is also a photograph of Ms H’s letter.
- 11.12. Ms I- On August 31, 2023, Ms I received a letter with a Latvian stamp and the same obscene contents as the other young ladies. The information was provided to FIDE directly by Ms I’s father.



11.13. Grand Swiss 2021 case

During the 27th and 28th of October 2021, three envelopes addressed to J, K and L, participants of the Grand Swiss Tournament, were delivered to the Marriott hotel in Riga. The labelled sender was Alexei Dreev and Alexander Khalifman.

11.14. On the 3rd November 2021 two more similar envelopes were delivered, addressed to. M and N, participants of the tournament. These letters were collected by Ms. Dana Reizniece-Ozola, acting at the time of the tournament in her capacity as FIDE Managing Director, and the individual responsible for organising the tournament. The letters contained used condoms and pornographic material.

11.15. The Meduza Article

In February 2022, the Meduza Article was published regarding numerous letters delivered to different female chess players: A, B, C, D, E, F, G and H.

11.16. The Meduza Article is the product of in-depth investigative journalism, which concludes that the respondent Mr. Strebkovs is the offender.

11.17. This conclusion is based on the following: numerous letters were sent from Latvia; though a few persons were labelled as the sender, only Mr. A Khalifman is labelled several times.

11.18. Mr. Khalifman is the moderator of the “Chess Professionals and Amateurs” online forum, where he banned a user under the nickname “Afromeev’s Cat.” This user was allegedly known and recognized at several chess forums, which gave the conclusion that it was the same person behind the alias. Afromeev’s Cat published photos of chess players with insulting captions, which eventually led to a warning and a ban by Mr. Khalifman in 2009. The Afromeev’s Cat user was later (in 2012) registered at another online forum and posted similar content that he was banned for in the past.



- 11.19. In 2012 a user with a similar nickname (“Afromeev’s Cat”) registered at an amateur writers' website Proza.ru, publishing humorous and erotic stories about the chess world. Although all events and characters were specified as “fictitious”, certain chess players were reportedly recognised in the heroes of texts with ease, including such characters as "Kalifman" or "A. B. Khalifman" and certain women characters with their names similar to those specified above.
- 11.20. In 2016 several comments appeared in the Russian social web “Vkontakte” signed by “Alexander Shneider” writing in a in a similar style like the “Afromeev’s Cat”.
- 11.21. "Alexander Shneider" sent messages to female chess players from two VKontakte accounts in this name, where he also regularly posted links to stories by "the Afromeev’s Cat”.
- 11.22. Meduza found an earlier account of Schneider which was used to share links to texts of the “Afromeev’s Cat” created in 2010 but frozen for suspicious activity. According to a source with access to the Vkontakte database, the Schneider page was linked to the email address “candyman@megabox.ru”. Information about the candyman@megabox.ru was leaked as a result of a hacker attack by a hacker activist (hacktivist) with the nickname CyberAnakin.
- 11.23. The IP leak by the hacktivist concluded that the owner of the E-Mail entered the mailbox from Riga, Latvia, around the area with the postal code LV-1021 indicated on the envelope received by the chess player G. CyberAnakin also checked emails from the candyman@megabox.ru box from 2010 to 2014, upon which he specified that the name of the owner was Andrejs Strebkovs from Riga with a profile on the FIDE website.
- 11.24. FIDE wishes to note that Meduza and the hacktivist acted on their own accord, with no endorsement or assistance from FIDE.



11.25. Riga Police Investigation

The Riga Police launched an investigation of the case submitted by Ms. Reizniece-Ozola which included the envelopes received at the Grand Swiss 2021 event as well as the expertise record (from the Criminal Case Termination).

- 11.26.** The criminal case was discontinued on the 10th January 2023 since it was found that the respondent's actions do not constitute a criminal offense in Latvia.
- 11.27.** Despite this, the investigation revealed evidence that the material contained in the envelopes belonged to the respondent. (a) On the 17th February 2022 the experts of the State Police Criminology Department reported that the biological material of the same male person, valid for identification, was found on the typographic sheets and the condom submitted for expert examination; (b) on the 28th April 2022 the experts of the State Police Criminalistics Department reported that on all examination objects submitted for expertise, namely 3 pcs. sheets of paper and 3 pcs. condoms, biological material of one male person was found matching with the DNA profile studied on the 17th February 2022; (c) on the 19th August 2022 the experts of the State Police Criminology Department reported that the biological material taken from the respondent matches with the material studied in the two expert opinions specified above.
- 11.28.** The case, including the materials and results of the expert research provided for the criminal case specified above, was then studied by the Administrative Offences Investigation Department of the Order Police Bureau of Riga Ziemeļu Administration of the State Police.
- 11.29.** On the 27th June 2023 the Police decided that there was enough evidence in support of the fact that the respondent during the period from October 27 to November 3, 2023, sent five letters to the participants of the tournament organized by the International Chess Federation (FIDE) Recipient J, E, M, N and L to the hotel "AC Hotel by Marriott Riga" in Riga, Dzirnava Street 33, that contained clippings from pornographic magazines/newspapers, as well as used



condoms, thus violating generally accepted norms of behaviour and thus disturbing peace/work of a person and institution. The police made a Decision as a result of the case, an administrative penalty was applied, which was never appealed by the respondent or anyone else.

11.30. The Complainant submits that considering the evidence and conviction by the Riga Police, there is confirmation without a doubt that the respondent did send letters to 5 female chess players in 2021.

12. GROUND OF APPEAL

12.1. In his statement of appeal, the respondent categorically denies any involvement in the authorship or dissemination of the letters that form the basis of the charges against him as he does not know any of the chess players to whom the letters were sent, nor does he possess their addresses or have access to any data stores containing such information, adding about the letters bearing the stamp of the post office near his home, that his address is publicly known. The respondent further notes, that the Latvian postal system's checking process would have detected and intercepted any letters containing illicit materials. He attributes his omission of explicitly denying his involvement during the first instance proceedings, which does not constitute an admission of guilt, to a lack of familiarity with legal writing and his conviction that the complaint was unfounded.

Furthermore, the respondent emphasizes that only the 2021 incident at the Grand Swiss in Riga falls within the scope of ethical and disciplinary concerns due to insufficient evidence regarding other incidents (photos of envelopes not revealing the contents)

He also notes a lack of proof that the letters were sent exclusively to chess players, implying that the incidents are outside FIDE's jurisdiction and suggesting that these letters could be part of a broader social awareness campaign potentially related to topics like AIDS prevention.



12.2. The respondent asserts his innocence regarding the 2021 Grand Swiss incident, emphasizing the lack of a graphological examination and the absence of any erotic magazines found during a search of his residence.

Moreover, he challenges the definition of sexual harassment and abuse (SHA) adopted in the first instance decision (paragraph 10.2 of the appealed decision) as lacking universal acceptance. He argues that sending the letters did not necessarily constitute an act of harassment, as harassment implies repeated actions and a deliberate intention to cause distress.

12.3. The respondent raises three grounds in his appeal against his conviction. As his primary argument, the respondent contests the alleged violation of Articles 2.2.4 and 2.2.10 of the Old Code, arguing that the letters were exchanged between private individuals and were unrelated to any FIDE official or tournament activities. He adds that FIDE, as a sports organization, lacks competence to investigate such matters, especially when they do not directly impact the integrity or reputation of chess tournaments, games, or other events. Therefore, FIDE's reputation in this matter is not affected.

12.4. By way of his second argument, the respondent disputes the alleged violation of Article 6.1(a) of the New Code of Ethics. He highlights the absence of evidence regarding which chess players experienced negative psychological effects and how such effects manifested. Moreover, he argues that the sender's primary intention remains unknown and it is impossible to establish that causing distress was the intended outcome.

Lastly, as the third argument, the respondent refutes the alleged violation of Article 11.9(a) of the Disciplinary Code. He assumes that social norms vary significantly across cultures, and what may be considered unacceptable in one context may not be in another. He argues that sending such items by post, while unconventional, is no longer surprising given the prevalence of very vulgar spam on our mobile phones and smartphones.



- 12.5.** For these reasons, the respondent asks the Appeal Chamber to make a correct, balanced and legally based decision.
- 12.6.** In his cross-appeal, the FIDE President, representing the general interest of FIDE, agrees with the first instance Chamber's decision to find the respondent guilty of most charges, although he seeks to appeal the respondent's acquittal on some charges and specifically the findings about Articles 2.2.5 of the Old Code, and 11.9 (d) and (e) of the new Code. He argues that the literal interpretation of these articles supports a finding of guilt, even though the harassment did not occur in person as sending letters containing obscene content and biological liquids can be considered "violent" and "threatening" behaviour because it can cause fear and distress.
- 12.7.** As a second argument, the complainant further highlights the first-instance panel's *overlook* in failing to consider the respondent's targeting of a vulnerable group - women, including minors - which constitutes a clear violation of Article 6.4 of the Code and Article 2.11 of the FIDE Charter. He contends that this targeted harassment exacerbates the gravity of the respondent's actions.
- 12.8.** As a final argument, the complainant submits that the first-instance panel's decision to not revoke the respondent's IM title, relying on a precedent set in Case 10/2023, is misplaced and fails to consider the exceptional circumstances of this case. He argues that the respondent's persistent misconduct, lack of remorse, and the potential for further harm necessitate the revocation of his title to protect the integrity of FIDE and its members.
- 12.9.** For these reasons, the complainant asks the Appeal Chamber to rule as follows:
- 12.9.1.** to find the respondent IM Andrejs Strebkovs guilty in accordance with the Art 2.2.5 of the Old Code;
 - 12.9.2.** to find the respondent guilty in accordance with the Art 11.9 (d) and (e) of the Code;
 - 12.9.3.** to find the respondent guilty in accordance with the Art. 6.4 of the Code



12.9.4. to sanction the respondent with a worldwide ban of fifteen years from participating in any FIDE rated event as a player, or to be physically present at any such FIDE rated event (last five years of the term may be conditional, should there be positive changes about the respondent's behaviour);

12.9.5. to apply the revocation of the IM title to the respondent as a supplementary sanction.

12.10. The Appeal Chamber shall deal with the above arguments in its discussion of the merits of the appeal and cross-appeal below.

12.11. The Appeal Chamber would nevertheless wish to assure the parties that it has carefully considered all matters and arguments put forward by the parties, even if reference is made in this decision only to those matters necessary to explain the Appeal Chamber's reasoning and its decision.

General considerations and FIDE Charter Framework;

13. The fight against sexual harassment and abuse in sport, particularly concerning women and minors, has gained significant momentum in recent years. This movement is driven by a growing recognition of the prevalence and devastating impact of such abuse.

14. FIDE is recognised by its members and by the International Olympic Committee as the international federation in the domain of chess, the supreme body responsible for the sport of chess, its championships and events (art. 2.4 of the FIDE Charter).

FIDE in its governance of the sport of chess subscribes to the "Fundamental Principles of Olympism" promoted by the Olympic and Sports movement and adopted by the IOC; Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the International Olympic Committee. In 1999, FIDE was recognized by the IOC as a Global Sporting Organization. All member federations are compelled, by virtue of their membership of FIDE, to follow, implement and promote the same principles and ensure that all their members and various bodies, including leagues, and clubs also comply with them (see art. 11(a) of the FIDE Charter).



15. The Olympic Movement has among its mission to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity and in pursuance of the values of peace, solidarity and non-discrimination in sport for whatever reason.
16. More specifically, and according to the ICO Charter, the fundamental principles of Olympism make it possible, among other things, to:
- Practice sport as a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.
 - Encourage and support the promotion of ethics and good governance in sport.
 - Promote safe sport and the protection of athletes from all forms of harassment and abuse.
17. The FIDE principles and values as enshrined in its Charter relays the aforementioned Olympic principles.
18. In terms of Article 2.11 of the Charter:
FIDE especially encourages and supports:
- the education of youth through chess sport and culture;
 - the promotion of women in all chess activities and events;
 - the promotion of ethics and any effort aimed to ensuring that, in chess, the spirit of fair play prevails;
19. In terms of Article 4 of the Charter:
- FIDE is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights (4.3);
 - FIDE rejects any kind of discrimination against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, citizenship, birth, age, status, wealth, disability, language, religion, sex, gender identity or expression, pregnancy, sexual orientation, political opinions, or any other reason (4.4);



- FIDE shall undertake all measures necessary to guarantee equal access to the game of chess and tournaments to all countries, zones and continents (4.6);

20. According to Art. 6.8 of the FIDE EDC Code everyone has the right to participate in chess in an environment that is safe and enjoyable. FIDE encourages healthy and safe procedures, and is committed to protecting player welfare, including non-discrimination and the prevention of harassment and abuse.

Art. 6.9 adds “Members of the FIDE Family shall respect and promote the rights of Vulnerable Groups.”

21. Finally Article 8.1 of the Charter provides that “The interpretation of FIDE rules and regulations must be in conformity with the Olympic Charter...”

22. FIDE fully complies with the IOC Charter and all policies implemented to safeguard the sports environment, particularly concerning sexual harassment and abuse. This commitment is reflected in the "Statement of International Chess Federation against Sexism and Sexual Abuse in Chess", dated 11 August 2023, which affirms:

"FIDE stands firmly against any behavior and actions based on sexism, including any form of abuse... We are proud that more women are playing chess than ever before, and they deserve a safe and respectful environment. We want to underline that we take any reports of sexism and abuse very seriously and are committed to improving the chess world... We continue our work on a safeguarding policy for women in chess, as we want to provide them with the tools and support to feel safe and confident. In the meantime, we urge any women players who have faced misconduct to file a complaint with the FIDE Ethics and Disciplinary Commission. The EDC operates with confidentiality and respect for the complainant's privacy... Even if just one woman is experiencing abuse, it is one too many."

The merits of the respondent's appeal

23. Regarding the Respondent's denial of any involvement in the authorship or dissemination of the letters.



- 23.1.** The denial of an accusation is a fundamental right of defence. However, the exercise of this right is subject to the discretion of the Panel, which evaluates it in light of other facts, the circumstances of the case, and the timing of the denial. Similarly, the absence of any denial cannot, in itself, constitute a determinant element for guilt.
- 23.2.** In the present case, the First Instance Chamber, after a meticulous examination of the factual and legal elements, concluded that the respondent was guilty. Notably, the Chamber pointed that the respondent never denied sending the letters. This note, entirely consistent with the case file, was not used as a decisive element for the conviction. Instead, it served to corroborate the conclusion of guilt already established based on other evidence in the record. Accordingly, there is no basis to challenge the reasoning underpinning the decision under appeal.
- 23.3.** It is also worth noting that the late denial of guilt expressed during the appeal remains subject to the appeal panel's evaluation. In this regard, it must be considered that the first reaction of any accused person who is firmly convinced of their innocence would almost instinctively be to deny the accusation and assert their innocence. This initial reaction, absent during the first-instance proceedings, understandably raised concerns. The respondent's argument that ignorance of legal drafting techniques hindered such a reaction is unpersuasive under the standard of the "bonus pater familias" (reasonable person), as such a basic, instinctive response does not depend on legal expertise.
- The evidence relied upon in the first instance remains the cornerstone of the decision, and the late denial cannot displace the weight of these established elements.
- 23.4.** The assertion of lacking knowledge regarding the victims' private addresses and the absence of access to any database containing such information is not dispositive with respect to the acts for which the respondent was convicted. This is particularly evident in relation to the events of the Grand Swiss 2021, where letters were



dispatched to the tournament's venue. It is unequivocally clear that the sender possessed detailed information about the tournament, its location, and the participants, from whom the victims were deliberately selected. All such information was publicly available online prior to the commencement of the tournament, further supporting the inference that the sender was also a member of the FIDE family.

24. Two assertions made by the respondent in his appeal statement remain unsubstantiated: the existence of a prior postal control system in Latvia to intercept illicit items, and the claim that the letters were part of a broader awareness campaign against AIDS. As neither claims have been supported by evidence, they are dismissed by the Panel.
25. Two procedural arguments were raised by the respondent: (1) only the 2021 incident at the Grand Swiss in Riga falls within the scope of ethical and disciplinary concerns; and (2) the incidents are outside FIDE's jurisdiction due to the private nature of the correspondence between individuals.
26. On the first procedural argument, the First Instance decision correctly addressed the issue. The 2021 incident was the misconduct under scrutiny and subject to sanction, while the incidents which occurred prior to 2021 were considered to fall within the prescriptive period in accordance with Article 5(e) of the Ethics Code.
27. On the second procedural argument relating to the lack of FIDE jurisdiction, the First Instance decision also correctly addressed the issue by unequivocally demonstrating that the postal envelopes in question were devoid of any characteristics inherent to private correspondence and, accordingly, could not be deemed as such. Notwithstanding, the Appeal Chamber deems it imperative to underscore the following considerations:
 - 27.1. All letters were sent to female chess players, some of whom were minors when they received these letters. This reflects that it is the vulnerable faction of the FIDE family that is being harassed. Contrary to the respondent's claim, there is no evidence to suggest that letters were sent to anyone other than female chess players.
 - 27.2. The letters from 2021 were sent to the venue of the tournament while the tournament was in progress, clearly connecting them to the



game of chess itself. Previous letters were sent to chess clubs where the victims practiced.

- 27.3.** As previously stated (see paragraph 23.4), the level of information possessed by the sender of the letters regarding the tournament: its venue, its schedule, and the participating players, including the victims, coupled with the decision to dispatch letters twice during the tournament, held from October 27th to November 7th, 2021, collectively indicates a meticulously planned operation executed by an individual well-acquainted with the world of chess, and more likely, by a member of the FIDE family.
- 27.4.** Regarding the 2021 Grand Swiss Tournament, certain correspondence bore the names of two widely recognized players and coaches as senders, one of whom is a former world champion. This circumstance provides evidence that the intent of the real sender was to personally discredit these individuals, and to damage the reputation of the game of chess by associating their names with a scandal arising during a tournament directly connected to the World Chess Championship cycle.
- 27.5.** The dispatch of correspondence containing explicitly sexual content to the venue of a Chess Tournament cannot, under any circumstances, be considered as private correspondence. This is due to the inherent likelihood of such correspondence being received by tournament organizers, thereby disrupting its proper conduct. This conduct comfortably satisfies the "predictability test," as it was indeed foreseeable that such correspondence would cause disturbance. This was in fact the case, as upon receipt of the initial letter, player Ms. Z promptly notified the highest-ranking official present and responsible for the organization, namely Ms. Dana Reizniece-Ozola who subsequently collected the letters, ensured their preservation as evidentiary material, contacted the police, and filed a formal complaint on behalf of the affected parties. Following this initial incident, the entire organizing team was placed on high alert to safeguard the players and ensure the orderly progression of the tournament against further disruption. Consequently, the second



wave of letters was received by the organizers, and directly by Ms. Ozola. These facts have been duly documented and corroborated by the statement of Ms. Ozola.

- 27.6.** The respondent's argument that the dispatch of these letters could be part of a public awareness campaign concerning AIDS remains an entirely frivolous hypothesis. Such campaigns typically seek to engage the broadest possible audience for the cause they advocate through the dissemination of educational materials. This stands in stark contrast to the distribution of content that elicits nothing but repulsion and disgust. Furthermore, by their very nature, such campaigns are directed at the general public and never target specific individuals. Additionally, they are never conducted under pseudonyms or names that do not accurately reflect the organization genuinely undertaking such an initiative.
- 27.7.** For all of the foregoing reasons, which collectively constitute a body of multiple, convergent, and corroborating evidence, the Appeal Chamber has no doubt that all the facts of the present matter are intrinsically connected to the realm of chess and fall within the exclusive jurisdiction of FIDE and its disciplinary body, the EDC. Consequently, all arguments raised by the Respondent to the contrary are to be dismissed.
- 28.** Regarding the incident of the Grand Swiss, the Respondent challenges the admissibility of the evidence presented against him, asserting that no graphological examination was conducted and no erotic magazine was found in his flat. However, contrary to his assertion:
- 28.1.** The content of the letters sent during the Grand Swiss tournament has been duly recorded within the police investigation report, and the biological material has been subjected to DNA analysis. This obviates the necessity for any further expert analysis, such as graphological examination.
- 28.2.** The connection between the respondent and the letters sent during the Grand Swiss tournament has been conclusively established by the seizure, at his residence, of condoms bearing biological material which, pursuant to DNA analysis, coincides with biological material



of condoms contained in five letters dispatched to the participants of the FIDE tournament. The Respondent has failed to provide any plausible or convincing explanation regarding the presence of this incriminating evidence within his residence. Consequently, the presence or absence of erotic magazines in his apartment is immaterial and does not alter this determination.

28.3. The findings of the respondent's guilt are further supported by two additional elements:

Firstly, his refusal to submit to a DNA test to compare his genetic profile with the biological material extracted from the condoms sent to the tournament venue, despite this being an ideal opportunity to prove his innocence, had such been the case.

Secondly, he has neither filed nor declared having filed an appeal against the conclusions of the police investigation, which established the facts and resulted in his conviction for an administrative infraction. The fact that his misconduct does not constitute a criminal offense under Latvian law and is subject only to an administrative fine does not in any way alter the facts established by the investigation or the characterization of these facts and their consequences from an ethical and disciplinary perspective. Furthermore, a similar line of reasoning persists in the respondent's mindset, who, subsequent to his appeal in this matter, does not seek to overturn the initial ruling (an instinctive and logical request for any individual considering himself innocent), but rather confines his request to obtaining a "balanced and legally sound decision," which remains paradoxical for the appellate chamber. Notwithstanding this paradox, in order to fully preserve his right to defence, and considering his asserted lack of experience in legal drafting, the appellate chamber construes his request as equivalent to a request to overturn the initial ruling.

29. With regard to the arguments raised about the concept of sexual harassment and abuse and its consequences, it must be noted that this concept should not be construed according to personal views such as those expressed by



the respondent, but rather in accordance with the prevailing understanding and definitions within the sporting community, particularly FIDE, and in compliance with applicable rules and established strategies for combating such prohibited behavior.

30. In addition to the aforementioned arguments (see preceding paragraphs 13 to 25), which unequivocally demonstrate that the fight against practices of sexual harassment and abuse enjoys unanimous support within the realm of sports in general and within FIDE, in particular, due to the established detrimental effects on both personal and community levels, as well as their incompatibility with the practice of sports in a safe environment conducive to its flourishing, it is imperative to note the following:
31. Sports governing bodies manage the behaviour of individuals engaged in its sport through various codes, rules and regulations. These measures may expressly deal with certain types of unwanted conduct, such as Sexual harassment and sexual abuse.
32. An association - based on the special contractual legal relationship - may impose stricter duties on its members than the duties imposed on citizens by criminal law (or civil law). Associations in general have a large freedom to manage their own affairs in their respective fields. (CAS 2018/A/6007 Rajoub v FIFA at paragraphs 87-99, also EDC Case 02/2022(A) Sergey Karjakin v FIDE Council).
33. Individuals adhering to such contract must comply with their duties; their behavior must be in conformity with the expectations of their sport's governing body and sports community more over when it comes to the behaviour expected from role models. Otherwise, they can freely opt out of their obligations by resigning from any role that subjects them to the association's rules and regulations.
34. Personal or minority opinions, though falling within the ambit of protected freedom of expression, are wholly incompatible with conduct expressly prohibited by applicable regulations and condemned by both the sporting community and FIDE to which the respondent belongs.
35. The respondent's attitude and point of view leaves him with little choice between two options: either to be in harmony with his convictions and to withdraw on his own from all FIDE activity, or to be expelled from FIDE for a



long period until he refrains from his behavior and reaffirms his adherence to the principles of FIDE and accepts its full authority in the chess sphere.

36. With regard to the respondent's grounds of appeal against his conviction upon Articles 2.2.4 and 2.2.10 of the Old Code, it has been sufficiently demonstrated by the first instance chamber and in paragraph 27 and its subparagraphs of this appeal decision, that the correspondences in question were not merely exchanges between private individuals, as contended by the respondent. Consequently, the argument against the conviction under Article 2.2.4 of the Old Code is dismissed.

Furthermore, the close connection between the sending of the letters, the conduct of the tournament, and the chess community in general, as well as the disruption caused to the tournament's organization and the involvement of FIDE officials in the complaint, have all been duly established in the aforementioned paragraphs. This involvement extended beyond the tournament, encompassing the follow-up of the case through administrative investigations culminating in a penalty, and the meticulous gathering of evidence to serve as the basis for disciplinary proceedings.

37. Moreover, the widespread media coverage of this case, including the 2022 publication of the Medusa report –the product of an in-depth journalistic investigation documenting the Respondent's numerous offenses within the chess world– combined with the extended police investigation lasting until 2023 and the protracted period during which female players, including minors, were subjected to the respondent's transgressions without effective FIDE intervention, underscores the gravity of the harm inflicted.

38. In EDC Case 02/2022(A) Sergey Karjakin v FIDE Council it is stated the following:

38.1. Article 2.2.10 of the former Ethics Code read as follows:

"In addition, disciplinary action in accordance with this Code of Ethics will be taken in cases of occurrences which cause the game of



Chess, FIDE or its federations to appears in an unjustifiable unfavorable light and in this way damage its reputation."

- 38.2.** The non-compliance with FIDE principles will be sanctionable in terms of Article 2.2.10 of the old Code if it causes reputational harm to the game of chess, FIDE or its national federations. Whether such reputational harm has been suffered will depend on the profile and status of the offender, the nature of the occurrence and knowledge thereof within the ranks of the chess community or general public.
- 38.3.** For example, publication in news articles on the Internet or dissemination in social media of an incident where a chess grandmaster has been caught cheating in a chess tournament will put the game of chess in an unjustifiable, unfavourable light. Also, if a senior FIDE official socially misbehaves to a significant degree and this is reported upon in the media, this may lead to a conclusion that the reputation of FIDE has been harmed.
- 39.** The Appeal Chamber is unequivocally convinced, to its "comfortable satisfaction," that all incidents stemming from the respondent's conduct have caused severe harm to the game of chess, presenting FIDE as incapable of providing a safe and conducive environment for the practice of the sport, especially for vulnerable groups, specifically female players, some of whom were minors. From the perspective of the broader public audience targeted for engagement with chess, the occurrence of these incidents casts the game of chess and FIDE in an unjustifiable unfavorable light, pursuant to Article 2.2.10 of the old Code, thus necessitating the confirmation of the first-instance finding of guilt under the aforementioned article.
- 40.** Regarding the respondent's Grounds of Appeal against conviction under Article 6.1(a) in conjunction with Articles 6.3, 6.4, 6.5(e), and 6.5(g) of the New Ethics Code, the respondent contends that there is no evidence to demonstrate that the recipients of the letters suffered adverse psychological effects or that the sender intended to cause any harm. However, these arguments are irrelevant to the application of Article 6.1(a) and the related provisions.
- 41.** Having regard to the formulation of Article 6.1(a) in conjunction with Articles 6.3, 6.4, 6.5(e), and 6.5(g) of the New Code, the Appeal Chamber finds that



although these Articles are widely drawn and capable of covering any occurrence or conduct related to the respect of Human Dignity, these Articles are not ambiguous and the provisions do not require proof of harm as a prerequisite for a finding of guilt.

42. The provisions in question do not require proof of any actual psychological harm to the recipients or explicit intent to cause such harm. In fact, Article 6.5(e) reads: “Psychological abuse means any treatment that may diminish the sense of identity, dignity or self-worth, and may include without limitation any unwelcome act such as confinement, isolation, verbal assault, humiliation, or infantilization”; The repetition of the term “may” means that the psychological harm can be purely hypothetical. Likewise, Article 6.5(g) reads: “Sexual harassment means unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal, or physical. The assessment is based on whether a reasonable person in the given cultural and contextual circumstances would regard the conduct as undesirable or offensive.” Consequently, the criterion is not the intent of the perpetrator, but rather the assessment of whether the conduct is undesirable or offensive, as viewed by the victim compared to the assessment of the reasonable person.
43. The Appeal Chamber is comfortably satisfied that the respondent’s conduct meets the threshold of dissatisfaction both in the social and sporting contexts and that the victims have expressed their dissatisfaction by authorizing a FIDE Official to file a complaint in Latvia. Therefore, it is not necessary, so it is argued, that there is evidence of actual damage to constitute a violation of the cited provisions of the Code.
44. The Appeal Chamber wishes to underscore that it is a fundamental principle of disciplinary provisions that certain acts are inherently wrong and punishable, regardless of any actual consequences. This is consistent with the inherent objective of disciplinary rules to maintain order, the integrity of the sport system and mainly to protect vulnerable groups. In such cases, misconduct is punishable by its mere perpetration without the need to prove any harm; it is a formal offense that is complete upon the commission of the act of harassment or sexual abuse and based on a “presumption” of harm or damage.



Accordingly, the Respondent's arguments fail to provide a valid basis for overturning the conviction under of the cited provisions of the Code.

45. About the violation by the respondent of Article 11.9 (a) of the Disciplinary Code and having regard to the formulation of that article, the Appeal Chamber finds that although the Article is widely drawn and capable of covering many socially unacceptable behaviours, the Article is not ambiguous and meets the "predictability test", namely the imposition of a duty not to infringe normal social standards of courtesy and chess etiquette; it is clearly conveyed that a breach of such duty will attract disciplinary sanctions. It is not possible, nor necessary, for the Article to specifically mention the nature of the various types of conduct that would breach the specified standards.
46. Accordingly, the Appeal Chamber rejects the respondent's reliance on the multiplicity of standards of social conduct and courtesy which vary from one country to another. His argument in this regard remains irrelevant insofar as his conduct was clearly reprehensible in light of generally accepted social standards and normally accepted standards of courtesy and chess etiquette. It is held that it was indeed foreseeable by him that his behaviour, as a titled chess player, brings him into the ambit of Article 11.9(a) of the Disciplinary Code and that he could be sanctioned for a breach of that rule.
47. Having carefully considered all of the respondent's grounds of appeal, the Appeal Chamber is comfortably satisfied, by unanimity of its members, that the respondent's conviction of a breach of Articles 2.2.4 and 2.2.10 of the Old Code, Article 6.1(a) read with 6.3, 6.4, 6.5 (e) and 6.5 (g) of the Ethics Code (new) and Article 11.9(a)) of the Disciplinary Code by the First Instance Chamber should be maintained and the respondent's appeal be dismissed.

The merits of the complainant's cross-appeal

48. A preliminary issue must be addressed regarding the admissibility of new evidence presented by the Complainant for the first time on appeal, alleging its unavailability prior thereto; Rule 43.2 of the EDC Procedural Code governs the admissibility of new evidence in appeals in these terms:



“New evidence may only be submitted if it was not available to the Appellant at the time of filing his/her statements in front of the First Instance Panel or, if it was available at that time, the relevance of such evidence was not readily apparent. The EDC Appeal Chamber has the power to declare any new evidence as not admissible, on application of the other Party or on its own accord.”

49. This Rule establishes a restrictive standard for the introduction of new evidence on appeal. New evidence shall be admissible in appeal only in two situations:
- If it was not available to the Appellant at the time of filing his/her statements in front of the First Instance Panel. This first situation explicitly acknowledges that the evidence existed at the time of filing the statements in front of the First Instance Panel (reference time) but was not available to the Appellant at that time.
 - If it was available at that time but the relevance of such evidence was not readily apparent. This second situation acknowledges that the evidence existed and was available to the Appellant at that time (the time of filing his/her statements before the First Instance Panel) but its relevance was not readily apparent.
50. The Appeal Chamber, having duly considered the prerequisites for the admissibility of new evidence on appeal, finds that the evidence presented and dated September 22, 2024 (the date of its creation and publication on the web) does not fall within either of the exceptional situations permitting its admissibility.
51. Consequently, the presented evidence cannot be considered new evidence within the terms of Article 43.2 of the EDC Procedural Rules and must be declared inadmissible as new evidence at this stage.
52. Notwithstanding the foregoing, the Appeal Chamber wishes to emphasize that there is no impediment to the newly presented evidence being the subject of a new complaint, provided that the conditions for its admissibility are met.



53. Regarding the issue of whether the respondent should be found guilty or not under Article 2.2.5 of the Old Code, the first-instance chamber decided that this section addresses behaviour in the physical presence of each other, with a more direct interaction in nature. The respondent was therefore found not guilty of this charge.
54. In the view of the Appeal Chamber, the interpretation of Article 2.2.5 lacks sufficient support for the aforementioned conclusion. Notably, Article 8.2 of the FIDE Charter outlines the rules for interpreting FIDE rules and regulations providing: "When textual, systematic and teleological interpretation fail to provide a resolution to a specific case or issue, general principles of law may be applied."
55. Article 2.2.5 of the Old Code, in relevant part, reads: "Violent, threatening, or other unseemly behaviour during or in connection with a chess event." The provision lacks any express requirement that the targeted behaviour must occur in the physical presence of both the offender and the victim.
56. The textual interpretation of the aforementioned Article supports this preliminary observation. Fundamentally, Article 2.2.5 of the Old Code delineates a category of conduct deemed reprehensible by the Code. Grammatically, the provision encompasses a series of adjectives - "Violent, threatening, or other unseemly" - which modify the noun "behaviour." as explained below:
- **"Violent"**: is an adjective describing behaviour that, in its most common understanding, involves the exertion of physical force. However, the concept of violence encompasses a broader spectrum, including categories such as Verbal Violence, Sexual Violence, and Psychological Violence, some of which may not necessitate the physical presence of the parties involved.
 - **"Threatening"** describes behaviour that creates an environment of fear, involves intimidation, or suggests the possibility of harm or danger. With respect to vulnerable groups, minor threatening behaviour may foreshadow more significant threats. In this context, it is evident that threatening behaviour can manifest in various ways, regardless of the physical presence of the parties involved.



- **"Other Unseemly"**: This is a more general category that encompasses all other forms of behaviour that cannot be classified in the previous categories. The term **"Other"** explicitly acknowledges that the scope of prohibited conduct extends beyond just violent and threatening. Concurrently, the adjective **"Unseemly"** characterizes behaviour that is inappropriate, improper, unwelcome, or offensive within the context of a chess event.

57. At this stage, it is already evident that the textual meaning of Article 2.2.5 encompasses a broad range of behaviours. While some of these behaviours may necessitate the physical presence of the individuals involved, in the majority of cases, such presence is not required. However, to ensure an exhaustive analysis through textual interpretation, the final terms of Article 2.2.5 must be addressed. Specifically, do the concluding terms of Article 2.2.5 ("during or in connection with a chess event") imply a necessity for the physical presence of both the perpetrator and the victim?

58. From a textual perspective, the prepositional phrases concluding Article 2.2.5 also modify the noun "behaviour" as follows:

- **"during"**: The term "during" indicates that the behaviour occurs while the chess event is taking place. It tends to imply the physical presence of both the perpetrator and the victim, though such presence is not explicitly required.
- **"in connection with"**: This preposition indicates that the behaviour is related to the chess event, even if it does not occur directly during the event itself. The term "in connection with" carries a broader meaning, encompassing behaviours that can take place before or after the event, as well as any actions occurring outside the event but still in connexion with it. In such cases, it is evident that the physical presence of the involved parties is not a prerequisite.

59. In *M. Whitmore v. International Skating Union (ISU)*, (CAS 2016/A/4558), the CAS Panel accepted that an incident happening e.g. two days prior to an official ISU event, even if not occurring on the premises of an ISU event but in the close proximity of the location where the ISU event is set to take place,



may be considered as having occurred during the participation in an ISU activity. This is irrespective of the fact that the athlete involved in the incident is not competing in the ISU event.

60. The Appeal Chamber finds that, in the situation at hand, the respondent's act of sending letters containing inappropriate content to the Event venue falls under an "unseemly behaviour during or in connection with a chess event" and thereby triggers the application of Art 2.2.5 of the Old Code of Ethics.

61. This determination holds irrespective of the respondent's physical presence, which is not a prerequisite for such a finding. The Chamber emphasizes that Article 2.2.5 of the Old Code should not be given a narrow interpretation, which would render it entirely or partially ineffective.

Consequently, the respondent is found **guilty** of Article 2.2.5 of the Old Code.

62. Regarding the issue of whether the respondent should be found guilty or not under Articles 11.9 (d) and (e) of the Disciplinary Code, the First-Instance Panel found:

62.1. Concerning Article 11.9 (d): that this section speaks more about unsporting behaviour, physical assault, verbal abuse or threatening behaviour and no such evidence was presented in support of the Complaint.

62.2. Concerning Article 11.9 (e): it addresses abuse and obscenity mirroring Art 2.2.5 of the Old Code but although the obscene content of the letters, this section is only applicable about behavior occurring in the physical presence of each other, with a more direct interaction in nature.

Consequently, the First-Instance Panel declared the respondent not guilty of violating Articles 11.9 (d) and (e) of the Disciplinary Code.

63. The Appeal Chamber, upon due consideration, finds that neither Article 11.9(d) nor Article 11.9(e) supports the conclusion of non-guilt for the following reasons:

64. Article 11.9 (d) reads: "Acts of misbehaviour: All acts of misbehaviour including but not limited to abusive, violent conduct in a disturbing, ugly or provocative manner, unjustified interference including disobedience with obstruction of the orderly conduct of any chess event within or outside of the



venue(s), malicious alteration, damage or destruction of property or infliction of physical or mental harm on others”.

65. Article 11.9(d) outlines a non-exhaustive list of prohibited conducts, as evidenced by its initial statements “All acts of misbehaviour including but not limited to...” This provision is broadly worded to encompass a wide range of misbehaviour.
66. With regard to the respondent's conduct, when a member of the FIDE family transmits a letter containing sexual content to another member, it is reasonably foreseeable that such action could fall within the ambit of Article 11.9(d) as such conduct constitutes:
- Abusive Behavior: by intruding upon the recipient's personal and intimate sphere and exposing them, without their consent, to the letter's content, which is, inherently ugly and provocative.
 - A Source of Mental Harm: This misconduct exposes the recipient to the risk of significant mental harm, particularly if the recipient belongs to a vulnerable group.

It is further noteworthy that such acts of misconduct are reprehensible regardless of whether they occur during or outside of an event. On the other hand, while the first-instance panel correctly acknowledged that “these letters had the potential to be intimidating and cause mental distress to the recipients” it failed to impose the appropriate legal consequences in terms of culpability.

67. Accordingly, the Appeal Chamber, upon due consideration, is satisfied that the respondent's behavior supports the **finding of guilt** under Article 11.9(d).
68. Concerning Article 11.9 (e): This provision mirrors Article 2.2.5 of the Old Code. Neither article mandates the physical presence of the perpetrator and the victim, as previously discussed. The Chamber is satisfied that the content of the letter in question is unequivocally obscene.
69. Consequently, the respondent is found **guilty** of violating Articles 11.9 (e) and 11.9 (d) of the disciplinary code.
70. Regarding the FIDE President's request concerning the respondent's alleged violations of Article 6.4 of the Code of Ethics (New) and Article 2.11 of the FIDE Charter (Attack against Vulnerable Groups). The Appeal



Chamber notes that the respondent has already been sanctioned for violation of Article 6.4 of the Code of Ethics (New) as part of guilt under Article 6.1(a) read with 6.3, 6.4, 6.5 (e) and 6.5 (g) of the Ethics Code (new). Consequently, it is precluded to isolate Article 6.4 as a separate and new charge, as it was not specifically addressed during the first-instance proceedings, and the respondent was not afforded the opportunity to respond to this charge, which will be violating the right of defense and the rules of fair process. Accordingly, the request is rejected.

71. In conclusion, the outcome of the FIDE President's cross-appeal succeeds in part. The request to review the sanction will be addressed when considering the sanctions.

SANCTION

72. Pursuant to Rule 42.3 of the Procedural Rules, the complainant has a limited right of appeal against the sanction imposed, only if the sanction can be described as grossly disproportionate or clearly inappropriate or affected by a serious misdirection regarding material facts.
73. In his cross-appeal, the complainant sought a review of the sanction, seeking an increase and the revocation of the respondent's IM title.
74. Although discretion vests in the First Instance Chamber to decide about an appropriate sanction, that the Appeal Chamber cannot leave a clearly disproportionate sanction undisturbed.
75. The First instance Chamber reference to Case EDC 03/2024 (Rimestad v. X) is not deemed erroneous, given that it constitutes the sole instance of sexual harassment within the established jurisprudence of the EDC. However, a crucial distinction arises. In Case 03/2024, the defendant acknowledged the occurrence of the majority of the alleged actions while concurrently asserting his good faith. Specifically, the defendant denied any intent to harass others and unequivocally conveyed remorse for the conduct attributed to him. Furthermore, the acts of physical contact, which the defendant in Case 03/2024 characterizes being entirely fortuitous and devoid of intention, exhibit a significantly lower degree of severity compared to those attributed to the respondent in the present matter. The respondent's actions



- are characterized by a pattern of systematic and intentional conduct perpetrated over an extended period."
76. In CAS 2019/A/6388 Karim Keramuddin v. FIFA award of 14 July 2020 the respondent was sanctioned to a lifetime ban and a fine CHF 10,000 for verbally and sexually assaulting and abusing four players and by raping another player.
- Such a strict sanction was motivated by the fact that the respondent held the position of president of his federation and abused it; « By using his position of president of a national football federation and, more specifically, the players' sporting and financial dependency on him to try to obtain sexual favors or simply to get the players to meet him personally in his offices so that he is in the position to sexually harass and abuse them, a football official takes advantage of his position for private aims or gains and thus violates Article 25 of the FIFA Code of Ethics »
77. In CAS 2019/A/6669 Sayed Ali Reza Aghazada v. FIFA, award of 28 April 2022 the respondent was sanctioned to a ban of 5 years and a fine of CHF 10,000 for failing to report instances of sexual harassment, sexual abuse and rape committed by AFF officials. This sanction was imposed notwithstanding the Respondent having benefited from the application of the principle of "*lex mitior*".
78. By way of comparison to the case at hand, if an individual who is not the principal perpetrator is subjected to a five-year ban for a minor offense after having benefited from the principle of "*lex mitior*", it is clear that the same sanction is grossly disproportionate for the principal offender himself."
79. The Court of Arbitration for Sport (CAS) has established a clear policy of zero tolerance towards Sexual Harassment and Abuse (SHA) cases, characterizing such offenses as "of the most serious, illegal, and immoral kind and, as such, there is an obvious and substantial need to deter similar misconduct in the future." (CAS 2019/A/6388, Karim Keramuddin v. FIFA, paragraph 8).
80. Furthermore, having found the respondent guilty of two additional charges, the Appeal Chamber feels obliged to increase the sanction imposed by the First Instance Chamber in accordance with Procedural Rule 42.3.



Appropriate sanction

81. Upon due consideration, the EDC Appeal Chamber, **by unanimity** of its members, **finds regarding the matter of an appropriate sanction** that:
82. The Appeal Chamber considers, in determining a suitable sanction, all the considerations listed in Article 14.2 of the EDC Code.
83. Notwithstanding the compelling evidence of his culpability, the respondent persisted in denying his forfeiture.
84. The respondent chose to adopt a defence strategy consisting of avoiding any discussion about the essential elements of his guilt, hoping to sow doubt in the mind of the panel and thereby precluded any mitigating circumstances that could have benefited him.
85. The Respondent did not express any remorse or empathy towards the victims.
86. In addition to the gravity of the acts committed, the Appeal Chamber has considered the respondent's systematic and organized attacks against a vulnerable group, namely women and minors.
87. A further aggravating factor is the long period during which the respondent acted with impunity.
88. The respondent persists in advocating for views on SHA that are incompatible with the standards of the FIDE family, thereby evidencing a clear repudiation of his membership.
89. After acknowledging the severe and harmful impact of SHA on the sport, both at the individual and institutional levels.
90. In the circumstances, the complainant's cross-appeal succeeds in part and the sanction imposed by the First Instance Chamber is substituted with the following:
The Respondent is sanctioned with a worldwide ban of **twelve (12) years** from participating in any FIDE rated event as a player, or to be physically present at any such FIDE rated event.
91. Additionally, Article 13.2 of the code of ethics grants the EDC full discretion to impose any of the Supplementary sanctions provided for in that article. In the case at hand, the respondent seriously failed in his position as a role model, being the holder of an IM title. Moreover, he uses this title to coach



and thus remain in contact with a community of young players among whom he can choose his victims or inquire about potential victims, and as long as the respondent is in contact with his sphere of influence, he will always be a threat to the entire chess community and especially the vulnerable groups he targets. Consequently, and primarily with a view to reinforcing the effectiveness of the primary sanction, the respondent is subject to an additional sanction, namely: **the revocation of his International Master title.**

CONCLUSION (OPERATIVE PART OF APPEAL DECISION)

92. Having considered all arguments, the Appeal Chamber decides, **by unanimity** of its members, as follows:

92.1. The appeal by Mr Andrejs Strebkovs against its conviction fails and the guilt is confirmed and maintained in accordance with Art.2.2.4 and 2.2.10 of the Old Code; Article 6.1(a) read with 6.3, 6.4, 6.5 (e) and 6.5 (g) of the Ethics Code (new) and Article 11.9(a)) of the Disciplinary Code.

92.2. The FIDE President's cross-appeal succeeds in part and accordingly, the first-instance determination of guilt is further substantiated as follows:

92.2.1. The respondent is found **guilty** of Art 2.2.5 of the Old Code.

92.2.2. The respondent is found **guilty** of Art 11.9 (d) and (e) of the Disciplinary Code.

92.3. The sanction imposed by the First Instance Chamber on Mr Andrejs Strebkovs is substituted with the following:

92.3.1. The respondent is **sanctioned** with a worldwide ban of **twelve (12)** years from participating in any FIDE rated event as a player, or to be physically present at any such FIDE rated event.

92.3.2. In accordance with Article 13.2 of the Disciplinary Code, a **revocation** of the respondent's International Master Title is imposed as a Supplementary Sanction.



93. In accordance with Article 17.2 and 17.4 of the EDC Code and Procedural Rule 73.1, this final decision of the Appeal Chamber is appealable to the CAS within 21 (twenty-one) days following communication of this decision.
94. The FIDE Office is **requested** to communicate this decision forthwith to the Respondent and the FIDE President and to publish the decision on the FIDE website in due course.

DATED ON THIS 21th day of January 2025.

Khaled Arfa

**APPEAL CHAMBER Chairperson
FIDE ETHICS & DISCIPLINARY COMMISSION**