



FIDE ETHICS AND DISCIPLINARY COMMISSION

APPEAL CHAMBER

The EDC Appeal Chamber, sitting in the following composition –

Chairperson: Mrs. Yolander Persaud

Members: Mr Khaled Arfa
Mr. Ravindra Dongre

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

DECISION

CASE NO: 06/2024: “Alleged cheating at the Spanish Team Championship”

1. This is an appeal against the Decision of the EDC First Instance Chamber (per David Hater (Chair), Olga Baskakova and Alan Borda) rendered on 15 March 2025.
2. In the First Instance Decision, GM Kirill Shevchenko was sanctioned to a worldwide ban for three (3) years with one (1) year of the sanction suspended from participating in any FIDE rated event as a player. During the period of suspension, should the Respondent commit a similar offense, he will be liable for the suspended portion of the sanction as well as whatever sanction is adjudicated as a result of the subsequent offense. Considering the Respondent has already been provisionally suspended and not participated in any events since the Spanish Team Championship the ban commences on 19 October 2024 and terminates on 18 October 2026 with the suspended portion terminating on 18 October 2027. The GM title is not stripped from the Respondent



3. The parties:

- 3.1. The first appellant is Mr Kirill Shevchenko.
- 3.2. The second appellant is the FIDE Fair Play Commission (FPL)

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 Kirill Shevchenko, the respondent in the original proceedings before the EDC First Instance Chamber. The respondent was found guilty of a breach of Art.11.7(e) of the Disciplinary Code and sanctioned by a worldwide ban of 3 years with one (1) year of the sanction suspended. The GM title was not stripped from the Respondent.
- 4.2. The appellant in the cross-appeal is the FIDE Fair Play Commission (FPL) which 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 Fair Play Commission as “the complainant”; and
- 5.2. Mr Kirill Shevchenko as “the respondent”.

6. Formal admissibility of the appeal and cross-appeal:

- 6.1. 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.
- 6.2. 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.



- 6.3. Based upon the above, GM Shevchenko has a right of appeal to the EDC Appeal Chamber.
- 6.4. 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.
- 6.5. In principle, the FPL representing specific FIDE interests has a right of appeal against the severity of the sanctions imposed on Mr Kirill Shevchenko. The FPL does not enjoy a right of appeal against specific findings relative to the charges, save to the extent that this may motivate its request for stricter sanctions.
- 6.6. 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 26th March 2025 and the period in which to lodge an appeal lapsed on 16th April 2025.
- 6.7. The appeal documents of the FPL were received on 14th April 2025 and the appeal of GM Shevchenko was received on 15th April 2025.
- 6.8. In terms of Rule 43.5 of the Procedural Rules, an appeal lodgement fee of €500 must be paid prior to or simultaneous with the lodgement of the appeal. This requirement was met by GM Shevchenko.
- 6.9. The FPL, as a FIDE organ, is exempt from the payment of an appeal lodgement fee.
- 6.10. 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.



7. Procedural history

- 7.1. 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:
- (a) The complainant delivered its notice of appeal with motivated grounds on 14th April 2025
 - (b) The respondent delivered his notice of appeal with motivated grounds on 15th April 2025.
 - (c) On 1st May 2025 and in accordance with Procedural Rule 46, both parties were invited by the EDC Chairwoman to respond to each other's appeals by no later than Friday, 22nd May 2025.
 - (d) Having been granted an extension to submit their response, on 29th May 2025, a statement was received from the FPL, in response to the respondent's appeal.
 - (e) On 22nd May 2025, a first response was received from the respondent, in comment to the complainant's appeal.

8. The core facts of the matter

8.1. The original complaint:

The Complainant details that during the Spanish Team Championship held in Spain (12-18th October, 2024), particularly on the 13th October 2024, a phone was found in a private restroom near the general public facilities. The phone was accompanied by a hand-written note saying *"Do not touch! The phone is left for a guest to answer at night."* The arbiters then discovered that one of the cleaning ladies had found another phone in the bathroom the day before. GM Kirill Shevchenko (FIDE ID: 14129574) was suspected of having placed and used these phones in the bathroom and was subsequently expelled from the tournament.

- 8.2. After a preliminary investigation, the Fair Play Commission requested on 17 October that GM Shevchenko be provisionally suspended during the investigation, which was granted by EDC on 18 October. The suspension was subsequently extended while the EDC proceedings were ongoing.



- 8.3. GM Shevchenko admitted to the cheating in correspondence with FPL on 21 October 2024 and in subsequent communications with the EDC including his formal response.
- 8.4. FPL recommended a sanction of a worldwide suspension of 3 years with 1 of the years suspended and revocation of the GM title. In his response, GM Shevchenko, through his duly appointed Counsel recommended a suspension of 12 months.

9. GROUNDS OF APPEAL

Claimant's Appeal

- 9.1. In its statement of appeal, the claimant focuses the appeal on the alleged grossly disproportionate or clearly inappropriate nature of the sanction by the First Instance Chamber. The claimant contends that the First Instance Chamber erred in its interpretation of the code on the issue of 'attempted cheating' vs the definition of cheating in the code. The claimant goes further to state that the code only requires the possession of an electronic device to be used as a source of information during the game. The fact that GM Shevchenko not only possessed a phone, but confessed to accessing the lichess app during the game is sufficient evidence that he cheated.
- 9.2. In light of the claimant's assertion that the First Instance Chamber's misapplication of the code, the claimant maintains that a different sanction is required, i.e. to strip the GM title. The claimant further states that the respondent is a top 100 player, and an ambassador for the game of chess, therefore his offence compromised the integrity of chess. The act of stripping the GM title is argued to be a symbolic gesture to deter other players from attempting such a transgression.

Respondent's cross -appeal

- 9.3. In his cross-appeal, the respondent raises as his primary argument, that the decision of the First Instance Chamber was based upon a wrong application of the law and requests the relief of (i) upholding the appeal and partially setting aside the Decision by the First Instance Chamber (ii) a reduction in the ban to a maximum of 12 months (of which the already- served provision suspension would be deducted) along with a probationary period of 24



months (iii) to order the FPL to pay CHF 10,500 as a contribution towards the respondent's legal fees incurred.

- 9.4. The respondent alleges that the maximum sanction of a 3-year ban is clearly disproportionate given the specific circumstances of the case, namely the attempted cheating vs a completed act, and the numerous mitigating factors. The respondent also argues that although mitigating factors existed, and in their opinion- outweighed the aggravating factors, the respondent was still given the maximum sanction recommended by the FPL, thereby making it disproportionate. This argument was also bolstered by their position that the respondent did not actually cheat, but merely attempted to do so.
- 9.5. The respondent also contends that there was a misapplication of the law, and relies on the Anti-Cheating Commission, as established through Section 5, Chapter A, Article 1 of the Anti-Cheating Guidelines, which recommends a suspension of up to three years from all FIDE-rated events for a first-time offender, thereby setting the suggested sanction range between one month and three years for first offenses.
- 9.6. The respondent further argues that the First Instance decision was unreasonable in comparison to sanctions imposed in similar cases, where players received significantly more lenient sanctions with no mitigating circumstances present. **Case 6/2023** (Stefan Dox) was mentioned, where Dox was sanctioned with a worldwide ban of one year after being investigated on a case of alleged computer-aided cheating in 2022. That Chamber considered the fact that Dox was a first-time offender, did not admit cheating and therefore did not co-operate; the only mitigating factor considered was the expression of remorse for Dox's refusal to undergo a metal scan.
- 9.7. **Cases 8/2015** (Tetimov) and **2/2016** (Ricciardi) were also relied upon. Both players were sanctioned with a world-wide ban of two years, even though no mitigating circumstances were present, not acknowledging their guilt and showing no remorse for their offences. The respondent argues that although the players were responsible for two offenses, the sanction imposed was lower than that imposed against the respondent.



- 9.8. **Case 6/2014** was mentioned, where Vermeulen was sanctioned to a one-year ban for cheating by using chess software installed on his phone for analysis of the game in progress.
- 9.9. The respondent also mentions Court of Sports Arbitration jurisprudence on competition manipulation and match fixing.
- 9.10. The respondent once again reiterated the mitigating and aggravating factors already presented at first instance in their cross-appeal submissions, as well as the argument where a distinction should be made with cheating vs attempted cheating.

FPL's response

- 9.11. In the claimant's response to the respondent's statement of appeal, the claimant argues that the respondent's appeal should be dismissed entirely as it presented no new arguments to contend with. The claimant claims that the mitigating factors were duly weighted by the First Instance Chamber as the sanction was mild. The claimant also argues against the distinction of 'attempted cheating' vs 'cheating' as they are considered one and the same. This was supported by the reiteration that the respondent confessed to using the phone to access a chess database- "I used the phone accessing app lichess."
- 9.12. The claimant challenges the respondent's arguments that the ranking of a player should not be an aggravating factor, where they referenced the IOC's Guidelines for Sports Organisations on the Sanctioning of Competition Manipulation. The claimant refers to the same IOC Guidelines (see page 8): *"if the Participant is older and has competed in the top level of his/her sport for a long time, it can be presumed that she/he should have been aware of the rules"* (mentioned as an aggravating factor).
- 9.13. The claimant also reasons that since the respondent obtained his GM title in 2017 and has since been competing at the highest level for 7 years, he should be considered an experienced elite player. The respondent's age was also argued as being of an adult, with full knowledge of the repercussions of using electronic aid during a game.



- 9.14. The claimant relies on **Case 2/2022 (A)** Karjakin, where the EDC Appeal Chamber ruled that titled players carry a greater responsibility, particularly in relation to bringing the game of chess into disrepute. International players should be considered role models.
- 9.15. The claimant, when addressing the topic of recklessness, stated that two phones were found in the bathroom, which indicates persistent and purposeful approach of the respondent.
- 9.16. The claimant challenged the argument that the respondent repeatedly made in his submissions, whereby he was sentenced to the maximum penalty by the First Instance. The claimant states that there is no FIDE regulation where a maximum penalty of three years ban is prescribed for cheating offences. Rather, according to Art. 13.1 e) of the FIDE Ethics and Disciplinary Code, a penalty range of one month to 15 years' ban applies. In exceptional cases, a lifetime ban may also be imposed. The respondent strongly relies on the Anti-Cheating Guidelines 2014, which recommends a three-year ban for a first offence. The claimant contends that Anti-Cheating Guidelines is a position paper of the former FIDE Anti-Cheating Committee with a collection of ideas and suggestions. Many of these were later adopted as formal regulations, others were not. Particularly with regard to the penalties for anti-cheating offences, the Ethics & Disciplinary Commission has always emphasised that it does not feel bound by the statements in the Anti-Cheating Guidelines.
- 9.17. The claimant's response addressed the matter of the reason behind FIDE regulations equating cheating with attempted cheating, which rests on persons claiming not to use technical aids when caught with it, and the difficulty of proving this.
- 9.18. The argument presented by the respondent regarding the lack of statistical evidence by Professor Regan was also challenged. According to Art. 1.6 of the FIDE Fair Play Regulations, it is permissible to use a Z-score of 2.5 or higher as evidence against an accused player if further evidence is available (here: the mobile phone found and Shevchenko's confession). If only the game against GM Vallejo Pons were considered in isolation, this would even be the case in 3 out of 8 tests. Ultimately, we also assume that statistical evidence to the disadvantage of the respondent cannot be provided because



it is not permissible to pick out just one game and ignore the other 5 tests. However, this in no way means that Prof Regan's tests exonerate him. Rather, it means that statistical evidence against the appellant cannot be produced.

- 9.19. The complainant addresses the significance of attempts and confessions in sentencing within the context of international sports law, supported by CAS and EDC jurisprudence. The complainant submits that typically, an attempt does not imply that a disciplinary violation that is significantly less dangerous has been committed. In addition, as a rule, cheating in sports is considered to have been completed not from the moment a specific benefit is gained by the perpetrator, but from the moment the fraudulent act is committed.
- 9.20. The complainant also challenged the reliance of Dox's case, as the sanction in that case was imposed for refusing to undergo a scan, not cheating.
- 9.21. Lastly, the complainant addressed the demand for compensation of costs, in particular for the legal fees. The complainant draws reference to Rule 27.2 of the EDC Procedural Rules, where the parties are free to retain legal counsel at their own cost, provided that a duly signed power of attorney is submitted. The complainant asserts that the respondent failed to provide such a power of attorney. The complainant further relies on Rules 71-72 of the Procedural Rules, whereby no procedural costs shall be imposed on the Parties, no costs of the Parties related to the proceedings, including counsel's and expert's fees, are awarded, and losing Party shall not pay any costs of the winning Party.
- 9.22. The complainant concludes its submissions with the assertion that the respondent failed to submit any new facts or findings which were not examined already by the First Instance Chamber. The cross-appeal did not add anything new to the case. The aggravating factors were already taken into consideration. In closing, the FPL reiterated its position that the cross-appeal by the respondent be dismissed in full, and that the initially imposed ban be retained, but the GM title be removed.

Respondent's response

- 9.23. The respondent challenges the admissibility of the FPL's appeal, referencing Rule 42.3 of the Procedural Rules. This Rule encompasses two different scenarios whether (a) the Respondent was acquitted of any charge in the



first instance proceedings; or (b) where a sanction was imposed in the first instance proceedings. The respondent argues that under the second scenario of this Rule, which is applicable to the present case, the FLP's right to appeal a sanction imposed on the Respondent is limited, and applies only if such sanction is (i) grossly disproportionate; (ii) clearly inappropriate; or if the sanction given was (iii) based on a serious misdirection of the material facts (Rule 42.3 of the FIDE Procedural Rules)

- 9.24. The respondent submits that the absence of a supplementary sanction in addition to the main sanction imposed cannot be argued to be grossly disproportionate or clearly inappropriate. The respondent relies on **CAS 2018/A/593**, para. 76), a sanction cannot be considered grossly disproportionate if it is clearly situated within the range of sanctions in cases having similar characteristics. This would only be possible if the applied sanction would be so blown out of proportions or so evidently inadequate, that it would constitute a shocking punishment for a given offence, which is obviously not the case here.
- 9.25. The respondent rejects the complainant's position that the attempt of cheating should be considered the same as cheating, and again supports this argument with the unsophisticated approach by the respondent in his actions. The respondent relies upon CAS jurisprudence to bolster this point.
- 9.26. The respondent challenges the merit of the allegation that both mobile phones in the bathroom belonged to the respondent, since it failed to produce any evidence linking the respondent to the second phone.
- 9.27. The respondent further argues that revoking GM Shevchenko's title would constitute a punitive sanction of the highest severity and should be reserved for cases involving direct, serious and proven cheating as opposed to clumsily-attempted cheating. In their response, the respondent reiterates the argument submitted in its cross appeal, that the principle of equal treatment under the law should be the determining factor, as opposed to the player's world standing.
- 9.28. The Appeal Chamber shall deal with the above arguments in its discussion of the merits of the appeal and cross-appeal below.



General considerations

10. Cheating undermines the spirit of fair competition, robs the opponents of a fair chance and diminishes the value of true skill and hard work. The biggest threat, because of the extent of the advantage obtained and the potential difficulty of detection, must surely be the use of technology for purposes of cheating.¹
11. To achieve the title of Grandmaster signals a level of mastery in the game; it is not only considered the highest title achievement but bestows role of ambassadors for the game. Their expertise, sportsmanship, and public presence inspires players of all ages and skill levels. By participating in tournaments, engaging with fans, and promoting chess education, grandmasters help to popularize the game globally. Their conduct, both on and off the board, sets a standard for integrity and professionalism, making them role models for the entire chess community. As ambassadors, Grandmasters play a crucial role in fostering a positive image of chess, encouraging fair play, and nurturing the next generation of players.
12. Attaining the level of Grandmaster comes with perks such as special invitational tournaments with higher prize funds. Therefore, it is difficult to appreciate the argument of equality when one considers that a professional player and role model, from whom a high level of conduct is expected, should be sanctioned equally as an amateur.

The merits of the complainant's appeal

13. The claimant bases its appeal on the argument that it is grossly disproportionate or clearly inappropriate nature of the sanction, stemming from the First Instance Chamber's misinterpretation of the EDC Code on the issue of "attempted cheating" vs "consummation of cheating."
14. The First Instance Chamber, after a meticulous examination of the factual and legal elements, concluded that the respondent was guilty. Notably, the Chamber did make a distinction on the issue of "attempted cheating" vs "consummation of cheating" and this, along with the weighing of the mitigating and aggravating factors played a decisive element and a great impact on the sanctions. Accordingly, the Appeal Chamber believes that there is a basis to challenge the reasoning underpinning the

¹ Case 8/2015, para 2.2



- decision under appeal, as the Appeal Chamber collectively differs in its interpretation of the Code.
15. The Appeal Chamber is of the opinion that the Code's mention of "uses or attempts to use electronic devices" is intended to consider the attempt as egregious as the "successful" act of cheating, whereby both instances are considered as the transgression of cheating. The Code of Ethics clearly states in Article 4.5 that breaches of *this* Code shall be sanctioned whether acts of commission or omission, whether they have been committed deliberately or negligently, whether the breach constitutes an act or attempted act, and whether the parties acted as principal, participant, accomplice or instigator, or was involved in aiding or abetting.
 16. Nevertheless, the Chamber finds the arguments on "cheating" vs "attempted cheating" futile, as the respondent admitted on multiple occasions to cheating. In fact, as mentioned in both parties' submissions, the respondent e-mailed the EDC Chairwoman on the 18th October 2024, confessing to cheating by using the mobile phone.

"I, Kirill Shevchenko, am writing to you regarding the case of cheating against Vallejo Pons on October 13th, where I am accused of using a mobile phone. With the deepest regret, I have to admit that I did this."
 17. This is even presented in his appeal submissions in paragraph 28

"In his reply, which is attached to the FPL-IP Report as Annex 8, the Appellant stated that he had used a mobile phone in the bathroom to access the lichess application."
 18. In the respondent's reply to the FPL-IP there is a clear-cut confession in these exact terms: *"After the start of the game, I went to the toilet several times and used the phone. On the 29-30th moves, I stopped leaving the table."*
 19. The Appeal Chamber considers the confession as sufficient and superseding evidence that the respondent did in fact cheat, as is comfortably satisfied that the confession supports this conclusion.
 20. In light of this, the Appeal Chamber agrees with the complainant that the First Instance Chamber misinterpreted *Article 11.7(e)* and erred in properly considering the facts of the case.
 21. The Appeal Chamber also agrees with the claimant's arguments that the ranking of a player must be duly considered when deliberating on a sanction. Professional players can not be equated with amateur players as they enjoy the benefits of being high-



ranking players. GMs and Super GM's receive sponsorship, invitations to more lucrative tournaments, are paid to participate, are eligible for larger prizes. By virtue of their position, they are considered ambassadors of the game, and therefore must be conscious of their impact and influence.

22. Indeed, the Appeal Chamber agrees that the respondent, having competed at the highest level of the sport, is very familiar with the rules, and the consequences of breaking such rules. In paragraph 7.21 of EDC Case 2/2022 (GM Karjakin) the EDC Chamber stated :

“International grandmasters and other title holders may be seen as informal ambassadors of the game of chess. This is especially valid for grandmasters, belonging to the world elite... In other words, such members of the FIDE Family can be seen as role models in the game of chess.”

Karjakin's position of influence played a great impact on being sanctioned in the mentioned case.

23. The Appeal Chamber was not provided with any evidence of the existence of the second phone; this was also not presented at the First Instance level. Therefore, it gives no weight to that allegation.
24. The Appeal Chamber concurs that the Anti-Cheating Guidelines 2014 are only persuasive in nature, and the EDC contemplates appropriate sanctions in line with Articles 13-15 of the Code. *See para 11.3 of Case 8/2015.*
25. The Appeal Chamber agrees with the distinction of **Case 6/2023** Dox's case, where he was sanctioned for a different offense.
26. The Chamber agrees that parties are free to retain lawyers, but at their own cost- Rule 27 of the EDC Procedural Rule. Therefore, the respondent's request for cause fails.
27. The Appeal Chamber disagrees with the complainant's assertion that no power of attorney was provided by the respondent. Such a document was received by the First Instance Chamber on the 22nd January 2025.
28. In conclusion, the outcome of the claimant's appeal succeeds. The request to review the sanction will be addressed when considering the sanctions.



The merits of the respondent's appeal

Regarding the respondent's cross-appeal and response:

29. As mentioned above, the Appeal Chamber finds that the argument and distinction of “cheating” vs “attempted cheating” is irrelevant in this case considering the clear confession made by the respondent. Accordingly, the term of the ban is sufficient when considering the precedent established by the EDC, along with the mitigating and aggravating factors addressed in the first instance.
30. The Appeal Chamber has duly addressed the Anti-Cheating Guidelines argument in paragraph 24, as well as the distinction of **Case 6/2023** in para 25 above.
31. The Appeal Chamber wishes to note pertinent points of the relied upon Tetimov Case **8/2015**. This case, inter alia, outlines that the cumulative effect of all circumstantial evidence can be considered sufficient if it persuades the factfinder, at the level of the required- conviction that computer aided cheating has taken place.

“...the required standard of proof is one of "comfortable satisfaction", not proof to an absolute certainty. The fact-finder must be able to draw the inference of cheating from the evidence”
32. Despite the lack of statistical evidence, the respondent was flagged for suspicious behaviour since the beginning of the tournament by all his opponents, which led the Arbiters to monitor him, and also corroborate his fixation with a specific bathroom cubicle. The suspicions were vindicated once the phone was found, and then confirmed by the confession made by the respondent. Therefore, the Appeal Chamber finds that the required standard of proof has been met.
33. The Appeal Chamber rejects the belief that the “clumsy attempt” of cheating should be seen as a mitigating factor. It suggests that unless the cheating is sophisticated and well-planned, that it bears little consequence.
34. The Appeal Chamber is unequivocally convinced, to its “comfortable satisfaction,” that the respondent’s conduct amounts to a breach of Article 11.7 (e), thus necessitating the confirmation of the First Instance finding of guilt under the aforementioned article. However, the misdirection of the material facts necessitates a variance of the sanction; the respondent’s appeal is dismissed.



SANCTION

35. 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.
36. In its appeal, the complainant sought a review of the sanction, seeking the revocation of the respondent's GM title.
37. Although discretion vests in the First Instance Chamber to decide about an appropriate sanction, that the Appeal Chamber finds that the misdirection regarding the interpretation of the facts warrants a variation in the sanction.
38. According to Article 3.10 of the Ethics Code, *"During all their operations, the EDC will draw on precedents."* Furthermore, Rule 68.1 of the EDC Procedural Rules specifies that *"In its decisions the EDC shall ... strive to maintain consistency with its own previous decisions"*.
39. The question of revocation of GM title in cheating cases was addressed in two major precedents **Case 7/2015** (Gaios Nigalidze) and **Case 08/2019** (Igor Rausis).
40. In **Case 7/2015**, the ETH sanctioned Mr Gaios Nigalidze to a ban of 3 years for cheating by using chess engine software installed on his iPod device for analysis of the game in progress and revoked his GM title. The sanction pronounced against Mr Nigalidze in the first precedent is considered as a reference for the first offense, particularly as no mitigating circumstances were presented. In comparison to the present case, with its similar circumstances (use of a mobile phone for cheating), the respondent was sanctioned for three years, with one year suspended due to the mitigating factors from which he benefited. This sanction being sufficient in duration, with a partial suspension that largely balances the mitigating factors (from which Mr Nigalidze did not benefit in **Case 07/2015**). As the mitigating factors are largely balanced by the partial suspension, there is no justification for the non-application of the second part of the reference sanction in **Case 07/2015**, namely the revocation of the respondent's GM title.
41. In **Case 8/2019**, the ETH sanctioned Mr. Rausis to a ban of 6 years and revoked his GM title. The reference sanction in **Case 7/2015** was doubled due to the multiple violations committed and confessed by Mr Rausis. By way of comparison to the case at hand, neither Mr. Rausis' confession nor his health situation impacted the necessity



of revoking his GM title, which was considered symbolic, and a deterrent for high-level players considering similar actions.

42. Accordingly, and although a discretion vests in the First Instance Chamber to decide about an appropriate sanction, it is manifest that the Appeal Chamber cannot leave a total or partial clearly inappropriate sanction undisturbed. In the present case, not revoking the respondent's GM title is clearly an inappropriate sanction as it is best illustrated by a comparison with precedent Ethics **Cases 7/2015 and 8/2019**.

Appropriate sanction

43. Upon due consideration, the EDC Appeal Chamber, **by unanimity** of its members, **finds** regarding the matter of an appropriate sanction that:
44. 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.
45. The complainant's appeal succeeds in part and the sanction imposed by the First Instance Chamber is modified to now include:
- The respondent's Grandmaster title is revoked effective from the date of publishing this decision.**

CONCLUSION (OPERATIVE PART OF APPEAL DECISION)

46. Having considered all arguments, the Appeal Chamber decides, **by unanimity** of its members, as follows:
- 46.1. The appeal by the respondent against his conviction fails and the guilt is confirmed and maintained in accordance with Article 11.7(a) of the EDC Code.
- 46.2. The complainant's appeal succeeds and accordingly, the first-instance determination of guilt is further substantiated as follows:
- 46.2.1.** The Respondent is found **guilty** of Article 11.7(a) of the EDC Code.
- 46.3. The sanction imposed by the First Instance Chamber on IM Kirill Shevchenko is substituted with the following:
- 46.3.1.** The respondent is **sanctioned** with a worldwide ban of **three (3)** years, one year of which is suspended, from participating in any FIDE rated event as a player, or to be physically present at any such FIDE rated event.



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

- 47.** For the sake of clarity, the sanction does not seek to prevent or to restrain Mr. Shevchenko from earning income during the period of the ban as a private chess trainer, teacher or coach, provided that he shall not act as captain or assist any player or team during any official FIDE event or Continental championship at the physical site of the tournament. Remote coaching is permitted.
- 48.** 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.
- 49.** The FIDE Office is requested to communicate this decision forthwith to the Respondent and the FPL and to publish the decision on the FIDE website in due course.

DATED ON THIS 28th day of August 2025.

Yolander Persaud
YOLANDER PERSAUD

Appeal Chamber Chairperson, EDC Chairwoman
FIDE ETHICS & DISCIPLINARY COMMISSION