



FIDE ETHICS COMMISSION

REPORT TO FIDE EXECUTIVE BOARD

ANTALYA, OCTOBER 2017

Dear Mr President, members of the Executive Board, members of FIDE Commissions and delegates of member federations,

Reporting period

This report by the Ethics Commission (EC) covers its activities for the last 12 months since the meeting of the General Assembly in Baku in September 2016.

Membership

In Tromso in August 2014 the following persons were elected as members of the EC: Francois Strydom (RSA) as chairman; Ion-Serban Dobronauteanu (ROM), Willy Iclicki (then MON, now LIE), Pedro Dominguez Brito (DOM), and Rajesh Hari Joshi (NEP).

At its meeting in Madrid in April 2017, the EC welcomed Elli Sperdokli (GRE) who has been co-opted onto the Ethics Commission as Secretary of the Commission. Not being an elected member, Ms Sperdokli will have no voting rights in the decisions of the EC.

Meetings

During the reporting period, the EC members would have had two meetings:

Madrid, 7 – 9 April 2017

Antalya (during the Congress), 9 October 2017

Outside the meetings, the members prepared the written decisions and had regular e-mail discussion with each other regarding the cases.

Madrid meeting

The EC met in Madrid, Spain to decide a number of disciplinary cases and to conduct a hearing in two cases of alleged cheating. All the members were present, except for Mr Dominguez Brito, who tendered his apology.

In case 1/2016 (R Smith / Trinidad & Tobago Chess Association) the EC held that the matter, arising from a suspension imposed by the TTCA against Mr Smith, was a national case and the ETH lacked the necessary jurisdiction to intervene. The complaint of Mr Smith was thus held to be not admissible and the case was dismissed.

In case 4/2016 (S Al Afoo / Asian Chess Federation officials and the Bahrain Mind Sports Association) the respondents were found not guilty by the EC regarding the complaint that financial assistance had been given to influence elections.

The EC also arrived at provisional findings in case 3/2015 (M Sandu / 15 other players) relating to false accusations of cheating that were made in the 2015 European Individual Women's Chess Championship. The final verdict was announced in July 2017 after the players have had a chance of making further representations and resulted in guilty findings for all 15 respondents and the imposition of a suspended ban, reprimands and warnings.

A hearing was necessary in the cheating cases 8/2015 (I Tetimov) and 2/2016 (A Ricciardi) to receive the expert evidence of two computer science and mathematics experts in the persons of Prof Kenneth Regan (USA) and Dr Mark Watkins (AUS). Also present was Mr Israel Gelfer, the chairman of the FIDE Anti-Cheating Commission. The two accused players chose not to attend. Relying in part on the expert evidence of an extremely high statistical probability of cheating, based amongst other things on move matching with the best moves as suggested by a number of chess engines, the EC found both players guilty of cheating and sanctioned them with a 2 year ban each.

MEMBERS: *Chairman* - Francois Strydom (RSA), Ion-Serban Dobronauteanu (ROU), Pedro Dominguez Brito (DOM), Willy Iclicki (LIE), Rajesh Hari Joshi (NEP)

The EC resolved to publish not only the operative part of its decision (its standard practice) but, by way of exception, also its written motivation in the two cheating cases (Tetimov and Ricciardi), as well as in the Sandu case, in order to provide future guidance to the FIDE Anti-Cheating Commission, national anti-cheating bodies and members of the chess community, in particular players and arbiters.

The EC also discussed its continuing investigation in case 5/2016 which looks into the matter of fictitious invoices which were issued to the Bulgarian Chess Federation in the years 2011 – 2014 by perpetrators abusing the name of the European Chess Union.

Ethics@fide.com

A sub-domain has been in existence for the EC on the FIDE website for the past year. At the moment, a list of decided cases with links to the decisions is provided, with further links to relevant documents in the work of the commission. The content will be improved upon in the future.

A special word of thanks to Vladimir Kukaev, the FIDE webmaster in Elista, for the continuous maintenance of the website. As cases are decided, the results are immediately uploaded.

Review of the Code of Ethics and Procedural Rules

In Tromso our predecessors under chairmanship of Roberto Rivello proposed a change to the FIDE Code of Ethics by replacement and improvement of the part thereof that deals with sanctions. This amendment was passed by the Presidential Board in Sochi, November 2014.

A further review of the other parts of the Code of Ethics, as well as the Procedural Rules will be performed by the Constitutional Commission jointly with the Ethics Commission. During a joint meeting held in Athens 26 – 28 May 2016 initial discussions were held. A lot of further work is still required.

MEMBERS: *Chairman* - Francois Strydom (RSA), Ion-Serban Dobronauteanu (ROU), Pedro Dominguez Brito (DOM), Willy Iclicki (LIE), Rajesh Hari Joshi (NEP)

Appeals to the Court of Arbitration for Sport (CAS)

1. On 5 September 2015 (under EC case no. 5/2014) the EC found Mr Garry Kasparov and Mr Ignatius Leong guilty of election irregularities and imposed a two year ban on 20 October 2015. Mr Leong appealed the EC decision to the CAS (but not the sanction itself). The hearing was held in Lausanne on 17 June 2016 and, after some waiting period, on 10 November 2016 the CAS dismissed the appeal and upheld the EC's decision. No appeal was lodged by Mr Kasparov. The bans on Mr Kasparov and Mr Leong will come to an end on 20 October 2017.
2. On 9 September 2016 (under EC case no. 13/2015 & 14/2014) the EC found Mr Silvio Danailov, Mr Vladimir Sakotic and Ms Sava Stoisavlevic guilty of irregularities surrounding the organisation of the 2013 European Youth Championships in Budva, Montenegro and imposed bans of 3 years (Sakotic), 18 months (Danailov) and 6 months (Stoisavlevic) respectively. Mr Sakotic appealed and in its Arbitral Award of 2 August 2017 the CAS confirmed that Mr Sakotic violated the FIDE Code of Ethics, but held that the requisite standard of proof had not been met in regard to some allegations against Mr Sakotic and accordingly reduced Mr Sakotic's period of suspension to 18 months. No appeal was lodged by Mr Danailov and Ms Stoisavlevic. The period of suspension for both Mr Danailov and Mr Sakotic runs accordingly from 10 October 2016 until 9 April 2018. Ms Stoisavlevic's suspension ended on 9 April 2017.
3. On 18 April 2017 (under EC case no. 4/2016) the EC ruled that Mr Hisham Al Taher, Mr Mehrdad Pahlevanzadeh and the Bahrain Mind Sports Association (the respondents) were not guilty of alleged irregularities in regard to the 2014 ACF elections. Subsequently, the complainant Mr Shaker Al Afoo lodged an appeal against the respondents (and not FIDE) in the CAS. The respondents have objected to the jurisdiction of the CAS. FIDE has applied for the right to intervene in the proceedings before the CAS as *amicus curiae* (friend of the court). The preliminary rulings of the sole arbitrator are awaited in this matter.

The CAS appeals system allows for a re-hearing of a matter and an independent determination by the CAS Panel of the case without limiting itself to assessing the correctness of the procedure and decision of the EC. This *de novo* character of the appeal proceedings allow the parties in CAS to file written submissions, produce new exhibits not introduced in the matter before the EC and to call and examine witnesses even if they did not testify in a hearing before the EC. It follows that a different outcome in CAS does not necessarily cast any reflection on the EC's decision as each body has to make its ruling on the admissible evidence placed in front of it.

Concluded cases

The Ethics Commission disposed of the following cases during the reporting period:

Case 3/2015: Complaint by Michaela Sandu against Natalia Zhukova and other players for false accusations of cheating during 2015 European Individual Women's Chess Championship - All 15 respondents guilty of breach of art. 2.2.11 of FIDE Code of Ethics for injuring and discrediting the complainant's reputation with unjustified accusations – Sanctions: Respondent no. 1 = 3 month ban, wholly suspended; Respondents no. 2 – 10 = reprimand; Respondents no. 11 – 15 = warning.

Case 8/2015: Complaint of Anti-Cheating Committee against Ivan Tetimov (BUL) for alleged cheating at Benidorm, 2014 – Respondent found guilty of a violation of art. 2.2.5 of the FIDE Code of Ethics and sanctioned with a worldwide ban of 2 years from 18 April 2017 until 17 April 2019.

Case 1/2016: Complaint of Russell Smith against the Trinidad and Tobago Chess Association (TTCA) for alleged unfairness and injustice in internal disciplinary proceedings - Held that national federations responsible for taking disciplinary measures in national cases - The EC shall exercise jurisdiction over national cases only in exceptional circumstances, namely in instances where misconduct has

international implications and is not judged at national level, or instances where the national federation fails to prosecute disciplinary cases in compliance with fundamental justice - In the present matter none of the exceptional grounds for the EC's intervention are present - Complaint accordingly not admissible and case dismissed.

Case 2/2016: Complaint of Anti-Cheating Committee against Arcangelo Ricciardi (ITA) for alleged cheating at Imperia, 2015 - Respondent found guilty of a violation of art. 2.2.5 of the FIDE Code of Ethics and sanctioned with a worldwide ban of 2 years from 18 April 2016 until 17 April 2018 in line with the internal sanction imposed by the Italian Chess Federation.

Case 4/2016: Complaint of Shaker Al-Afoo against Hisham Al Taher, Mehrdad Pahlevanzadeh and the Bahrain Mind Sports Association for alleged improper financial contribution and non-disclosure thereof in regard to the 2014 ACF elections – Held that complaint unfounded and without merit – Respondents not guilty and case dismissed.

Pending cases

The following cases remain pending at present:

Case 5/2016: Complaint by FIDE General Assembly regarding alleged fictitious transactions between the European Chess Union (ECU) and the Bulgarian Chess Federation (BCF) during 2011 – 2014 and the use of an imposter corporation named European Chess Union LLC – whether BCF and/or any individual implicated – Matter still in investigatory phase – If *prima facie* case of wrongdoing against identified bodies or persons is found to exist, matter will proceed as a disciplinary proceeding for violation of FIDE Code of Ethics.

Case 1/2017: Complaint by Jeremy Milikow on behalf of his minor son against WIM Svetlana Bezgodova (RUS) for allegedly making unjustified accusations of

cheating at the 2017 Maccabiah Open in a website article – statements are currently exchanged in advance of EC’s decision.

Note of gratitude

A word of thanks to my colleagues on the Ethics Commission: Willy, Ion, Rajesh, Pedro and Elli. Thank you for the many hours invested in and dedication shown for our work.

As always, the Ethics Commission also wishes to express its gratitude to the Executive Director, Mr Nigel Freeman and every member of his staff in Athens for the friendly and professional secretarial support provided to the Ethics Commission.

Johannesburg, 14 August 2017

The Chairman of the Ethics Commission
Francois Strydom