



FIDE ETHICS & DISCIPLINARY COMMISSION

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

Chairperson: Mr. Johan Sigeman

Members: Mrs. Yolander Sammy
Mr. Khaled Arfa

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

DECISION

Case no. 11/2023: “Alleged violation of the FIDE Charter and EDC Code related to the Russian invasion of Ukraine”.

[A] INTRODUCTION

1. The EDC Panel notes its establishment by the EDC Chairman on 27 September 2023.
2. The EDC Panel notes that on 7 September 2023 the FIDE Ethics and Disciplinary Commission (EDC) received a complaint (“the Complaint”) from the Ukrainian Chess Federation (“UCF”), Mr. Andrii Baryshpolets and Mr. Peter Heine Nielsen (jointly called “the Complainants”). The Complaint contained allegations against both the Russian Chess Federation (“CFR”) and the FIDE President, Mr. Arkady Dvorkovich (jointly called “the Respondents”).
3. The allegations against the Respondents are described further below and in the charges set out in Annex 1.
4. The EDC Panel notes that the Respondents have been given the opportunity to respond to the allegations in the Complaint and that both have submitted answering statements with supporting documentation. Both the Complainants and the Respondents have thereafter been provided with the right to submit a second statement each and both sides have made use of this opportunity.
5. The EDC Panel notes the contents of the following documents and e-mails received as part of the case file: The Complaint, an answering statement from CFR dated 24 October 2023 (with a clarification dated 30 October 2023), an answering statement from Mr. Dvorkovich dated 26 October 2023, a second submission by the Complainants dated 15 November 2023, a second submission by CFR dated 28



November 2023 and a second submission by Mr. Dvorkovich dated 28 November 2023. On 5 February 2024, the Complainants forwarded a third submission, relating to a new allegation under the Second Charge (The Russian Team Cup). The EDC Panel decided to allow the new submission and gave the Respondents a possibility to respond, which both did, on 13 February 2024.

[B] REQUEST FOR INTERVENTION BY THE FIDE COUNCIL

6. The FIDE Council has on 18 April 2024 submitted a letter wherein the Council declares a legitimate interest in the case and requests that the letter shall be accepted by the EDC Panel as an *amicus curiae* brief or as a request for a formal intervention in the case. In the letter of 18 April 2024, the FIDE Council submits that on a proper interpretation of the FIDE Charter and EDC Code, it must be concluded that the EDC does not have jurisdiction over national federations. On May 1, 2024, the FIDE Council submitted a second letter, wherein the FIDE Council requested to be allowed to intervene in the case. The main thrust of the 1 May 2024 letter is that art. 13.1 e) of the EDC Code – allowing for the temporary exclusion of a member federation as a form of sanction – was against the Charter. The Complainants and the Respondents have been offered a possibility to submit their opinion on the request, which all parties have made use of. The Complainants have argued against the request and the Respondents have responded to the request with approval.
7. The EDC Panel Chairman has thereafter, on 21 May 2024, decided to deny the request by the FIDE Council for a formal intervention in the case for the following reasons.
8. The main ratio behind the procedural rules on intervention by third parties in ongoing proceedings, is to avoid situations where a decision may have distinctly negative and substantial impact on the legitimate interests of such third parties without them having a possibility to protect these interests as formal parties in the case.
9. In the EDC Procedural Rules (Rule 19.1) it is stated that a Member of the FIDE Family (whose interests may be affected) may request to intervene. The FIDE Council is (see the Charter, art. 20.1) the strategic and oversight body of FIDE itself. In the EDC Code (art. 4.2) the definition of the FIDE Family does not include the FIDE Council.
10. The EDC is one of FIDE's organs (see the Charter art. 16.1) and is consequently a part of FIDE. An intervention by the FIDE Council would – if allowed – mean that FIDE intervened in FIDE matters, which is not logical, nor in line with the ratio behind the rules on intervention.



11. Even if the FIDE Council would be regarded as a third party in the sense of the Procedural Rules (Rule 19.1), FIDE's interest as such would not be affected in such a direct way that motivates a formal intervention in the ongoing case. The fact that the request has been made at a very late stage of the proceedings does also carry some weight.
12. The EDC Panel has the utmost respect for the FIDE Council and its ambition to safeguard the interest of the correct interpretation of the FIDE Charter, the EDC Code, and other relevant rules. The arguments put forward by the FIDE Council in its submissions are clear. The EDC Panel will take these arguments into consideration as an *amicus curiae* brief when deciding on the outcome.

[C] THE ALLEGATIONS IN THE COMPLAINT

First Charge (association with sanctioned individuals):

13. The Board of Trustees and the Supervisory Board are organs connected to the CFR.
14. There are several individuals in the CFR Board of Trustees and the Supervisory Board being subject to international sanctions, issued by the EU, the US and various other countries, based on these individual's connection to and responsibility for the Russian full-scale invasion of Ukraine. These are primarily Mr. Sergei Shoigu, Russia's minister of defence, Mr. Dmitry Peskov, President Putin's spokesperson, and Mr. Gennady Timchenko, said to own PMC Redut (Redoubt), a private military company, involved in the invasion of Ukraine. There are also other individuals in the Board of Trustees having been sanctioned, such as Mr. Andrey Akimov, Mr. Andrey A Guryev, Mr. Alexander Dyukov, Mr. Sergei Sobyenin, Mr. Mikhail Fridman, Mr. Konstantin Ernst and Mr. Vladimir Kirsanov. The following three members of the CFR Supervisory Board are subject to sanctions: Mr. Andrey Filatov, Mr. Alexander Zhukov and Ms. Komorova Natalya. This has, according to the Complainants, led to serious reputational damage both to FIDE and to the game of chess itself. CFR is responsible for this situation.
15. Mr. Dvorkovich is a member of the Board of Trustees, thereby associating himself with the sanctioned individuals. On Chess Day in July 2023 both Mr. Dvorkovich and the Kremlin spokesperson Mr. Peskov held speeches. It is well-known that Mr. Dvorkovich for many years has been closely related to President Putin, something that he does not deny. As an example, Mr. Dvorkovich was in the United States Treasury's "Putin's List" from 2018 and thereby identified as an individual that potentially can be sanctioned in response to Russian interference in the 2016 US election and annexation of Crimea etc. Mr. Dvorkovich's association with the above-mentioned



individuals establishes a direct connection between FIDE, through Mr. Dvorkovich's role as the FIDE President, and said individuals which, according to the Complainants, causes serious reputational damage to FIDE.

16. As for the Respondents' claim that the Board of Trustees is an inactive and ineffective organ, the Complainants are of the opinion that the Board of Trustees exists largely in order to enhance the reputation of its members, giving them prestige and influence in the chess world. Mr. Peskov is referred to as the chairman of the Board of Trustees and is often and publicly commenting on chess matters.
17. There are precedent cases in FIDE where internationally sanctioned individuals have been regarded as contributing to reputational damage. In addition to this, the FIDE Council has made statements against sponsorship agreements with sanctioned companies and questioning whether sanctioned individuals should be allowed to keep honorary or official positions within FIDE.
18. Mr. Dvorkovich claims that both he and FIDE strictly follows IOC rules and recommendations. This is not correct, according to the Complainants. Initially, at the outbreak of the Russian invasion of Ukraine, FIDE took decisions in line with IOC recommendations, but did not follow subsequent updates of these recommendations, such as banning Russian and Belarussian athletes from competing internationally in chess.

Second Charge (organizing chess activities in occupied territories):

19. The CFR has recognized illegally occupied territories of Ukraine, including the Crimean Chess Federation as part of the CFR. As an example, the Cup of Russia was held in Sevastopol. In June 2023 the all-Russian team tournament for pupils, "White Rook", took place, including teams from Crimea. In July 2023, the rapid event "Aluston 2023" was held, open to occupied parts of Ukraine. On March 11, 2023, the CFR posted on its webpage about a meeting with the federations with the intention to integrate them as fast as possible. The CFR conducted the "Russian Team Cup" from 27 November until 3 December 2023. This event included three teams, representing occupied Ukrainian territories, "Luhansk People's Republic", Kherson and "Donetsk People's Republic". The CFR has according to the Complainants thereby *de facto*, and *de jure* recognized its authority over occupied Ukrainian territories.
20. The UN has in October 2022 adopted a resolution ES-11/4 with the message not to recognize occupied territories, such as Donetsk, Kherson and Luhansk as part of Russia. The IOC decided on October 2023 to suspend Russian Olympic Committee for violating the territorial integrity of the National Olympic Committee of Ukraine.



Thus, the actions of the CFR are in breach of the UN resolution. Mr. Dvorkovich is according to the Complainants also in breach of said rules by being a member of the Board of Trustees of the CFR.

21. The defence by the Respondents, i.e. that it is important to give the children and adults opportunities to develop further in chess is, according to the Complainants, hypocritical. The CFR is aiming to replace Ukrainian identity with Russian in the occupied territories, including forcibly transfer children to Russian chess.
22. Both Respondents did furthermore participate in the “Defender of the Fatherland Day” in Moscow in February 2022. This event took place at a time when Russian troops were piling up close to the Ukrainian border and shortly before the full-scale invasion. It is true that it may be common that countries celebrate its memorial days, but this took place very close to the invasion and shows according to the Complainants that Mr. Dvorkovich has bias towards the Russian army.

Third Charge (failure to observe political neutrality):

23. Mr. Dvorkovich has been chairman of the Skolkovo Foundation until 18 March 2022. The Skolkovo Foundation has according to the Complainants contributed to the production of weapons for the Russian army. In August 2022, the US Department of State sanctioned the foundation.
24. Even if Mr. Dvorkovich left his position of the Skolkovo Foundation before the US sanctions in 2022, he had been its chairman during a long time, including a period whereunder he was the FIDE President and when Russia had occupied Crimea. It is has according to the Complainants obviously not possible to adhere to the principles of the FIDE Charter and other FIDE rules when at the same time being involved in the manufacturing of weapons for the Russian army.
25. When in February 2022 asked in an interview about the territorial integrity of Ukraine, Mr. Dvorkovich answered “to that I say nothing”. In an interview by the BBC (“Hard talk”) in 2018, Mr. Dvorkovich stated that there was no annexation of Crimea. Mr. Dvorkovich has supported Russian war propaganda, primarily in a statement on the Skolkovo webpage on March 15, 2022 (“the Skolkovo statement”). In this statement, Mr. Dvorkovich used the word “Nazism”, thereby aligning with known Russian war propaganda. In the American magazine “Mother Jones” on 14 March 2022, he said that his thoughts were with Ukrainian civilians. For this he was severely criticised in Russia, and it was against that background that he made the Skolkovo statement. The Ukrainian anti-corruption agency (NAZK) has linked the Skolkovo statement to Kremlin propaganda.



26. By his various statements, Mr. Dvorkovich does not observe political neutrality, which is according to the Complainants damaging to FIDE and chess. Mr. Dvorkovich does not acknowledge the independence and integrity of Ukraine.

[D] DEFENCES PROVIDED BY RESPONDENTS

First Charge:

27. **CFR:** The international sanctions of the individuals are a fact. It is important to remember that neither the United Nations, nor any international sports organizations have issued sanctions against these individuals. The sanctions mentioned by the Complainants have been decided by certain countries and are based on political and/or economic reasons. Sports must be kept apart from such reasons. This principle of neutrality is stated in the Olympic Charter. In the FIDE Charter (4.10) it is stated that FIDE must observe strict neutrality in the internal affairs of its members. This case does therefore not fall within the jurisdiction of the EDC.
28. According to art.7.1 of the Charter of the CFR, the Board of Trustees has advisory functions only. Its main purpose is to popularize chess in Russia. Furthermore, the Board of Trustees has been inactive for a long time. No decision has been made by the Board of Trustees for ten years.
29. **Mr. Dvorkovich:** He mourns the victims of the tragedy that evolved in Ukraine. Generally speaking, the current political situation and its potential effect on the FIDE presidency should be a matter for the FIDE Congress and not the EDC. There is no logical connection between sanctioned individual's positions within the CFR and the alleged breaches of the EDC Code by Mr. Dvorkovich. The sanctioned members of the Board of Trustees are not members of the FIDE Family, see art. 4.2 of the EDC Code. Interaction with these individuals cannot be regarded as a violation of any FIDE principles. The sanctions mentioned by the Complainants are decided by certain countries only and not by the UN or any international sports organization. According to art. 5 of the Charter of the CFR, the Board of Trustees is no formal organ within the CFR, having responsibility for any CFR activity. It is certainly a body related to the CFR but, as follows from art. 7.1 of the Charter of the CFR, the Board of Trustees has advisory functions only. Its purpose to popularize chess in Russia cannot bring FIDE in disrepute. In addition to this, remaining in the Board of Trustees creates a bridge between the international chess community and the CFR. As put forward by the CFR, the Board of Trustees has been inactive for many years. The principle of neutrality must be upheld in this case. Both Mr. Dvorkovich and FIDE have followed the IOC rules and recommendations. FIDE has decided on moving competitions and banning players and has provided support for Ukrainian players. The IOC has not issued any



sanctions against FIDE or made any negative comments on FIDE's handling of the current situation. On the contrary, FIDE has been invited to the Olympic E-sports series. The so called "Putin's list" is of no relevance to this case.

Second Charge:

30. **CFR:** The CFR do not deny the facts in the Complaint with respect to the occurrence itself of chess events mentioned. CFR has no authority however to recognize or deny recognition of any part of the country, whether Russia or abroad. The Ukrainian territories are not accepted as members of the CFR. The UN resolution is of no relevance in this case as it is not directed at organizations. Organizing an event in Crimea is not a recognition, since the organizer is free to select the venue, in Russia or abroad. FIDE is encouraging the staging of chess events generally. It is well known that the UCF is presently unable to organize chess events and it is against this background important to try to do as much as possible, especially for young players. The Russian Team Cup was held in Sochi, which undoubtedly is in Russian territory. It must be noted that only the players were subject to rating, not the teams. The CFR has never tried to ELO-rate any of the other events mentioned in the Complaint.
31. There are historic examples of territories being de-facto controlled by a state and supported by that state.
32. The IOC has not issued any sanctions with respect to Crimea and chess players from this region. The Russian Olympic Committee has not been subject to any sanctions since 2014.
33. The Day of the Defenders of the Fatherland Day has been celebrated since 1919. In addition to this, it took place on 17 February 2022 when no sanctions were in place.
34. **Mr. Dvorkovich:** A seat in the Board of Trustees does not give Mr. Dvorkovich any authority over the decisions or activities of the CFR. Mr. Dvorkovich has never questioned the principles laid down in art. 9.5 of the FIDE Charter and art. 30 (1) of the Olympic Charter. The allegations under the Second Charge are linked to his position in the CFR Board of Trustees and not to his position as the FIDE President. As argued by the CFR, only individual players, participating in the Russian Team Cup, were subject to rating, not the teams.
35. Like in many countries, The Day of the Defenders of the Fatherland Day is a traditional day of memory in Russia. Mr. Dvorkovich's participation in this event, where he was guest of honour, took place on 17 February 2022, and did not constitute a breach of



the EDC Code. The Complainants argue that Russian troops had amassed close to the Ukrainian border. There is no evidence that Mr. Dvorkovich did relate to this in any form.

Third Charge:

36. **Mr. Dvorkovich:** The Skolkovo statement is correctly cited but it does obviously not contain any propaganda. The definition of “propaganda” in the Webster-Merriam dictionary does not support the arguments of the Complainants. The Nazi Party was declared illegal in Nuremberg in 1946. The UN is also strongly against Nazism and its ideas. The Complainants are using a quote from March 2022 as basis for a complaint in September 2023, which shows a lack of evidence against Mr. Dvorkovich. The Skolkovo statement is not a breach of any FIDE- or other rules. The reference to NAZK is of no relevance as it has no authority over FIDE or any sports organization.
37. There is no logical connection between Mr. Dvorkovich’s period of chairmanship of the Skolkovo Foundation and the alleged breaches. The Skolkovo Foundation was sanctioned six months after he had left his position. There are no sanctions in force against Mr. Dvorkovich personally.
38. The national security is an interest for every country. The Skolkovo Foundation has never been part of the military development cluster.

[E] ADMISSIBILITY AND JURISDICTION

39. The Respondents have questioned the admissibility of the Complaint as such. In addition to this, the Respondents have also argued that two of the Complainants, Mr. Baryshpolets and Mr. Heine Nielsen lack legal standing. The Respondents are also of the opinion that the EDC has no jurisdiction over this case, a standpoint shared by the FIDE Council.
40. **The submissions of the CFR:** There are political grounds behind the Complaint and the conflict in Ukraine is obviously the sole reason for the Complaint. The Compliant should be declared inadmissible. An expulsion or suspension of a member federation is a matter for the FIDE General Assembly as is evident from art. 17.2 of the FIDE Charter. The procedure is laid down in art. 13 of the FIDE Charter. The EDC has no jurisdiction over member federations; in the FIDE Charter, art. 26.7-26.8 there is no mentioning of exclusion of member federations. FIDE is governed by Swiss Law. In art. 60-79 of the Swiss Civil Code, an exclusion requires a resolution by the members.



41. The Complaint focuses largely on sanctions against certain individuals and their positions within the Board of Trustees of the CFR. But this is an internal Russian matter which do not belong to the international sphere, see art. 5.1 (d) and 4.7 (a). The actions of these individuals do not affect any other member federation.
42. Neither Mr. Baryshpolets nor Mr. Heine Nielsen has a legal standing in this case. They are not personally and directly affected in the meaning of the EDC Code. In addition to this it must be pointed out that this case is a personal affair for the complainants. Both were involved in the campaign to win the election for FIDE President in 2022, but failed. This case is a matter of personal revenge for them.
43. Mr. Heine Nielsen's argument that he has been personally affected by having to choose which opponents to play and with whom to be seen together with, is not sufficient.
44. Good common sense must also be considered, the CFR has a long history with FIDE.
45. **The submissions of Mr. Dvorkovich:** The Complaint is based on political, not ethical responsibility and should be reviewed with a no-confidence vote, not a case before the EDC. Political responsibility often exists side by side with ethical responsibility but is of a different nature. All the facts presented in the Complaint were known when he was re-elected as President in August 2022, receiving 157 votes of 173. As argued by the CFR, neither Mr. Baryshpolets nor Mr. Heine Nielsen has a legal standing in this case. They are not personally and directly affected in the sense of the EDC Code. A citizenship is not in itself sufficient reason to have legal standing in this case, nor is the fact that you are a chess lover. Mr. Heine Nielsen has even less legal standing than Mr. Baryshpolets as he is not a member of the UCF. Lithuania may have a state of emergency, but this is of no relevance for the matter.
46. **The submissions of the Complainants:** The Complaint is not an issue of political bias or personal motivations. The case has international implications, the individuals in the CFR Board of Trustees have been sanctioned by the international community. The connection between the Respondents and the sanctioned individuals are undeniable. The legal standing of the UCF is obvious. But also Mr. Baryshpolets and Mr. Heine Nielsen have legal standing as they have a direct and substantial interest in the subject matter.
47. **Mr. Baryshpolets:** The case has nothing to do with him losing the presidential election in 2022. He is not presently living in Ukraine but as an Ukrainian citizen and chess player he is directly affected by the ongoing events in his country. He has family members and relatives, living in Ukraine and is constantly worrying about them and their safety.



48. **Mr. Heine Nielsen:** In February 2022, the Lithuanian president called for a state of emergency, which is still in effect. Mr. Peskov has threatened Lithuania on behalf of President Putin on 20 June 2022. Lithuania was invaded by the Soviet Union in 1940. The EDC decision will affect him personally. He has been the main coach of both former world champions Anand and Carlsen and makes his living through chess and is therefore directly affected by the military conflict and its consequences for the chess world and FIDE. As an example, he pulled out of Mr Dodge Invitational due to the participation of Mr. Dubov playing for CFR. He must avoid being photographed or seen together with Mr. Dvorkovich or other individuals having connections to Russia. He lives in Lithuania, which shares the border with Russia. His wife is the Speaker of the Lithuanian Parliament, and he is thereby also connected to the serious geopolitical consequences of the ongoing war.

Findings of the EDC Panel:

49. The Respondents have questioned the jurisdiction of the EDC. In addition to this, the Respondents have also claimed that the Complainants lack legal standing. The EDC addresses first the issue of jurisdiction, including the power to temporarily exclude a member federation, which has been questioned by both the Respondents and the FIDE Council.

Jurisdiction of the EDC and the sanction of exclusion of member federations

50. The EDC Panel notes that in the FIDE Charter, art. 26.7 it is clearly stated that the EDC has jurisdiction over the conduct of FIDE officials, which includes the FIDE President.
51. The CFR has argued that the EDC has no jurisdiction over member federations whatsoever, despite that the FIDE Charter, art. 26.6, states that the EDC shall consider and decide on any alleged breach of the EDC Code and impose a sanction or grant other measures as specified in the EDC Code.
52. In the EDC Code, art. 3.6, it is stated that the EDC shall exercise jurisdiction over all members of the FIDE Family as defined in said Code. From the EDC Code, art. 4.2 a), it cannot be disputed that FIDE Member federations are members of the FIDE Family.
53. The Respondents have, in addition to the above, specifically argued that an expulsion or suspension of a member federation is exclusively a matter for the FIDE General Assembly, even if the EDC Disciplinary Code, art. 13.1 e) clearly states that one of



the sanctions available to the EDC is a temporary exclusion of a national federation from participation in the activities of FIDE for a period up to a maximum of five years.

54. The FIDE Council has, in its letters to the EDC Panel, supported the aforementioned standpoint of the Respondents and brought forward the argument that the EDC Disciplinary Code is in contradiction to the FIDE Charter (which they argue does not acknowledge EDC's jurisdiction over member federations) especially regarding the sanction of expulsion or suspension of a member federation and that this means that the EDC Disciplinary Code must be disregarded in this respect, as the FIDE Charter is of a higher hierarchy than said Code, see the EDC Code, article 2.4.
55. The EDC Panel disagrees with the Respondents and the FIDE Council for the following reasons. It is a well-established fact that the EDC has imposed various sanctions on member federations during many years, without any protests from the FIDE Council. In a small number of these cases, the EDC has even sanctioned member federations by temporary exclusion of membership in FIDE. As one example, in the EDC Case 4/2018 (Mongolian Chess Federation et. al.), the EDC Panel decided to sanction the Mongolian Chess Federation by an exclusion of membership of FIDE for a period on one year. Other examples are the EDC Case 5/2018 (Serbian Chess Federation) and Case 3/2022 (Cyprus Chess Federation). All of these cases have been judged under the old EDC Code of Ethics, wherein art. 1.4 said that the code was applicable also for member federations, and art. 3.2 mentioned temporary exclusion from membership as one of the sanctions at EDC's disposal.
56. In the old Statutes (valid until 1 March 2020), art. 08.1, it is stated that the Ethics Commission shall consider any alleged breaches of the FIDE Code of Ethics and that the Ethics Commission shall have competence over cases that come under the jurisdiction of FIDE. The Statutes were replaced by the FIDE Charter, wherein art. 26.6 states that the EDC shall consider and decide on any alleged breach of FIDE Ethics and Disciplinary Code and impose a sanction or grant other measures as specified in the FIDE Ethics and Disciplinary Code, acting in accordance with the Ethics and Disciplinary Commission Procedural Rules.
57. The new EDC Code (which came into force in April 2022) has been fully approved by the FIDE General Assembly. The new EDC Code expressly states in unambiguous wording the jurisdiction over member federations and the new code does also clearly acknowledge the sanction of expulsion or suspension of such members (see art. 13.1 e). It is obvious to the EDC Panel that its jurisdiction over member federations, including the right to temporarily exclude federations has de facto existed for many years and that the new EDC Code and its approval by the General Assembly (being the highest level in the FIDE hierarchy) confirms this.



58. It is important to note that the EDC is one of the commissions within FIDE being elected by the General Assembly, (see FIDE Charter art. 16), thereby ensuring the independence of its members. One of the EDC's tasks are safeguarding the adherence to the EDC Code, by all parties being bound by the Code, among them member federations. Exclusion of a member federation is, as mentioned above, one of the sanctions at EDC's disposal, following the EDC Disciplinary Code. Should the EDC lack jurisdiction over member federations, as argued by the FIDE Council, a federation could, hypothetically, breach the EDC Code without risk of being punished, if a majority of the members of the General Assembly is not prepared to sanction such federation. This would mean, that federations with sufficient support of the General Assembly could go unpunished indefinitely. This would, in the opinion of the EDC Panel, be damaging to the game of chess and FIDE.
59. It is worth noting, that the EDC has not the power to suspend or exclude a member federation permanently, only temporarily. The power to exclude a federation permanently lies solely with the General Assembly.
60. The CFR has also brought forward the argument that FIDE is governed by Swiss Law and certain articles of the Swiss Civil Code prevent the exclusion of a member federation unless a resolution to this effect has been adopted by the members of the organization. The CFR has not submitted evidence to support its legal position in this respect. In CAS 2016/A/4698, among other CAS-cases, it is stated that Swiss Law provides associations with a significant degree of autonomy to regulate and determine their own affairs. The EDC therefore disregards CFR's argument as ill-founded.
61. The Respondents have argued that the alleged breaches of the EDC Code have taken place in a purely national context within Russia and not in the international sphere and that the EDC Code is therefore not applicable. In the EDC Code art. 4.7 a) it is stated that the alleged conduct must have taken place in the international sphere. "The international sphere" is defined as "FIDE tournaments, events and congresses, as well as other tournaments and events which has a multi-national participation, or at which norms for FIDE titles can be earned or serve as qualifying event for a major FIDE tournament or event including the World Cup, or the relevant conduct in some manner affects the interest of other national federations or the international chess community as a collective". The EDC will consequently not, as a rule, accept cases without sufficient international connection. The exception to this main principle (see art. 4.7 b) is national cases where there the alleged violation has international implications or affects various national member federations of FIDE and has not been judged at national level through the national federation's own ethics process.



62. The EDC Panel notes that the Complaint is completely based on alleged wrongdoings against the backdrop of the 2022 Russian invasion of Ukraine. The Complainants argue that the Respondents have breached rules in the FIDE Charter and the EDC Code, thereby, among other things, bringing FIDE and the game of chess in disrepute. It cannot be disputed that such alleged violations have the potential to affect the interest of other national federations, such as the UCF and/or the international chess community as a whole. In addition to this, the Second Charge is specifically aimed at CFR's international activities. The ongoing war has undeniably far-reaching international implications, also for the chess community. Therefore, the EDC Panel finds that this case falls within the international sphere according to art. 4.7 a) of the EDC Code. In may be added, that also from the perspective of 4.7 b) ("national sphere") this case falls within the jurisdiction of the EDC, as it has not been judged at national level through CFR's own ethics process.
63. In conclusion, the majority of the EDC Panel finds that it has jurisdiction over member federations. One of the sanctions available is temporary exclusion of a member federation.
64. The EDC Panel member, Mr. Khaled Arfa, is of a dissenting opinion with respect to the conclusion in para 59:

The issue at hand does not pertain to the EDC's general jurisdiction over member Federations but rather focuses on a specific power, namely the authority to suspend or expel a member federation, which has been expressly granted to the General Assembly by the Charter.

The position, which supports the argument that the EDC lacks the power to suspend and expel member federations is based on several arguments:

1. *The clear provisions of art. 13.3 and 17.2 of the Charter granting exclusive competence regarding the suspension and expulsion of member federations to the highest authority: the General Assembly.*
2. *The Charter establishes a legal framework with reinforced conditions and special guarantees for member federations before their suspension or exclusion.*
3. *These reinforced conditions are set forth in art. 13.3 and 13.4 of the charter:*
 - *Compelling reasons related to severe violations of duties.*
 - *Necessity of an advisory opinion by the Constitutional Commission.*
 - *Decisions that require a two third majority of valid votes.*
 - *Right of the Member Federation to submit written defences and to be heard before the decision, in front of both the Council and the General Assembly.*
4. *The Charter employs general terms in art. 13.3 and does not establish any exceptions to these rules where an exception could have been provided for EDC decisions.*



5. EDC decisions do not offer the same guarantees as those provided for in art. 13.3 and 13.4 of the Charter.
6. There is a clear contradiction between art. 13.3 and 17.2 of the FIDE Charter and art. 13.1(e) of the EDC Code. This contradiction must be dealt with according to the provisions of art. 7.3.1 of the Charter, which provides: "The FIDE Charter contains the primary rules and the main principles of the organization and cannot be superseded nor derogated by any other FIDE rule, regulation or decision". This interpretation rule applies to all types of decisions, including EDC rulings.
7. Art. 20.6 of the EDC Code supports the argument of the EDC's lack of jurisdiction to suspend and expel member countries insofar as it expressly grants these functions to the FIDE Council in a first step and then to the General Assembly in accordance with the Charter.
8. Even though precedents establish a long-standing interpretation of the law, it is well-established that new statutes (such as a new Charter) can overrule precedents, as the legislature has the power to change existing practice.

Legal standing and admissibility

65. To be admissible, the Complaint must meet the minimum requirements laid down in art. 5 in the Ethics and Disciplinary Code.

Legal standing

66. The Respondents have argued that the individual Complainants lack legal standing because they are not personally and directly affected by the alleged misconduct or otherwise has a direct and substantial interest in the matter (see the Ethics Code, art. 5.2 b). The EDC Panel has come to the following conclusion. As for **the Ukrainian Chess Federation**, which is not an individual complainant, there are no requirements related to personal and direct effect. It is obvious to the EDC Panel that the UCF is directly affected by the ongoing war in Ukraine. Therefore, the EDC Panel finds that the Ukrainian Chess Federation has legal standing in this matter.
67. The main ratio behind the rules on admissibility for individual complaints in the Ethics and Disciplinary Code is to limit the right to bring cases to the EDC for individuals being only indirectly affected by the alleged misconduct. In the absence of such limiting rules, there is a considerable risk that a large number of complaints without sufficient interest will be brought to the EDC, which is undesirable.
68. Mr. Baryshpolets and Mr. Heine Nielsen are individual complainants, which means that both must be either personally and directly affected by the alleged misconduct or otherwise have a direct and substantial interest in the matter. As follows from CAS precedent cases, the burden of proof lies with the complainant, for example as in CAS 2018/A/5746:



The burden of proof to demonstrate a personal, direct and tangible legal interest lies with the party asserting standing, on the basis of Art. 8 SCC, which provides: “Unless the law provides otherwise, the burden of proving the existence of an alleged fact shall rest on the person who derives rights from that fact”. The case-law of the CAS reaffirms this principle, underlining at the same time that the notion of “directly affected” when applied to third parties who are not the addressees of a measure must be interpreted in a restrictive manner.

According to CAS jurisprudence, parties which have a direct, personal and actual interest are considered to have legal standing to appeal to the CAS. Such an interest can exist not only when a party is the addressee of a measure, but also when it is a directly affected third party. The case-law provides that “this is consistent with the general definition of standing that parties, who are sufficiently affected by a decision, and who have a tangible interest of a financial or sporting nature at stake, may bring a claim, even if they are not addressees of the measure being challenged”.

69. The alleged misconducts are of various kinds but are directly and indirectly related to Russia’s military aggression in Ukraine. As a Ukrainian citizen and chess grandmaster, having family members and relatives in Ukraine, it is clear to the EDC Panel that **Mr. Baryshpolets** has some interest in the matter. The rules in the EDC Code however demands more than this. Otherwise, every Ukrainian member of the FIDE Family would be allowed to bring cases to the EDC. Mr. Baryshpolets has not shown a more direct and substantial interest than any other Ukrainian member of the FIDE Family. He is therefore not deemed to have legal standing in this matter.
70. **Mr. Heine Nielsen** has put forward several reasons to support his claim to have legal standing, despite not being a Ukrainian citizen, see above. He is living in Lithuania; a country having a border to Russia and thereby being affected by the ongoing war. His professional life has been negatively affected by said military conflict.
71. The EDC Panel understands and acknowledges that Mr. Heine Nielsen is experiencing difficulties and concerns of various kind because of Russia’s aggression. As a well-known and prominent grandmaster and coach, he is undoubtedly indirectly affected by the turmoil in the chess world. But in the opinion of the EDC Panel, he lacks a direct and substantial interest in the matter at hand. The EDC Panel concludes that Mr. Heine Nielsen lacks sufficient legal standing to bring the Complaint to the EDC.

Other requirements:

72. The Respondent(s) must be member of the FIDE Family (see art. 5.1 b of the EDC Code). The Respondent Mr. Dvorkovich is the FIDE President and therefore obviously a member of the FIDE Family, (see art 4.2 f). The CFR is a member federation and therefore also a member of the FIDE Family, (see art. 4.2 a).



73. The allegations made, and documents furnished does disclose on a *prima facie* basis conduct which amounts to one or more violations of the EDC Code (see art. 5.1 c). This condition is fulfilled.
74. The alleged misconduct must have been committed during a course of no more than three years immediately preceding the date on which the complaint is received by FIDE (see art. 5.1 e). This condition is fulfilled.
75. The Respondents have argued that the real reason behind the Complaint is the 2022 election for the President of FIDE where Mr. Baryshpolets and Mr. Heine Nielsen ran against Mr. Dvorkovich and lost by a large margin. It is a matter of revenge for the Complainants. In addition to this, the Respondents have stated that there are political grounds behind the Complaint and the conflict in Ukraine is obviously the sole reason for the Complaint. The FIDE ethics rules must not be used for political motives.
76. Art. 5.3 e) in the EDC Code states that complaints with an ill-motive or constitutes an abuse of the ethics and disciplinary proceedings shall be declared non-admissible. This rule is aimed at preventing misuse of the proceedings solely to harass an innocent person or trying to gain political or other similar advantages by claiming something fundamentally unfounded. The EDC Panel cannot find that this is the case here.
77. The EDC Panel has considered art. 5.3 d) in the EDC Code, whereby a complaint may be declared inadmissible if it relates to a personal affair between the complainant and the respondent or is otherwise unrelated to the practise or the governance of the sport of chess. As for the alleged personal motive behind the Complaint (revenge), no evidence has been submitted by the Respondents to support its standpoint. The EDC Panel therefore disregards this objection.
78. The second objection, as the EDC Panel has understood it, revolves around the dividing line between sports and politics. The ethics process within sports organisations should, as the main rule, stay away from purely political and other similar aspects and focus on alleged breaches of the sports law. The principle of political neutrality is often cited. In its recent decision CAS 2022/A/8871 (Football Union of Russia (FUR) v. Union of European Football Associations (UEFA) et al), CAS touches upon this problem. The court concluded that the Russian-Ukrainian military conflict certainly has political aspects but did not find that the decision by UEFA can be said to breach the principle of political neutrality:

The Panel accepts that the military conflict in Ukraine undoubtedly raises political issues but that does not lead automatically to the conclusion that any decision taken by a sports organisation that touches on a military conflict breaches the principle of political neutrality. The Panel considers that the military conflict in Ukraine was the catalyst for a series of extraordinary and unforeseen consequences, namely:



the widespread condemnation of the military conflict by international organisations and governments; the reaction of the international sports community to the conflict; the imposition of sanctions and travel bans on Russian people and businesses; the uncertainty of the duration and scope of the conflict; and, the exceptional and widespread international public reaction against it.

79. The EDC Panel finds that it has jurisdiction, even if the case itself has geo-political characteristics. Therefore, and for all the reasons mentioned above, the jurisdiction of the EDC Panel in the present matter and admissibility of the complaint against the Respondents are confirmed with respect to the UCF but not for Mr. Baryshpolets and Mr. Heine Nielsen.
80. The EDC Panel member, Mr. Khaled Arfa, is of a dissenting opinion with respect to the conclusion about admissibility of the Complaint in relation to Mr. Dvorkovich in para 73:

The complaint lodged by the UCF in the context of these proceedings constituted an abuse of process against the Respondent Mr. Arkady Dvorkovich and outlined several reasons in support of this conclusion.

The present Complaint presents a unique feature. Unlike most members of the FIDE Family, the Complainant has a double choice of remedies against the Respondent: a vote of no confidence before the General Assembly pursuant to the FIDE Charter, particularly art. 17.2(g), or disciplinary proceedings under the Ethics and Disciplinary Code. Accordingly, whenever such a unique situation arises, the Chamber must be particularly vigilant to the possibility of an abuse of procedure, as referred by art. 5.3(e) of the Ethics Code and Rule 12.4 of the EDC Procedural Rules.

*The concept of abuse of process is a very broad concept and even if the EDC Code does not define it, its most accepted components are: **misusing or improperly utilizing the legal or disciplinary procedures established by a governing body to Exceed the legitimate purpose of the process and/or to Undermine its fairness and integrity and/or Cause unnecessary harm or damage.***

In light of the foregoing circumstances and the particularities of the instant case, it is apparent that an initial resort to a vote of no confidence, if successful, would definitively resolve the matter without the necessity of subsequent disciplinary proceedings.

However, the Complainant did not pursue this course of action, likely due to the minimal probability of securing the majority vote required for a successful no-confidence motion, particularly given the defendant's recent re-election to the head of FIDE with a large majority.

Therefore, the Complainant elected to pursue disciplinary proceedings as his primary option. By their very nature, these proceedings aim to impose sanctions for conduct or behavior that violates the established rules of the Ethics and Disciplinary Code.



Should a sanction be pronounced and implemented, it would definitively address the issue, and the defendant would not be subject to any further penalty or damage beyond that arising from the aforementioned disciplinary procedure.

By inverting the process and choosing to initiate disciplinary proceedings first, the Complainant highlights his intention to obtain the desired outcome of a no-confidence vote through the use of disciplinary procedures which characterizes one of the elements of abuse of procedure, namely, to divert and exceed the direct and legitimate purpose for which the disciplinary procedure was instituted.

Furthermore, by inverting the order of the proceedings, the Complainant believes he can afford the luxury, even if the disciplinary procedure does not result in a sanction that suits his intentions, of using the disciplinary decision as a basis for a subsequent no-confidence vote and thereby inflict additional harm on the defendant beyond that provided for by the disciplinary procedure which highlights another element of abuse of procedure, namely, causing additional harm and further damage to the opposing party.

The Ethics and Disciplinary Commission is charged not only with the application of the established rules, but also with ensuring their harmonious interpretation and equitable application. This function serves to deter any abuse of the procedural mechanisms, as well as any attempt by parties to misuse or deviate from the legitimate purpose of the proceedings.

In the instant case, and in all similar cases where a Complainant possesses dual recourse options, a special recourse inherent to his status as a FIDE member federation and a general recourse available before the EDC to all members of the FIDE Family, it is critical to emphasize that the special recourse must be pursued first. This necessitates the exhaustion of the special recourse prior to resorting to the general disciplinary procedures. Reversing this procedural order would inevitably constitute an abuse of procedure, as previously described.

Consequently, and in the perspective of the dissenting opinion any disciplinary proceedings initiated without exhausting the special recourse shall be declared inadmissible.

[F] FINDINGS WITH RESPECT TO THE CHARGES

First Charge:

81. The First Charge relates primarily to the fact that several individuals in the CFR Board of Trustees and the Supervisory Board are subject to international sanctions due to the Russian military aggression in Ukraine and that this is causing reputational damage to FIDE and/or chess. The focus in the Complaint and the additional submission from the Complainants is on the Board of Trustees, where, according to the Complainants, there



are individuals sanctioned not only for political reasons but also for a more direct involvement in the ongoing military conflict in Ukraine. The EDC Panel will in the following direct its focus on the Board of Trustees, rather than on the Supervisory Board.

82. There are no rules in the EDC Code or the FIDE Charter directly addressing this specific issue.

83. Art. 6.25 in the Ethics Code reads:

Responsibility means the performance by an individual without supervision of the tasks and functions held with care, in the best interest and full respect of chess and of the FIDE Charter, Bylaws and Regulations/Codes.

To this end:

a) FIDE Family members shall not act in a manner likely to damage FIDE's reputation or bring chess into disrepute.

b) FIDE Family members shall not give, make, issue, authorize or endorse any statements and/or declarations (including through print, broadcast, internet and/or any social media) that violate any provision of this Code of Conduct specifically including, but not limited to, any statements that have or are designed to have an effect prejudicial to the welfare of the FIDE, any FIDE Family member or the game of chess, or bring chess into disrepute.

84. Every member of the FIDE Family has an obligation to respect and comply with the fundamental principles laid down in the FIDE Charter. Non-compliance with these principles by any member of the FIDE Family shall constitute a breach of the Ethics Code (art. 6.2 of the EDC Code).

85. The following articles of the FIDE Charter are of importance:

2.6 FIDE supports close international cooperation of chess devotees in all fields of chess activities, thereby also aiming to improve harmony and promote peace among all peoples of the world.

4.3 FIDE is committed to respecting all internationally recognized human rights and shall strive to promote the protection of these rights.

4.4 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.

4.8 FIDE shall promote friendly relations between and among member associations, clubs, officials and players.



86. In its extraordinary FIDE Council meeting of 27 February 2022, shortly after the outbreak of the war in Ukraine, the following decisions were taken, and statements made:

FIDE expresses its grave concern about the military action started by Russia in Ukraine. FIDE stands united against wars as well as condemns any use of military means to resolve political conflicts. FIDE will take any necessary action to ensure the security of chess players and other members of the chess community. No official FIDE chess competitions and events will be held in Russia and Belarus.”

Following the call from IOC, the FIDE Council decides that no Russian and Belarusian national flag be displayed or anthem be played in all FIDE-rated international chess events. Instead – the national chess federation’s flag or the official symbol/logo shall be used. A simplified procedure for performing under the FIDE flag would be followed where it is crucial for the players or any other chess officials under the current geopolitical situation.

In order to safeguard FIDE from reputational, financial, and any other possible risks, FIDE terminates all existing sponsorship agreements with any Belarusian and Russian sanctioned and/or state-controlled companies and will not enter into new sponsorship agreements with any such companies.

FIDE Council condemns any public statement from any member of the chess community which supports unjustified military action [and brings the case of chess grandmasters Sergey Karjakin and Sergey Shipov to the Ethics and Disciplinary Commission].

87. On 2 March 2022 the following additional decision was taken by the FIDE Council:

After receiving the opinion of Mr Rivello, the Chair of FIDE Constitutional Commission, the FIDE Council decides to suspend the title of the FIDE Ambassador for Life for Anatoly Karpov and asks the General Assembly to take a decision on the matter. The FIDE Council also approves that sanctioned persons would be denied to hold any honorary or official positions in FIDE and would not be invited to any official FIDE events. Both decisions have been taken by the majority of votes.

88. By issuing the above-mentioned statements and decisions, the FIDE Council clearly declared its standpoint with respect to the military action started by Russia against Ukraine. FIDE stands against wars and against the use of military means to resolve political conflicts. The standpoint is well-founded in the FIDE Charter. The subsequent decision of 2 March 2022 with respect to sanctioned individuals means that such individuals must not hold positions within FIDE and may also be regarded as a signal against association with sanctioned individuals.

89. As a general background to the Russian war on Ukraine and the various international reactions to the conflict, as well as a description of relevant principles of the Olympic movement and FIDE’s Charter, the EDC Panel refers to the EDC Case No 2/2022 (A) (Karjakin). In its decision dated 6 May 2022, the EDC Appeal Panel stated *inter alia*:



5.1. On 24 February 2022, Russia launched a large-scale military invasion against Ukraine, the biggest attack by one State against another in Europe since World War II. Since then, in the continuing war, regular reports are received of attacks on civilian facilities in Ukraine such as residences, schools and hospitals, and of civilian casualties, including women, older persons, persons with disabilities, and children.

5.2. This military action received widespread international condemnation as a breach of international law, in particular the violation of the sovereignty of another State, the use of military means to resolve political conflicts, and the violation of fundamental human rights.

5.5. On 2 March 2022, the United Nations General Assembly adopted resolution ES-11/1 in which it deplored the Russian Federation's invasion of Ukraine and demanded, inter alia, that the Russian Federation immediately cease its use of force against Ukraine and unconditionally withdraw all of its military forces from the territory of Ukraine. The resolution was passed with 141 voting in favour, 5 against, and 35 abstentions.

5.6. In late February 2022, Ukraine sued Russia in the International Court of Justice, sitting in The Hague. On 16 March 2022, the Court granted provisional measures and ruled that Russia must immediately suspend the military operations. The Court's decision was reached by a majority of 13-2 of the Judges.

5.7. On 24 February 2022, the International Olympic Committee (IOC) published a statement in which it strongly condemned the breach of the Olympic Truce by the Russian Government. On 25 February 2022, the IOC Executive Board urged all international sporting federations to relocate or cancel their sport events planned in Russia or Belarus, and further that no Russian or Belarussian national flag be displayed and that no Russian or Belarussian anthem be played in international sports events.

5.9. FIDE in its governance of the sport of chess subscribes to and seeks to promote the fundamental principles of Olympism. 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.

6.11. 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.

90. Every member of the FIDE Family is, as stated above, expected to act in compliance with the FIDE Charter, see art. 11.4 a) of the Disciplinary Code. As a member of the FIDE Family, CFR is under an obligation to act independently from any government, public or private institution, except for what provided as mandatory by its national legal order, see FIDE Charter art. 11.

91. The CFR has not, to the knowledge of the EDC Panel, made any direct statements in support of the Russian war on Ukraine. This case deals with another issue, *i.e.* association with individuals being sanctioned by the international community for involvement in or support of the war in Ukraine in its federation, thereby causing reputational damage.



92. The Respondents have argued that the CFR Board of Trustees is inactive and an organ without real influence within the CFR. This may be true but does not change the fact that the Board of Trustees is connected to the CFR and consist of highly influential and well-known individuals, whereof at least some are openly and vigorously supporting the Russian war on Ukraine, even if this is not done in their capacity as members of the Board of Trustees.
93. The Board of Trustees may be largely inactive, which is not altogether surprising, considering that the members of the Board of Trustees with a few exceptions seem to have a loose connection to the game of chess. It is fair to assume that they are not elected to provide the CFR with day-to-day advice but rather to enhance the prestige of the CFR through the close ties between the individuals in the Board of Trustees and the official Russia and Kremlin.
94. By having several sanctioned individuals in the CFR Board of Trustees (and Supervising Board) the CFR has indirectly disregarded the declarations made by FIDE with respect to the military aggression in Ukraine. Not least the fact that Mr. Sergei Shoigu, Russia's minister of defense and Mr. Dmitry Peskov, President Putin's spokesperson are members of the CFR Board of Trustees is a clear signal from the CFR to this effect. It seems as if the CFR is holding FIDE's position with respect to the military aggression in contempt or at least ignoring it. By this, CFR has acted against the core principles of the FIDE Charter and against its obligations as a member federation to follow decisions of FIDE, founded in the FIDE Statutes.
95. The Respondents argues that the war in Ukraine is mainly a political issue, where Russia and many of the countries of the world have radically different opinions on the justification of the operation and that this is a matter that therefore belongs outside the chess world. As pointed out in the EDC Case No 2/2022 (A) (Karjakin), see above, the military conflict has led to widespread international sanctions and other reactions, also in the world of sports. This is understandable considering the magnitude of the military aggression and its severe consequences for millions of people.
96. International sanctions against Russia and Russian individuals have been imposed by a large number of democratic countries throughout the world. The sanctions imposed by the European Union (27 countries) include travel bans and asset freezes and is aimed at targeting people responsible for supporting, financing or implementing actions which undermine the territorial integrity, sovereignty or independence of Ukraine, or those who benefit from such activities (see consilium.europa.eu). Among countries outside of EU having imposed sanctions are the US, Canada, South Korea, Singapore and others. The UN has not imposed any sanctions against Russia or Russian individuals, despite the fact that the UN Charter, chapter 1, art. 2.4 states: "All



Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”. The reason for the absence of sanctions by the UN is the veto-right given to the permanent members of the Security Council (UN Charter Chapter 5, art. 27.3), among them Russia.

97. This matter, therefore, cannot be disregarded by the chess community. FIDE has, in line with the standpoint of several other sports organizations, made clear statements against the war. In the opinion of the EDC, CFR has, by ignoring the signals from FIDE, not acted in compliance with its obligation under the FIDE Charter and EDC Code.
98. The EDC Panel has therefore concluded that CFR is in breach of its obligations under the Ethics Code art. **6.25 a)** (*damage to FIDE’s reputation or bring chess into disrepute*), art. **7.1 and 7.2** read with art. 4.3, 4.4 and 4.8 of the FIDE Charter (*non-compliance with FIDE principles*). CFR is also in breach of art. **11.4 a)** of the Disciplinary Code read with art. 11 l) and m) of the FIDE Charter (*violation of duty or obligation imposed by the FIDE Charter*) – Violation of Statutes or GA decisions and art. **11.6 b)** (*disparagement of FIDE’s reputation and interest*).

On the concept of reputational damage

99. One of the important aspects of this case is whether the Respondents, or one of them, have acted in a way that has the potential to bring the game of chess and/or FIDE in disrepute or is likely to adversely affect the reputation of FIDE.
100. The Ethics Code, art. 6.1 h), read with art. 6.2 and 6.25 places an obligation on every FIDE member to avoid acting in a manner that is likely to damage FIDE’s reputation or bring chess in disrepute. Art. 2.6 of the FIDE Charter states that FIDE aims to promote peace among all peoples of the world. An action by a FIDE member being in direct conflict with said aim may be regarded as something that may damage the reputation of FIDE and/or chess. CFR has prominent representatives of the Russian political and military leadership in its Board of Trustees and has not taken any steps to change this, despite this ongoing ethics case.
101. In the following CAS-case, the ethics rules of FINA (swimming) did not contain the concept of potential disrepute, which proved to be decisive:

In CAS 2007/A/1291 the following interpretation of the concept “bringing the sport into disrepute” was made (Section 12.1.3 in the text below refers to the FINA ethics code): The language of the relevant provision does not refer to “potential” disrepute, nor to conduct “having the potential” of bringing the sport into disrepute. When determining the proper meaning of Section 12.1.3 the starting point must be the ordinary meaning of the words used. If the meaning of the words used is clear, it is not permissible,

Fédération Internationale des Échecs, Avenue de Rhodanie 54, 1007 Lausanne, Switzerland
Tel. +41 21 60 10 039 E-mail office@fide.com www.fide.com



in our view, to read other meanings, or qualified meanings, into such words. This is particularly so in our view when one has regard to the possible sanctions and to the actual sanction imposed by the Disciplinary Committee here. Therefore, when Section 12.1.3 speaks of "disrepute", it does not cover potential disrepute. Section 12.1.3 speaks about "bringing the sport into disrepute". The conduct in question must thus result in the sport of swimming - as opposed to, for example, individuals involved in the sport of swimming - being brought into disrepute. In other words: public opinion of the sport of swimming must be diminished as a result of the conduct in question. Proceeding on the basis of the foregoing analysis, we have concluded that there is no evidence to establish actual disrepute of the sport of swimming.

102. In the Ethics Code, on the other hand, it is sufficient that there is a potential of disrepute at hand. The question is whether this can be established in this case.

103. In the EDC Case No 2/2022 (Karjakin), the EDC stated the following:

7.32 There are situations where an occurrence is of a nature that is more or less certain to cause damage to the reputation of the sport or its association. As an example, cases of match-fixing, i.e. occurrences with a direct connection to the sport, will in all probability lead to badwill for the sport in itself and a diminished interest from the general public. See for example CAS 2018/A/6075.

7.33 As stated in 7.23, FIDE and the EDC should not, as a general rule, exercise jurisdiction over occurrences outside of chess. The mere fact that an individual belongs to the FIDE Family is not sufficient reason for intervention and sanction in cases of bad judgement unless it is most likely that the actions will lead to a damage to the reputation of the game of chess or FIDE.

7.38 A necessary condition for the establishment of guilt is that the statements have reached the public domain. This concept, with respect to disrepute clauses in sport, is not the world at large but the sport in which the accused engages, such as chess. Information concerning the accused's conduct which is not published in the media, but which can be learnt without a great deal of labour by persons engaged in the chess world or a relevant part of it, will be in the public domain and satisfy the public exposure element. [... ..]

104. In the CAS case 2018/A/5987 (International Tennis Federation, ITF) a member of the Board of Directors of the French Tennis Federation, who also had a seat in the ITF at the time, had been found guilty of defamation in relation to a French former tennis player. The ITF appointed an independent legal expert to give his opinion on the matter of the risk of the criminal offence bringing the ITF in disrepute. The expert found this to be the case. There is, however, a difference compared to the present EDC case insofar as the sanctioned individuals in the CFR Board of Trustees have no seats in FIDE.

105. As mentioned above, the ongoing Russian military aggression in Ukraine is one of the most dramatic geopolitical occurrences in decades and has had far-reaching and negative consequences for millions of people, as well as the global chess community. FIDE has taken a firm position against the use of military force in the conflict. The



EDC Panel finds that CFR having Mr. Shoigu and Mr. Peskov on the Board of Trustees is very likely to damage the reputation of the CFR in the international public eye. It is also very likely that the direct connection between high-profile and vocal supporters of the ongoing war and the CFR will also damage the interest and reputation of both FIDE and the game of chess.

106. As mentioned above the sanctioned individuals in the CFR Supervisory Board seem to be less directly associated with the ongoing military conflict and the EDC Panel therefore finds that no breach of the EDC Code can be established in respect thereof.
107. As for the allegations against **Mr. Dvorkovich** under the First Charge, the EDC Panel has come to the following conclusion.
108. As a general observation, the FIDE President, Mr. Dvorkovich has a fiduciary duty to act in the best interest of FIDE, see EDC Case No 2/2018 (Kirsan Ilyumzhinov). The FIDE President is expected to always act for the sole benefit of his principal, i.e. FIDE. He must consequently avoid any conflict between his own private or personal interest and the interest of FIDE. He must not be influenced and/or led by other parties, such as his national federation or national political interests.
109. In the opinion of the EDC Panel, and as a general background, Mr. Dvorkovich has endeavoured to act in the best interest of FIDE and the sport of chess throughout his presidency. The dramatic geopolitical events triggered by the Russian military aggression in February 2022 did obviously place the FIDE President in a very complicated and delicate situation, considering his nationality and earlier long-term involvement in Russian domestic politics at the highest level.

Mr. Dvorkovich's seat in the CFR Board of Trustees

110. Mr. Dvorkovich has been and is still a member of the CFR Board of Trustees together with several sanctioned individuals, some of them being vocal supporters of the war in Ukraine. At the time when Mr. Dvorkovich became a member of the CFR Board of Trustees, there were no sanctions in place, nor was the Russian full-scale invasion of Ukraine a fact. As from late February 2022 things have however radically changed. Mr. Dvorkovich is in his capacity as FIDE President in a position that require whole-hearted loyalty with FIDE and its core principles. Mr. Dvorkovich must be regarded as an ambassador for both FIDE and the game of chess. He must therefore avoid association with any organization or individual whose activity is inconsistent with the objectives or interest of FIDE. This follows from *inter alia* art. 8.1 c read with art. 8.2 and 8.12 of the Ethics Code. Mr. Dvorkovich's argument that the sanctioned



individuals are not members of the FIDE Family is of no relevance as it is not a necessary condition under the Ethics Code.

111. Mr. Dvorkovich has argued that the Board of Trustees is inactive and has no influence over decisions within the CFR. The EDC Panel refers to para 86-87 above.
112. In the EDC Case No 2/2018 (Kirsan Ilyumzhinov), the question of international sanctions was also under evaluation from an ethical perspective. The circumstances, however, were different. FIDE President Kirsan Ilyumzhinov was included in the OFAC (the US Office of Foreign Assets Control) sanctions list. In the 2018 case, the FIDE President himself was under sanctions, severely and negatively affecting the operation of FIDE. This fact, together with several other serious transgressions made by Mr. Ilyumzhinov led to a decision by the EDC to the effect that Mr. Ilyumzhinov was temporarily excluded from his position within FIDE. In the present case, the incumbent FIDE President is not personally under international sanctions, nor is he charged with similar allegations as Mr. Ilyumzhinov. Mr. Ilyumzhinov was found to be pursuing his own interest at the expense of the interests of FIDE, whereas Mr. Dvorkovich has endeavored to navigate an uncomfortable and sensitive situation and has not jeopardized FIDE in the process.
113. The question whether a certain association is improper may be difficult to evaluate. As stated in art. 8.12 of the Ethics Code, the EDC shall, in unclear cases, rule on the matter. The EDC Panel has concluded that Mr. Dvorkovich's position in the Board of Trustees, together with the aforementioned sanctioned individuals, constitutes an improper association and is a breach of art. **6.16 d)** (*act as role model*), art. **6.25 a)** (*damage to FIDE's reputation or bring chess into disrepute*), art. **8.1 c)** (*avoidance of improper association*) read with art. 8.2 and **8.12** (*involvement with association or person whose activity is inconsistent with the objectives or interests of FIDE*) of the EDC Code. This leads to the conclusion that Mr. Dvorkovich must be criticized and sanctioned for remaining on the CFR Board of Trustees after February 2022. Mr. Dvorkovich shall also be strongly encouraged to rectify the situation by resigning from the CFR Board of Trustees without undue delay.

Chess Day

114. The Complainants have argued that Mr. Dvorkovich's active participation in the Chess Day in July 2023, held in the Central Chess House in Moscow is a breach of the Ethics Code. The Complainants refer to the fact that Mr. Peskov also participated



in said event, being held during the Russian war on Ukraine. The EDC Panel understands the concern brought by the Complainants as the participation of the FIDE President may be regarded as an indirect support of the Russian military aggression. It is however important to make a distinction between participation in chess-related activities, where the presence of the FIDE President is not unnatural and meetings and activities having a more politically motivated purpose. The EDC Panel does not find that Mr. Dvorkovich's participation in the Chess Day constitutes a breach of the Ethics Code.

“Putin's list”

115. The Complainants have argued that the inclusion of Mr. Dvorkovich in “Putin's list”, issued by the United States Treasury Department in 2018 and containing names of Russian individuals being potential subjects to sanctions, is an indication of his close connection to and involvement in Russia's foreign politics, including the occupation of Crimea in 2014. The EDC Panel notes that Mr. Dvorkovich has not denied that he previously has had a number of positions within the Russian administration. This does not mean that he has admitted being directly or indirectly responsible for Russian military aggression in Ukraine. The fact that he was one of the individuals named in “Putin's list”, does not change this.

IOC

116. There is an allegation against Mr. Dvorkovich that he has failed to ensure that FIDE under his leadership follow the rules and recommendations of IOC, such as banning Russian and Belarussian athletes from competing internationally in chess. The EDC Panel notes that the FIDE Charter, art. 18.3 imposes an obligation on the FIDE President to maintain and develop good relations with the IOC. In the FIDE Ethics Code, art. 1.6, the importance of compliance with the Olympic Charter is underlined. The IOC has, during 2022 and 2023 issued several statements, addressing the consequences of the war in Ukraine, such as on 23 January 2023, relating *inter alia* to the issue of the participation of Russian and Belarussian athletes in international events. On 28 March, the IOC issued detailed recommendations on participation of “Neutral Individual Athletes” with a Russian or Belarussian passport, opening up for the participation of such athletes under certain conditions. The EDC Panel fails to see that FIDE, under the leadership of Mr. Dvorkovich, has acted in violation of IOC rules or recommendations.



117. The EDC Panel member Mr. Khaled Arfa is of a dissenting opinion regarding the guilt under the First Charge:

The mere existence of international sanctions does not automatically warrant disciplinary measures. Rather, it should be substantiated by concrete evidence of actions harming FIDE's reputation. In the current circumstances, the actions of the individuals in question and their alleged impact on FIDE reputation remain unclear. Notably, the Board of Trustees, entrusted with an advisory role, has not been actively engaged for a considerable period. It is crucial to recognize that their counsel alone cannot directly harm FIDE's reputation unless endorsed by the CFR. Therefore, the burden of proof lies in establishing the following:

- 1/ The existence of a specific recommendation from the Trustees.*
- 2/ The evidence that the CFR adopted such counsel as an official decision.*

As it stands, the available evidence does not substantiate the presence of such a scenario. Consequently, I would find both Mr. Dvorkovich and the CFR not guilty under the First Charge.

Second Charge:

118. This charge relates to two alleged breaches of the EDC Code: (i) The CFR has recognized illegally occupied territories of Ukraine, including the Crimean Chess Federation as part of the CFR and (ii) both Respondents did participate in the "Defender of the Fatherland Day" in Moscow in February 2022.

Recognition of occupied territories in Ukraine

119. The UN resolution ES-11/4 from October 2022 calls upon all states to not recognize Donetsk, Kherson and Luhansk as part of Russia. Furthermore, it demands that Russia "immediately, completely and unconditionally withdraw" from Ukraine as it is violating its territorial integrity and sovereignty.

120. The Complainants argue that the CFR has *de facto*, and *de jure* recognized illegally occupied territories of Ukraine as part of the CFR. They have, as examples, given four specific chess events, hosted by or supported by the CFR. The CFR on the other hand argue that it has not made any declaration to the effect that parts of Ukraine has been included in the CFR and that the CFR merely wants to provide opportunities for chess players in certain parts of Ukraine to participate in tournaments.



121. Both sides have referred to the recent IOC decision from October 2023 to suspend the Russian Olympic Committee for violation of the territorial integrity of the National Olympic Committee of Ukraine, drawing opposite conclusions as to its relevance to this case.

From the IOC webpage: The unilateral decision taken by the Russian Olympic Committee on 5 October 2023 to include, as its members, the regional sports organisations which are under the authority of the National Olympic Committee (NOC) of Ukraine (namely Donetsk, Kherson, Luhansk and Zaporizhzhia) constitutes a breach of the Olympic Charter because it violates the territorial integrity of the NOC of Ukraine, as recognised by the International Olympic Committee (IOC) in accordance with the Olympic Charter.

122. The EDC Panel notes that the IOC decision was based on a unilateral decision by the Russian Olympic Committee to include as members, several regional sports organisations in Ukraine. In the present EDC-case, no such formal decision has been made by the CFR. On the other hand, by organizing multiple chess events in the occupied territories, open to both Russian players and players living in said territories, the CFR has expanded its activities to those parts of Ukraine being covered by the UN resolution, thereby ignoring this resolution or at least the principle on which it is founded.

123. The EDC Panel has concluded that the activity by the CFR in Crimea, even if it does not include any official declaration of inclusion, is at least *de facto* recognizing occupied territories in Ukraine as part of Russia. This is a breach of the Ethics Code, **art. 6.25 a)** (*damage to FIDE's reputation or bring chess into disrepute*), **art. 7.1 and 7.2**, read with art. 4.3, 4.4 and 4.8 of the FIDE Charter (*non-compliance with FIDE principles*) and **art. 11.4 a)** (*violation of duty or obligation imposed by the FIDE Charter*).

124. **Mr. Dvorkovich** is also charged with the above allegation, i.e. recognition of occupied territories in Ukraine. In contrast to the CFR, he has not actively participated in or supported the staging of the various chess events, mentioned in the Complaint. His position in the Board of Trustees has not given him influence over the actions of the CFR. He is therefore found not guilty of the charges against him under this heading.

Participation in Defender of the Fatherland Day

125. The EDC Panel notes that Mr. Dvorkovich's participation as a guest of honour at the Defender of the Fatherland Day tournament on February 17, 2022, occurred prior to the Russian invasion in Ukraine. It is also important to note that celebration of the



Defender of the Fatherland Day is a long-standing tradition in Russia. The fact that the 2022 celebration took place very close to the start of the military aggression, is a fact that must be taken into consideration but there is no evidence to support that Mr. Dvorkovich made any statements aimed at supporting the Russian aggression in Ukraine. The EDC Panel does not find that Mr. Dvorkovich, by attending the celebration prior to the start of the invasion, has breached the EDC Code.

126. As for the allegations towards the CFR for organizing a chess event, held in connection with the Fatherland Day, the EDC Panel, referring to what is stated above, does not find it constituting a breach of the Ethics Code.

Third Charge:

127. This charge is directed against Mr. Dvorkovich only and has to do with the fact that Mr. Dvorkovich has been chairman of the Skolkovo Foundation until 18 March 2022, thereby, according to the Complainants, contributing to the production of weapons for the Russian army, and that he, also according to the Complainants, has made various statements wherein he did not observe political neutrality, nor did he acknowledge the independence and integrity of Ukraine which is damaging to FIDE and chess. Mr. Dvorkovich has denied contributing to propaganda in favour of the war, adding that the Skolkovo Foundation has never been part of the military development cluster.
128. Having duly and carefully examined all the facts, allegations, legal arguments, and evidence presented by the Parties concerning Mr. Dvorkovich's involvement in the Skolkovo Foundation and his corresponding statements, the EDC Panel finds the following.
129. It is undisputed that Mr. Dvorkovich resigned from his position as President of the Skolkovo Foundation in March 2022. The reason behind this decision is not clear to the EDC Panel but it is reasonable to assume that it may be regarded as a prophylactic step to avoid any potential conflict of interest and an indication that his position within the Skolkovo Foundation was no longer compatible with his status as FIDE President.
130. Regarding Mr. Dvorkovich's involvement as President of the Skolkovo Foundation from 2018 until March 2022, he has argued that the foundation was established in 2010 with the primary objective of serving as a scientific and technological center for the development and commercialization of advanced technologies. It focuses, according to Mr. Dvorkovich, on five key areas of activity: energy efficiency,



strategic computer technologies, biomedicine, nuclear technologies, and space technologies.

131. The mere fact that the Skolkovo Foundation is engaged in five clusters of activities involving advanced technologies applicable to both civil and military domains does not constitute a sufficient basis for condemning the foundation itself, (which is not the case in this procedure), nor its former chairman Mr. Dvorkovich. Indeed, no evidence has been presented regarding the involvement of the Skolkovo Foundation in military activities or the alleged implication of Mr. Dvorkovich in such endeavours.
132. In consideration of all that has been previously outlined, the allegation of the Skolkovo Foundation supplying weapons to the Russian government for the purpose of invading Ukraine and killing its population and especially Ukrainian chess players, their family and relatives, is clearly unsubstantiated and largely lacking evidence.
133. Regarding Mr. Dvorkovich's statement to the BBC on September 10, 2018, it is pertinent to note that this declaration predates his election as a President of FIDE. Consequently, it bears no immediate association with the interests of FIDE, nor does it inflict any harm to FIDE's reputation.
134. After scrutinizing Mr. Dvorkovich's statements published on the Skolkovo website on 15 March 2022, the EDC Panel, to its comfortable satisfaction, did not identify any occurrence causing harm to the interests or reputation of FIDE.

Conclusion

135. In summary, the majority of the EDC Panel finds as follows:

The CFR is guilty of the first and second charges.

Mr. Dvorkovich is guilty of the first charge. Mr. Dvorkovich is not guilty on the second and third charges.

[G] REGARDING APPROPRIATE SANCTIONS

The CFR

136. The EDC Panel has found that the CFR has breached the FIDE Charter and the EDC Code by having internationally sanctioned individuals on the Board of Trustees, by ignoring statements made by the FIDE Council with respect to the ongoing war in

Fédération Internationale des Échecs, Avenue de Rhodanie 54, 1007 Lausanne, Switzerland
Tel. +41 21 60 10 039 E-mail office@fide.com www.fide.com



Ukraine and by *de facto* recognizing occupied territories in Ukraine as part of the CFR. These transgressions are all directly connected to the dramatic geopolitical consequences of the war in Ukraine, directly and negatively affecting the chess community and therefore of a serious nature. The EDC Panel has however also considered the fact that the CFR has not been found guilty of actively promoting the war. The breaches are more of an indirect nature.

137. The CFR has pointed at its long history within FIDE. The EDC Panel has taken this into consideration. It is undeniable that the CFR in various ways historically has played an important and mostly positive role in the world of chess. Should the EDC take this fact as a reason for a more lenient sanction than otherwise, it would mean that some federations could count on having a wider margin of error than others, which would not be satisfactory.
138. In the Disciplinary Code, art. 13, there are various so-called Common sanctions at the Panel's disposal. In art. 14, there are guidelines on choosing an appropriate sanction, such guidelines may also be found in the Procedural Rules. A warning or a reprimand are insufficient in this case. A fine would not remedy the effects of the transgressions. The only remaining reasonable sanction is a temporary exclusion of membership between one and five years. As concluded above (see para 55), the EDC Panel is of the opinion that it has the power to use this sanction.
139. Exclusion is the most far-reaching sanction available where the respondent is a member federation and must be reserved for the most serious transgressions. There are three precedent cases before the EDC where a federation has been sanctioned by exclusion of membership (EDC Case 4/2018 regarding the Mongolian Chess Federation, Case 5/2018 (Serbian Chess Federation) and Case 3/2022 (Cyprus Chess Federation). In Case 4/2018 (Mongolia), the federation was sanctioned for non-payment of monies to GM Grivas, in Case 5/2018 (Serbia) the sanctioned breach concerned electoral irregularities and in Case 3/2022 (Cyprus), it was failure to pay prizemoney. The length of the exclusion has varied from six to twelve months in these three cases.
140. The FIDE Council recently (March 6, 2024) suspended the membership of the Egyptian Chess Federation. This decision was made in accordance with art. 13 in the FIDE Charter. As follows from art. 13.6 in said Charter, Egyptian players may only participate in FIDE-rated events under neutral flag. It should be noted that the FIDE Council since then has restored the rights of the Egyptian Chess Federation, following a partial payment of its debt.



141. In CAS 2016/A/4701 (International Weightlifting Federation IWF) the Weightlifting Federation of Kazakhstan was temporarily excluded from the IWF for one year due to irregularities with respect to doping, i.e. failure to administer a proper anti-doping program. The maximum exclusion period according to the IWF rules in force was two years.
142. When determining the length of the exclusion, the severity of the transgressions must be evaluated. The breaches committed by the CFR are connected to the ongoing military conflict in Ukraine, having a considerable impact on the Ukrainian people and its chess community which makes them serious per se. The EDC Panel has on the other hand taken into consideration that the CFR has not been proven to actively promoting the war in Ukraine.
143. Considering all of the above, the EDC Panel has found that an exclusion of the CFR for two (2) years is a suitable sanction in this case. This means a removal of the right for the CFR to participate in the activities, functions, and FIDE events in which all other members do participate by virtue of the FIDE Charter. It also means a temporary forfeiture of the CFR's rights under art 10 in the FIDE Charter. The EDC Panel has however also taken into consideration the arguments put forward by the FIDE Council, regarding the serious consequences for Russian chess players, should the CFR be excluded from the international chess community. The EDC Panel agrees that individual members of the FIDE Family, should not unnecessarily be punished for wrongdoings of their national federation, see article 13.6 in the FIDE Charter.
144. When considering the gravity of the chosen sanction and the fact that the transgressions found by the EDC Panel are of a nature than may be seen as geopolitical, rather than strictly chess-related, and therefore more difficult to evaluate for the Respondents, there are reasons for the EDC Panel to consider if the sanction against the CFR should be suspended or otherwise amended. The EDC Panel, considering all the above, finds it appropriate to grant the CFR an option to rectify the transgressions in order to avoid the exclusion being implemented.
145. The EDC Panel expects the CFR, without undue delay, to take action in order to either abolish the Board of Trustees or ensure that the individual members of the Board of Trustees, being subject to international sanctions, resign or are terminated from their positions therein without undue delay from this day and to furnish evidence to the EDC that this has been done within 60 days from this decision. In addition to this, the CFR must immediately cease all its chess-related activities in the occupied territories within Ukraine, including allowing players and/or teams from such territories to participate in Russian chess events.



Mr. Dvorkovich

146. The EDC Panel has not found Mr. Dvorkovich guilty of any of the charges against him apart from the findings regarding his position in the Board of Trustees of the CFR, a position he shares with high-ranking and outspoken supporters of the Russian military aggression on Ukraine, having the potential to cause reputational damage to FIDE and the game of chess. This is the case even if the Board of Trustees may be a comparatively inactive and powerless body within the CFR. When determining the sanction for Mr. Dvorkovich, the EDC Panel has concluded that a reprimand is sufficient.
147. Considering the considerable fiduciary duty connected to the position of FIDE President, it is of importance that Mr. Dvorkovich disassociates himself from the Board of Trustees without undue delay to avoid any perception of non-compliance with art 8.1 of the EDC Code. Mr. Dvorkovich is hereby urged to resign from the Board of Trustees within 60 days from the date of this decision and to furnish evidence to the EDC that this has been done.
148. EDC Panel Member Mr. Khaled Arfa is of dissenting opinion with respect to the sanction on the CFR:

I am of the opinion that the sanction on the CFR should not be a temporary exclusion, as the EDC Panel in my view has no power to exclude member federations

Apart from where it is otherwise indicated in this decision, Mr. Arfa agree with the majority of the EDC Panel.

[H] CONCLUSION

Accordingly, and considering all the above, the EDC Panel, by a majority vote, **decides** as follows:

A

The Complaint brought by Mr. Baryshpolets and Mr. Heine Nielsen is not admissible. As the Ukrainian Chess Federation has been found to have legal standing, the case itself is not affected by this.



B 1

The Respondent CFR is found to be in violation of the following articles in the EDC Code: 6.25 a) (*damage to FIDE's reputation or bring chess into disrepute*), art. 7.1 and 7.2 read with art. 4.3, 4.4 and 4.8 of the FIDE Charter (*non-compliance with FIDE principles*). CFR is also in breach of art. 11.4 a) of the Disciplinary Code read with art. 11 l) and m) of the FIDE Charter (*violation of duty or obligation imposed by the FIDE Charter*) – Violation of Statutes or GA decisions and art. 11.6 b) (*disparagement of FIDE's reputation and interest*).

B 2

CFR is sanctioned by a temporary exclusion of membership in FIDE, including any participation in FIDE meetings and events, in terms of art. 13.1 e) of the EDC Code, and with consequences in conformity with art. 13.6 (read with art. 10) of the FIDE Charter. The time of exclusion is two (2) years from the date of this decision. The exclusion does not affect the rights of players, arbiters, trainers, and clubs belonging to the CFR to participate in chess activities, in line with art 13.6 of the FIDE Charter.

B 3

The sanction under B 2 is suspended for a period of three (3) years from the date of this decision, provided that the CFR (i) abolishes the Board of Trustees or ensure that the individual members of the Board of Trustees, being currently subject to international sanctions, resign or are terminated from their positions therein within 60 days from the date hereof and evidencing to the EDC that this has been done; and (ii) the CFR immediately ceasing all of its chess-related activities in the occupied parts of Ukraine; Crimea and parts of Donetsk, Kherson and Luhansk regions, including allowing players and/or teams from such territories to participate in CFR chess events. If the CFR fails to meet the above-mentioned conditions of suspension within the 60 day-period, the sanction imposed in terms of B2 above will take immediate effect and be of full force.

B4

The suspension in terms of B3 is conditional on the CFR not being found guilty for having committed a similar breach of the EDC Code (compare B1) during the suspension period of three (3) years



C 1

The Respondent Arkady Dvorkovich is found to be in violation of the following articles in the Ethics Code: 6.16 d) (*act as role model*), art. 6.25 a) (*damage to FIDE's reputation or bring chess into disrepute*), art 8.1 c) (*avoidance of improper association*) read with art 8.2 and 8.12 (*involvement with association or person whose activity is inconsistent with the objectives or interests of FIDE*).

C 2

The Respondent Arkady Dvorkovich is sanctioned to a reprimand.

The Respondents and the Complainants are referred to Chapter 7 of the EDC Procedural Rules and **advised** that this decision may be appealed to the EDC Appeal Panel by giving written notice of such appeal to the EDC Chairman (ethics@fide.com) within 21 days from the date upon which this decision is received. The notice of appeal must clearly state all the grounds for the appeal. An appeal lodgement fee of 150 EURO must at the same time be paid to the FIDE Financial Department. Failing the due exercise of this right of appeal, the EDC Panel's decision will become final.

The EDC Panel **requests** the FIDE Secretariat to communicate forthwith the decision to the Respondents and the Complainants and to publish the decision on the FIDE webpage.

DATED ON THIS THE 7th day of JUNE 2024

Johan Sigeman

PANEL CHAIRMAN
FIDE ETHICS & DISCIPLINARY COMMISSION



First charge

Against both the Russian Chess Federation (CFR) & Mr. Dvorkovich:

Art 6.1 h) read with art. 6.2 and 6.25 of the Ethics Code and art. 2.6 of the Charter;
Art. 7.1 and 7.2 of the Ethics Code read with art. 4.3, 4.4 & 4.8 of the Charter;
Art 11.6 b) of the Disciplinary Code, alternatively art. 6.1 d) read with art. 6.10 of the Ethics Code;

Additionally, against the CFR only:

Art. 11.4 a) of the Disciplinary Code, read with art. 11 l) & 11 m) of the Charter;

Additionally, against Mr. Dvorkovich alone:

Art. 6.1 e) read with art. 6.16 d) of the Ethics Code;
Art. 8.1 a) read with art. 8.2 and 8.3 of the Ethics Code;
Art. 8.1 c) read with art. 8.2 and 8.12 of the Ethics Code;
Art. 8.1 d) read with art. 8.2 and 8.13 of the Ethics Code;

Second charge

Against both the CFR & Mr. Dvorkovich:

Art 6.1 h) read with art. 6.2 and 6.25 of the Ethics Code and art. 2.6 of the Charter;
Art. 7.1 and 7.2 of the Ethics Code read with art. 4.3, 4.4 & 4.8 of the Charter;
Art 11.6 b) of the Disciplinary Code, alternatively art. 6.1 d) read with art. 6.10 of the Ethics Code (for conduct post 1 April 2022);
Art. 2.2.10 of the old Ethics Code (for conduct prior to 1 April 2022);

Additionally, against the CFR only:

Art. 11.4 a) of the Disciplinary Code, read with art. 11 l) & 11 m) of the Charter;

Additionally, against Mr. Dvorkovich alone:

Art. 6.1 h) read with art. 6.2 and 6.24 of the Ethics Code;
Art. 8.1 c) read with art. 8.2 and 8.12 of the Ethics Code;
Art. 8.1 d) read with art. 8.2 and 8.13 of the Ethics Code;
Art. 11.4 a) of the Disciplinary Code, read with art. 18(2) & 18(3) of the Charter;



Third charge

Against Mr. Dvorkovich only:

Art 11.6 b) of the Disciplinary Code (for conduct post 1 April 2022);
Art. 2.2.10 of the old Ethics Code (for conduct prior to 1 April 2022).