



## **ETHICS COMMISSION - PROCEDURAL RULES**

### **1. Register of cases**

All complaints and reports concerning violations of the FIDE Code of Ethics shall be addressed to the FIDE Ethics Commission (hereafter called the “EC”) through the FIDE Secretariat. The FIDE Secretariat will transmit copy of them to the Chairman of the EC.

A Register of the cases of the EC is set up at the office of the FIDE Secretariat.

The Chairman of the EC will communicate to the FIDE Secretariat the name and the progressive number assigned to each case.

### **2. Language**

The working language of the EC is English.

The EC shall, at the request of any party, authorize a language other than English to be used by the parties involved. In that occurrence, the EC may order any or all of the parties to bear all or part of the translation and interpreting costs.

The EC may order that all documents submitted in languages other than English shall be filed together with a certified translation in the language of the procedure.

### **3. Notifications and Communications**

All notifications and communications that the EC intend for the parties shall be made through the FIDE Secretariat.

All communications that the parties intend for the EC shall be made through the FIDE Secretariat.

### **4. Representation and Assistance**

The parties may be represented or assisted by persons of their choice. The names, addresses, telephone and facsimile numbers, e-mails addresses of the persons representing the parties shall be communicated to the FIDE Secretariat.

### **5. Intervention**

If a FIDE Federation, a FIDE Organ or any other person has an interest in a case submitted to the competence of EC, it may submit to the EC memorials and documents.

### **6. Rights of the Parties**

Each person charged with a violation of the FIDE Code of Ethics has the right to be informed in writing (whether by letter, e-mail or otherwise) of the pending case before the final decision of the EC and has the right to present to the EC memorials and documents in support of his/her/their position.

Each party has the right, within the limits provided by art. 8, to ask to appear in front of the EC in an oral hearing.

## **7. Submissions of Documents and Written Procedure**

The Chairman of the EC will fix a term, normally at least twenty days, for the submission of memorials and documents, failing which no further documents will be accepted by the EC. This term may be prolonged, if requested. Expired this term, the EC may decide upon the case.

Documents may be submitted even by e-mail.

The EC may acquire documents and statements, i.e. from FIDE organs, FIDE Federations, arbiters, players, organisers, tournament directors.

## **8. Hearing**

The procedure before the EC comprises an oral hearing only if the EC deems it appropriate and necessary.

Each party is responsible for all the costs directly or indirectly associated with their presence.

If a party asks for a hearing and the EC deems it not necessary, the party insisting on having the hearing will be required to pay a fee as a contribution for FIDE expenses and for the expenses of the other parties, in the event he loses the case. An appropriate amount of money to cover these expenses must be posted with FIDE Secretariat prior to the hearing.

The Chairman of the EC shall issue directions relating to the hearing and, in particular, he shall set the hearing date.

The hearing shall be public, unless the EC decides otherwise.

The Chairman of the EC shall conduct the hearing and ensure that the statements made are concise and limited to the subject of the case.

The EC may exceptionally authorize the hearing of witnesses and experts, even via tele- or video-conference.

Minutes shall be made at each hearing.

## **9. Judgement**

The deliberations of the EC shall be taken in private and remain secret.

All questions shall be decided by the majority of the members present.

The *quorum* for the judgment shall be of at least four members.

In the event of an equality of votes, the Chairman of the EC shall have the right to cast the decisive vote.

The judgment shall state in a written form the reasons on which it is based. It shall contain the names of the members of the EC who have taken part in the decision.

If the judgment does not represent in whole or in part the unanimous opinion of the members of the EC who heard the matter, any dissenting member shall be entitled to deliver a separate opinion.

A written copy of the judgment of the EC shall be delivered to each party (by letter, e-mail or otherwise) no later than twenty days after the judgement.



Annex 43

## **FIDE ETHICS COMMISSION**

**78<sup>TH</sup> FIDE CONGRESS – ANTALYA, TURKEY**

**Ethics Commission**  
**12-13 November 2007**

**Chairman: R. Rivello (ITA)**

Present: D. De Ridder (BEL), B. Kelleher (USA), R. Alt (GER), N. Faulks (BER)

Attendance 13 November : R. Rivello (ITA), De Ridder (BEL), R. Alt (GER)

### **ETHICS COMMISSION' REPORT**

After our election in Turin, during the 2006 FIDE General Assembly, the EC (Ethics Commission) started to care about how to organize the work, collecting all the previous decisions and all possible information on pending cases and on the practice and the proceeding of the EC.

EC has to implement FIDE Code Ethics. The FIDE Code of Ethics lays down the possible relevant "violations", the "substance" of the cases, but covers the matter of the procedure of the Ethics Commission with only the following rules:

*4.2 Breach of the regulations of this code by any person shall be reported to and decided by the FIDE Ethics Commission.*

*4.3 The proceedings shall be recorded in writing. Grounds must be given for any decisions taken and these must also be in writing.*

That means that all the other procedural points have to be regulated through internal rules laid down by the Ethics Commission.

In the past, EC Chairman used to decide the proceeding internal rules case by case, without expressing them in an explicit form. In practice there were no written rules and no hearings. This was not so uncommon. The same happened in many other sporting Federations till recent years. Today is much less common: sport justice is becoming more and more important in every sport federation. The EC decided that it was not possible anymore to take fair decisions without any previous proceeding rules, even in the FIDE sportive Justice.

Any organ, in particular the judicial organs of international institutions, has a power of self-regulation (see for example the case of the ICTY, International Tribunal for the Former Yugoslavia: the Tribunal laid down its proceeding rules), of course within the boundaries of its competence. Even the EC has a power of "self-regulation" and can lay down some internal rules in procedural matters, within the limits of a full respect of the FIDE Handbook.

Therefore we decided to laid down some minimal "Procedural Rules of the Ethics Commission", covering just the most important points, before to deal with the concrete cases. We informed the FIDE Presidential Board of our position and the Presidential Board agreed with us. We started to work on the Internal Rules and after pondering upon these problems, studying the matter and consulting the Statutes of some other Sportive Federations, especially the "Statute of the Bodies Working for the Settlement of Sports-related Disputes" of the International Olympic Committee, as a Chairman I prepared a draft. Together with the other members of the EC we discussed and improved the draft.

In January 2007 we sent to the FIDE Presidential Board a final draft of the "**Procedural Rules of the Ethics Commission**" (*all. n. 43 bis*). Laying down Procedural Rules is an internal power of the Ethics Commission. In any case this matter is so important that we feel like proposing to ask the FIDE Presidential Board and the FIDE President to take note of these Procedural Rules, or to actually approve them.

In February 2007 the FIDE Presidential Board and the FIDE President provisionally approved these Rules, which were published on the FIDE website.

Now we are submitting these Procedural Rules to the attention of the Executive Board, for a definitive approval.

We would like to underline that in our opinion this has been a very important step forward: with these Procedural Rules we introduced a Register of cases, clear and transparent procedural rules, rights and guarantees for the defendants, the possibility of a hearing and so on.

In the meantime EC received an unprecedented number of complaints, some of them regarding very important cases.

According with art. 6 and art. 7 of the "Procedural Rules of the Ethics Commission" certain steps were to be taken to identify people involved with the complaints, the facts described in the complaints and the rules of the FIDE Code of Ethics allegedly violated. After that the EC Chairman has to inform the defendant parties of the existence of a pending case – this is a very important guarantee for them -, and to fix a term, normally twenty days, for the submission of memorials and documents, failing which no further documents will be accepted by the EC. This term may be prolonged, if requested.

In April 2007 we prepared all the necessary documents for all the pending cases and we asked the FIDE Secretariat to send them, using a form of communication which guarantees the correct delivery, knowing when and by who the communications will be received.

Thirteen people were informed of the existence of a pending case in front of the EC. Some defendants presented testimonials and documents or request of time limits extension. In the next months EC will be able to decide on all the pending cases.

The FIDE President accorded to the EC a budget to organize a meeting and the hearings concerning the pending case. We would like to thank the FIDE President and the Presidential Board for this opportunity and for the appreciation of our work.

We decided that two hearing were necessary, concerning the cases n. “Moroccan Arbiters” (Report of the Arbiter’s Council) and n. 4/06 “World Championship in Elista, Mr. Veselin Topalov, Mr. Silvio Danailov” (Complaint of Mr. Carsten Hensel and Mr. Vladimir Kramnik). We scheduled the meeting and the hearings in Athens, Greece on 28th- 29th July 2007.

During the Athens meeting the following cases were decided (I list hereafter the numbers of the cases, the charges and the decisions):

- **Case N. 1/06**, “**Dimitrije Bjelica**” (Complaint of Mr. Ali Nihat Yazici), concerning the following facts:
  - *Writing various e-mails from November 2005 till July 2006, addressed both to Mr. Ali Nihat Yazici, President of the Turkish Chess Federation, and to other people and institutions, in particular to the editors of some newspapers, to have insulted and defamed Mr. Ali Nihat Yazici, damaging his honour and reputation and the reputation of the Turkish Chess Federation, calling Mr. Ali Nihat Yazici “a small dictator as Campomanes and small pawns of FIDE”, “a slave of mafia from FIDE”, using other insulting and damaging words and accusing him of “corruption”.*
  - *Writing these e-mails to have defamed FIDE institutions and some FIDE officers, in particular Mr. Florencio Campomanes, Mr. Boris Kutin and Mr. Vladimir Sahotic.*

Facts that could constitute a violation of par. 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

the EC ruled that:

- in the part concerning an alleged damage to FIDE and to Mr. Florencio Campomanes, Mr. Boris Kutin and Mr. Vladimir Sahotic’s reputation, the complaint filed by Mr. Ali Nihat Yazici is not admissible nor receivable and the charge concerning the violation of art. 2.2.10 of the FIDE Code of Ethics has to be dismissed;
- Mr. Dimitrije Bjelica violated art. 2.2.4 and 2.2.11 of the FIDE Code of Ethics;
- Mr. Dimitrije Bjelica is sanctioned with a reprimand.

- **Case N. 3/06: “Moroccan Arbiters”** (Report of the Arbiter’s Council), concerning the following facts:

- Mr. Mustapha Amazzal

- *- During the years 2002-2006, acting as President of the Moroccan Chess Federation, to have authorised a practice of submission to the competent FIDE organs of falsified or fake International Arbiter title norm reports, aiding and abetting this practice, in order to obtain International Arbiter titles for some Moroccan Arbiters (among them Mr. Youssef Boukedir, Mr. Mostapha Haou, Mr. Rachid Mouchsine and Mr. Zoheir Slami), or to have failed to appropriately examine these International Arbiter title norm reports and applications.*

Facts that could constitute a violation of par. 2.2.1, 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics.

- Mr. Djelloul Bendelal

- *Acting as Arbiter of the Algerian Chess Federation, to have prepared and signed fake International Arbiter title norm reports, concerning some Moroccan Arbiters (among them Mr. Mostapha Haou and Mr. Zoheir Slami), and some International Arbiter title norm reports in blank, which were used by the Moroccan Chess Federation to submit International Arbiter title applications to the competent FIDE organs.*

Facts that could constitute a violation of par. 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics.

- Mr. Youssef Boukedir

- *To have submitted to the competent FIDE organs an International Arbiter title application based on falsified or fake International Arbiter title norm reports.*

Facts that could constitute a violation of par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

- Mr. Mostapha Haou

- *To have submitted to the competent FIDE organs an International Arbiter title application based on falsified or fake International Arbiter title norm reports.*

Facts that could constitute a violation of par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

- Mr. Rachid Mouchsine

- *To have submitted to the competent FIDE organs an International Arbiter title application based on falsified or fake International Arbiter title norm reports.*

Facts that could constitute a violation of par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

- the EC ruled that:

- the EC is competent to judge on the facts reported by the Arbiter's Council;
- the charge against Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine, "to have prepared and signed fake International Arbiter title norm reports, concerning some Moroccan Arbiters", thus violating par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics, has to be dismissed;
- the charge against Mr. Djelloul Bendelal, "to have prepared and signed fake International Arbiter title norm reports, concerning some Moroccan Arbiters (among them Mr. Mostapha Haou and Mr. Zoheir Slami)", thus violating par. 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics, has to be dismissed;
- Mr. Mustapha Amazzal, President of the Moroccan Chess Federation, with his conduct before reported, violated par. 2.2.1, 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics;
- the Moroccan Chess Federation and Mr. Mustapha Amazzal are sanctioned with the exclusion for the Moroccan Chess Federation to be represented in FIDE events (e.g. in FIDE Congresses and FIDE events) by his President Mr. Mustapha Amazzal, for a period of three years beginning from 1<sup>st</sup> October 2007;
- Mr. Mustapha Amazzal and the Moroccan Chess Federation are refused the right to organise FIDE events for a period of two years, beginning from 1<sup>st</sup> October 2007;
- The EC considers necessary to verify all IA title applications submitted by the Moroccan Chess Federation from 2001 to 2006, during the presidency of Mr. Mustapha Amazzal, demanding to the FIDE Secretariat to send copy of this judgement to the competent FIDE Organs;
- Mr. Djelloul Bendelal, having prepared some International Arbiter title norm reports in blank, which were used by the Moroccan Chess Federation to submit International Arbiter title applications to the competent FIDE organs, violated par. 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics;
- Mr. Djelloul Bendelal is sanctioned with the exclusion, for one year, beginning from 1<sup>st</sup> October 2007, from the right to supervise FIDE tournaments and from the authority to sign International Arbiters order, FIDE Arbiters Norm Report Forms and to sign and to submit Applications for the award of the title of International Arbiter or FIDE Arbiter.

- **Case N. 4/06: “World Championship in Elista, Mr. Veselin Topalov, Mr. Silvio Danailov”** (Complaint of Mr. Carsten Hensel and Mr. Vladimir Kramnik), concerning the following facts:

- Mr. Veselin Topalov:

- *During the World Championship held in Elista from 21st September to 13th October 2006, to have accused Mr. Vladimir Kramnik of cheating, presenting this accusation not only to the competent FIDE organs but even to the medias, giving interviews and press conferences, writing and verbalising opinions about the facts, personally and by his manager Silvio Danailov, well aware that this accusation was not supported by evidence, thus aiming at affecting Mr. Kramnik’s psychological state, in order to obtain an illegitimate advantage.*

- *Giving various and different interviews to many journalists in the months following the World Championship in Elista, and in particular giving an interview to Mr. Federico Marin Bellon, published on the Spanish ABC platform on 18th December 2006, to have defamed Mr. Vladimir Kramnik, the organisers of the World Championship in Elista, the FIDE and his President Mr. Kirsan Ilyumzhinov, damaging their honour and reputation, saying that “...había amenazas. En principio anónimas, pero cerraron el aeropuerto. Es fácil hablar desde aquí, pero cuando uno está en Rusia te planteas cómo salir. ... La suerte es que no estaba implicado ningún profesional y los que le decían las jugadas eran aficionados o del KGB. ... El Kremlin nunca reconocerá que envenenó al espía ruso, lo que parece obvio, ni Kramnik que hizo trampas. ... (¿Llegó a sentir miedo físico?) Sí, y creo que no volveré allí. ... (¿Qué opina del presidente de la FIDE, Kirsan Ilyumzhinov?) Es un hombre de negocios, que simplemente necesita tener a un ruso campeón. No es nada personal. Tenía la orden. ... (¿Cree que Kramnik siguió haciendo trampas después de destaparse el escándalo?) Personalmente, creo que sí y que el nuevo método fue mejor. ... (¿También en el desempate?) Ahí tenían un sistema que no fallaba. En la cuarta partida, incluso cuando ya me tenía ganado, Kramnik hizo una jugada que sólo se le ocurre a una máquina. Luego, tenía derecho a un día de descanso, pero ni enfermo lo pidió. Si te van a pasar las jugadas, mejor jugar cuanto antes. Pero lo hicieron mejor que la chapuza de los cables. ... -Si esto sigue así, con la tecnología de los rusos, Kramnik va a ser invencible en un match”, and using other defaming and damaging words.*

Facts that could constitute a violation of par. [2.2.4](#), [2.2.5](#), [2.2.9](#), [2.2.10](#), [2.2.11](#) of the FIDE Code of Ethics.

- Mr. Silvio Danailov:

- *Acting as manager of Mr. Veselin Topalov, during the World Championship held in Elista from 21st September to 13th October 2006, to have accused Mr. Vladimir Kramnik of cheating, presenting this accusation not only to the competent FIDE organs but even to the medias, giving interviews and press conferences, writing and verbalising opinions about the facts, well aware that this accusation was not supported by evidence, thus aiming at affecting Mr. Kramnik's psychological state, in order to obtain an illegitimate advantage for Mr. Topalov.*
- *Giving various and different interviews to many journalists in the months following the World Championship in Elista, to have defamed Mr. Vladimir Kramnik, the organisers of the World Championship in Elista, the FIDE and his President Mr. Kirsan Ilyumzhinov, damaging their honour and reputation.*

Facts that could constitute a violation of par. 2.2.4, 2.2.5, 2.2.9, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

- the EC ruled that:

- in the part concerning an alleged damage to the reputation of FIDE, FIDE President and of the organisers of the World Championship in Elista, the complaints filed by Mr. Carsten Hensel, on behalf of Mr. Vladimir Kramnik, are not admissible nor receivable and the charges concerning the violation of art. 2.2.10 of the FIDE Code of Ethics have to be dismissed;
- in the parts concerning both the request to investigate on “all events from the WCC 2006 at Elista” and an accuse of the existence of a “strategy” by the “Team Topalov” to damage Mr. Vladimir Kramnik during the match, affecting Mr. Kramnik's psychological state, in order to obtain an illegitimate advantage for Mr. Veselin Topalov, the complaint filed by Mr. Carsten Hensel, on behalf of Mr. Vladimir Kramnik, on 4<sup>th</sup> October 2006, is not admissible nor receivable and the charges concerning these facts and the violation of par. 2.2.5 of the FIDE Code of Ethics have to be dismissed;
- Mr. Veselin Topalov is coresponsible for the publication of a press release, on 4<sup>th</sup> October 2006, concerning “Coincidence Statistics of the moves of GM Kramnik with recommendations of the chess program Fritz 9”. Presenting these “Coincidence Statistics” in a press release was an indirect accusation of cheating not addressed to the competent organ, an unjustified accusation that damaged Mr. Vladimir Kramnik's reputation. Therefore Mr. Veselin Topalov violated art. 2.2.9 and 2.2.11 of FIDE Code of Ethics.

- Giving an interview to the Spanish journalist Federico Marin Bellon, Mr. Veselin Topalov committed a conduct likely to injure or discredit the Mr. Vladimir Kramnik's reputation, thus violating art. 2.2.11 of the FIDE Code of Ethics.
- Mr. Veselin Topalov is sanctioned with a severe reprimand.
- In the case of any serious similar breach against the FIDE Code of Ethics within the next 12 months, this judgment will be considered by the EC as a precedent and Mr. Veselin Topalov could be imposed with a suitable fine and could be excluded from participation in all FIDE tournaments for at least a one-year period.
- Mr. Silvio Danailov's conduct violated art. 2.2.9 and 2.2.11 of FIDE Code of Ethics.
- Mr. Silvio Danailov is sanctioned with a reprimand.
- **Case N. 1/07: "Mr. Jackie Ngubeni"** (Complaint of Mr. Arthur Kogan), concerning the following facts:
  - *Acting as organiser of chess tournaments and chess events in South Africa, to have invited Mr. Arthur Kogan to participate to a tournament in South Africa in the period from 23rd September to 6th October 2006, offering him the payment of travel and accommodation expenses and an appearance fee of \$ 1.110,00, and, after the cancellation of the tournament, to have invited Mr. Kogan to lecture in South Africa the same period acting as a chess trainer, but then refusing both to pay to Mr. Kogan the appearance fee and what promised for his work and to compensate him for the travel expenses.*
  - Facts that could constitute a violation of par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics (hereafter called CoE).
    - the EC ruled that:
    - The EC acknowledged and accepted the of CHESSA Ethics Commission.
    - There was no evidence that the Accused had paid the Complainant what had been promised.
    - the Accused violated par. 2.2.3, 2.2.4 and 2.2.10 of the CoE.
    - In relation to the complaint under art. 2.2.3 of the CoE, the EC decided to accept and confirm the punishment handed down to the Accused by CHESS, extending its effects to the FIDE events, namely that for a period of three (3) years the Accused, Jackie Ngubeni, is banned from organizing, or in any manner being associated with, any FIDE rated international tournament in South Africa or FIDE events everywhere.

- The decision of the EC is to take effect immediately, is extended to all FIDE events and is to end on the 31st December, 2009.
- **Case N. 2/07: “Mr. Nigel Short”** (Complaint of Mr. Zurab Azmaiparashvili), concerning the following facts:
  - *Giving an interview to the Indian journalist Vijay Tagore, published on 30th January 2007 by the newspaper “DNA”, to have defamed Mr. Zurab Azmaiparashvili and Mr. Georgios Makropoulos, damaging their honour and reputation, and the FIDE reputation, saying that: “FIDE deputy president Georgios Makropoulos and vice-president Zurab Azmaiparashvili spent more time in San Luis at their hotel 16 km away than they did in the tournament hall despite being paid thousands of dollars, plus considerable expenses, to do their job on the Appeal’s Committee. It came as absolutely no surprise to me that these dunderheads would flunk the first crisis that they were presented with i.e. Elista toiletgate. I might add that Azmai is singularly inappropriate for such work having, by his own admission, cheated in winning the 2003 European Championship”.*
  - Facts that could constitute a violation of par. 2.2.10, 2.2.11 of the FIDE Code of Ethics.
  - the EC ruled that:
    - in the part concerning an alleged damage to FIDE and to Mr. Georgios Makropoulos reputation, the complaint filed by Mr. Zurab Azmaiparashvili is not admissible nor receivable and the charge concerning the violation of art. 2.2.10 of the FIDE Code of Ethics has to be dismissed;
    - criticising Mr. Zurab Azmaiparashvili in an interview, Mr. Nigel Short exercised his right to criticism and did not violate the FIDE Code of Ethics, thus on this part the complaint against him has to be dismissed;
    - using the word “dunderhead” Mr. Nigel Short exceeded in the expression of his opinions, abusing of the right to criticism and committed a conduct likely to injure or discredit Mr. Zurab Azmaiparashvili’s reputation, thus violating art. 2.2.11 of the FIDE Code of Ethics;
    - Mr. Nigel Short is sanctioned with a warning.

During the Athens meeting the EC even approved some *Guidelines to the interpretation of FIDE Code of Ethics (all. n. 43 ter)* which have to be considered as a part of all the judgments and were joined to them as an addendum. These Guidelines concern three very general procedural issues: the EC competence and its limits, the relationships between the EC jurisdiction and the competence of the sporting justice organs of national chess federations, the sanctions EC may impose. This document is in our opinion particularly important and it is aimed at being useful to all interested FIDE members and organs, by mean of a broader knowledge of the Code of Ethics and of its interpretation by the EC.

The EC had a second meeting the **12<sup>th</sup> and 13<sup>th</sup> November 2007**, during this FIDE Congress. We discussed the following **agenda**:

1. “Moroccan Arbiters” case: appeal in front of the “CAS”, implementation of the decision;
2. Reports to and from Presidential Board, Qualification Commission, Title and Ratings Committee:
  - “Memorial of Heroes of Chernobyl” facts;
  - Mr. M. Golubev complaint against Mr. G. Pilavov;
  - Information to ACP concerning “Alushta tournaments”;
  - Relationship with U.S.A. Chess Federation concerning “Martinovsky Memorial” case;
  - Communication from ACP concerning the World Cup 2007;
  - Communication from ACP concerning Mr. Vladimir Afromeev;
  - Iranian and World Youth Championships – Mr. Saleh Mirzaei.
3. Report on “Restructuring of Committees and Commissions” – “EC – Terms of reference”.
4. Proposals regarding “good manners of chess players”.
5. Proposals regarding FIDE Code of Ethics updating and modification.
6. “Carilo Pinamar – Buenos Aires Tournaments” case.
7. “Asian Youth Championship” case.
8. Communication concerning “Magistral de Sabadell” tournament - Spain
9. Communication concerning “Abu Dhabi” tournament - UAE
10. Request of clarification – advice from Polish Chess Federation.
11. Communication concerning “University of Twenty Young Masters” tournament.

Some of the points of the agenda are still confidential, therefore I will not report here on some decisions of the EC. I can summarize as follows the other decisions:

1. The EC has been informed that the Arbiters Council asked for clarification on immediate effect of the Ethics Commission decision that considered as necessary to verify all IA title applications submitted by the Moroccan Chess Federation from 2001 to 2006, during the presidency of Mr. Mustapha Amazzal, pending an appeal presented by Moroccan Chess Federation against this decision. The EC, after precisising that its decisions are definitive for the FIDE world but are not necessarily binding for the Arbiters Council, deliberates to answer that the issue concerning the responsibility of the FRME and of the individuals involved, is different from the issue of the validity of the IA norms of Moroccan Arbiters. Therefore it would be advisable to verify immediately all IA title applications submitted by the Moroccan Chess Federation from 2001 to 2006, even and particularly in the interest of the same Moroccan Arbiters.
  
2. Taking into account the interpretation of the FIDE Statute on this point, given by the EC in the Guidelines to the interpretation of FIDE Code of Ethics, the EC has the power to open a case and to investigate and judge on it, just after receiving a complaint by any person or a report by a FIDE organ; a complaint that refers facts unconnected with a relevant individual interest of the plaintiff is not receivable by the EC, and the EC cannot judge on these facts; all FIDE organs to which the FIDE Statute attributes a specific competence (i.e. the General Assembly, the President, the Executive Board, the Presidential Board, the Commissions, ...) have the right to address a report to the EC, representing the general interests of FIDE. Therefore the EC decides that at the moment it has not competence on the following facts and communications, having not received any report by a FIDE organ or complaint by a person with a relevant individual interest. The EC decides to inform of these facts the competent FIDE organs for their possible decisions concerning the presentation of a report addressed to the EC:
  - “Memorial of Heroes of Chernobyl” facts: information to Presidential Board, Qualification Commission, Title and Rating Committee;
  
  - Mr. M. Golubev complaint against Mr. G. Pilavov: information to Presidential Board, Qualification Commission, Title and Rating Committee;
  
  - Communication from ACP concerning the World Cup 2007: : information to Presidential Board;

- Communication from ACP concerning Mr. Vladimir Afromeev: information to Presidential Board, Qualification Commission, Title and Rating Committee;
- Iranian and World Youth Championships – Mr. Saleh Mirzaei : information to Youth and Junior Committee;
- “Magistral de Sabadell” tournament – Spain, information to Arbiter’ Council, Title and Rating Committee.

Concerning the case n. 2/06, “Martinovsky Memorial”, the EC decides to ask to the FIDE Secretariat to ask again to the U.S.A. Chess Federation for the documents and the information requested and till now not obtained.

Concerning the facts related to “Alushta tournaments” and the many request presented by the ACP to obtain information about them, the EC precises that on these facts the Qualification Commission and the Presidential Board decided with a final decision some years ago, and asks to these FIDE organs to kindly answer to ACP requests of information on these facts.

3. The EC would like to thank General Secretary Ignatius Leong and Verification Commission Chairman Lakhdar Mazouz for their work and completely agree on their proposal of restructuring, just observing that it would be probably more opportune to guarantee the direct election of the Chairman of the EC by the General Assembly.
4. The EC had consultations with the Arbiter’s Council Chairman Panagiotis Nikolopoulos and is prepared to work on the draft of new rules concerning this subject matter.
5. In EC opinion the FIDE Code of Ethics needs something more than an actualisation. The EC is at the disposal of the Presidential Board and of the Executive Board to cooperate on the draft of new statutory rules on the point, in relationship both with the substantial rules and the procedural rules.
6. To the case “Carilo Pinamar – Buenos Aires Tournaments” is given the number 03/07.
7. To the case “Asian Youth Championship” is given the number 04/07.

8. UAE did not present a complaint concerning the “Abu Dhabi” tournament, but just represented the necessity of new rules, the EC will take in consideration the point and inform the competent FICE Commission.
9. The EC has answered to the request of clarification – advice from Polish Chess Federation.
10. The communication concerning “University of Twenty Young Masters” tournament is under consideration by the EC.

13<sup>th</sup> November 2007

The Chairman of the FIDE Ethics Commission

Roberto Rivello



## **FIDE ETHICS COMMISSION**

### **GUIDELINES TO THE INTERPRETATION OF FIDE CODE OF ETHICS**

#### ***FIDE Ethics Commission: Jurisdiction - Competence Limits – Sanctions***

Chapter 15 of the FIDE Statute and the FIDE Code of Ethics (hereafter called the “CoE”) regulate the sporting justice in FIDE and the activity of the FIDE Ethics Commission (hereafter called the “EC”).

Bearing in mind the increasingly relevant role of the sports law in the International Olympic Committee and in all the International Sports Federations, the EC deems very important to assure a uniform interpretation and application of the CoE. Therefore, during the meeting which took place in Athens from 27<sup>th</sup> to 29<sup>th</sup> July 2007, the first meeting held by the EC after its election in 2006 Turin FIDE Congress, the EC decided to approve some Guidelines to the interpretation of the CoE.

These Guidelines concern three very general procedural issues: the EC competence and its limits, the relationships between the EC jurisdiction and the competence of the sporting justice organs of national chess federations, the sanctions EC may impose.

The Guidelines are addressed, first of all, to the EC itself: before taking any decision on the cases submitted to its competence, the EC discussed and agreed on the interpretation of some general rules, due to be applied to the generality of the cases, and decided to keep on following this interpretation in its next decisions, even if the interpretation given by the EC has not the value of a binding precedent.

These Guidelines have to be considered even as a preliminary part of all EC judgments on the cases decided in Athens: they integrate the motivations of EC decisions and the points, that are dealt with in the Guidelines, are not repeated in the motivations.

Besides, these Guidelines aim at being useful to all interested FIDE members and organs, by mean of a broader knowledge of the CoE and of its interpretation by the EC.

The EC approved this interpretation of the CoE, giving application to the common juridical criteria of interpretation -literal, systematic and teleological approach- and taking into particular account the purpose of CoE rules, but tried to privilege a restrictive approach, whenever possible and reasonable, considering that the CoE will probably need an actualisation, as it happened in many other international sports federations, and received in the past quite an infrequent application.

## THE EC COMPETENCE AND ITS LIMITS

In the CoE there are no clear rules about the limits of EC jurisdiction: as a consequence, it could seem that EC has a full competence and power to act directly, on its own motion, without any complaint or report, investigating and judging on all the breaches of the CoE.

Nevertheless, art. 4.2 of the CoE states that “breach of the regulations of this code ... shall be reported to” the EC, and art. 4.1 and 4.2 of the CoE operate a distinction between violations that have to be reported just to the EC and violations that have to be reported even to the FIDE Secretariat, concerning National Federations or FIDE organs.

Any breach of the CoE constitutes a violation of general interests of the chess international community, but this differentiation could be connected to the distinction between breaches of the CoE that constitute even a violation of the individual interests of a person –which could be the object of a complaint- and breaches of the FIDE general interests –which could be the object of a report by a FIDE organ-.

It is even necessary to consider that, according to the present FIDE Statute, the EC cumulates both the power to investigate and the power to judge on the breaches of the CoE. In many other systems of sporting justice there are two different organs: one acts as a Prosecutor and the other as a Judge, and in these systems the Judicial Organ has the power to decide on the cases submitted to it by the Prosecutor. In the present FIDE system, the EC has both the power to investigate and the competence to judge.

All this considered, the EC holds that it is possible and necessary to individuate a limit to its own jurisdiction, with a restrictive interpretation of the CoE, as it follows:

- the EC has not the power to investigate on the breaches of the CoE and to judge them directly, on its own motion;
- the EC has the power to open a case and to investigate and judge on it, after receiving a complaint by any person or a report by a FIDE organ;
- a complaint gives to the EC the jurisdiction just on the facts expressly and clearly referred to by the complainant and connected with a relevant individual interest of the complainant;
- a complaint that refers facts unconnected with a relevant individual interest of the plaintiff is not receivable by the EC, and the EC cannot judge on these facts;
- all FIDE organs to which the FIDE Statute attributes a specific competence (i.e. the General Assembly, the President, the Executive Board, the Presidential Board, the Commissions, ...) have the right to address a report to the EC, representing the general interests of FIDE;
- a report gives to the EC a full jurisdiction on all the facts referred to, without any other limit.

**THE RELATIONSHIPS BETWEEN EC JURISDICTION AND THE COMPETENCE OF SPORTING  
JUSTICE ORGANS OF NATIONAL CHESS FEDERATIONS**

Other international sports federations expressly regulate the relationships between national and international sporting justice, the FIDE Statute does not regulate the point.

FIDE and national chess federations are independent entities, with their own internal legal systems. Anyway, FIDE “unites national chess federations throughout the world” and “is the recognized international federation in the domain of chess”, “recognized by the International Olympic Committee as the supreme body responsible for the game of chess” (Art. 1.1 FIDE Statute).

FIDE “observes strict neutrality in the internal affairs of the national chess federations” (Art. 1.2 FIDE Statute), “which have principal authority over chess activities in their own countries” (Art. 2.1 FIDE Statute), but to become member of FIDE every national chess federation have to “acknowledge the FIDE Statutes” (Art. 2.1 FIDE Statute), and during all its activities every national chess federation “must acknowledge and observe the statutes, regulations, resolutions and decisions of FIDE” (Art. 2.4 FIDE Statute).

Therefore every organ of sporting justice of a national chess federation member of FIDE has the right and the duty to give application to the FIDE Statute and to the CoE.

In the contemporary world the relationships between national and international legal orders are normally regulated by some general principles, as the principle of subsidiarity or the principle of complementarity, recognising some competences to the national organs.

All this considered, the EC hold that the relationships between FIDE and national organs of sporting justice may be delineated as follows:

- without a specific regulation of the point, no limit to the respective competences can be presumed;
- if the same facts, discussed or under discussion in front of an organ of sporting justice of a national chess federation, are submitted to the EC, the EC may decide to wait for the national final decision, may ask the national federation to send copies of all the relevant acts, may even limit its decision to a confirm of the national decision or to an extension of the effects of the national decision.

**THE SANCTIONS EC MAY IMPOSE**

Chapter 3 of the CoE details some sanctions EC may impose: the temporary exclusion from membership or office, the exclusion from participation to all FIDE tournaments or to some specific types of tournaments for a period of up to three years, the loss of the authorization to arbiter or to supervise FIDE tournaments for a period of up to three years, the loss of the rights to organise FIDE events for a period of up to three years, a fine up to twenty five thousand U.S. Dollars, the forfeit of a game or of a match.

In the great majority of the administrative, disciplinary and sporting systems of justice the prevision of severe punishments is combined with the prevision of less severe sanctions, such as warning, reprimand and fine, and the judicial organs have the power to graduate the sanctions in relationship with the seriousness of the violations to punish. It is true that in some other subject-matters, particularly in criminal law, some legal orders provide, even for the minimum sanctions, that the judicial organs cannot derogate from a list of sanctions, but this is not connected with the principle *nullum crimen, nulla poena sine lege*, and in any case this is not a general principle in administrative, disciplinary and sports law.

The purpose of Chapter 3 of the CoE is to empower the EC to punish the breaches of the CoE with sanctions adequate and proportioned to the seriousness of the breaches.

All this considered, the EC holds that:

- Chapter 3 of the CoE provides for the most severe sanctions EC may impose;
- EC has always the power to impose less severe sanctions, adequate and proportioned to the seriousness of the accomplished violations of the CoE;
- EC may always impose the following sanctions, in ascendant hierarchic order of seriousness:
  - warning;
  - reprimand;
  - fine (up to twenty five thousand U.S. Dollars or up to the sum stated by a specific FIDE regulation, if existing).

Done in Athens, 29 July 2007.

The Chairman of the FIDE Ethics Commission

Roberto Rivello

A handwritten signature in black ink, appearing to read 'Rivello' followed by a flourish and 'Roberto'.