

ALEXANDRE . LEVY . KAHN

AVOCATS ASSOCIÉS

CERTIFIÉS ISO 9001 : 2000

30, PLACE KLÉBER - BP 50020 - 67080 STRASBOURG CEDEX

21 mars 2006

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BERNARD LÉVY
JEAN-PIERRE KAHN
RITA BÄDER
BERNARD ALEXANDRE
THOMAS BLOCH
SYLVIE MARX
ARNAUD FRIEDERICH
GASTON SCHEUER
MICHÈLE GARRALON
ANYA BISSESSUR
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22 MAR 2006

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BA/MG
AFF. TOUZE / FIDE
☎0501984

Monsieur le Président,

Je fais suite à l'appel que j'ai formé pour le compte de Monsieur Jean-Paul TOUZE en date du 3 février 2006.

Je vous remercie de bien vouloir me confirmer que ce recours a bien été réceptionné et de m'indiquer dans quel délai il pourra être instruit.

Je me tiens bien entendu à votre disposition pour toutes informations complémentaires.

Veuillez croire, Monsieur le Président, à l'assurance de ma considération distinguée.

B.ALEXANDRE



ALEXANDRE . LEVY . KAHN

AVOCATS ASSOCIÉS

CERTIFIÉS ISO 9001 : 2000

30, PLACE KLÉBER - BP 50020 - 67080 STRASBOURG CEDEX

24 mars 2006

GÉRARD ALEXANDRE
BERNARD LÉVY
JEAN-PIERRE KAHN
RITA BADER
BERNARD ALEXANDRE
THOMAS BLOCH
SYLVIE MARX
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Monsieur le Président,

A la suite de ma lettre du 21 Mars, vous m'avez, par télécopie du 23 Mars, transmis la décision "prise en Mars 2006" de la Commission d'Ethique de la FIDE.

Je note que cette Commission mentionne, concernant la précédente décision du comité exécutif, que la Commission ne formule pas de commentaires sur les mesures prises par le comité exécutif.

Cette formule ne me paraît pas constituer une décision à la suite des conclusions d'appel de M. TOUZE selon mon recours du 03 Février 2006 réceptionné par vous le 09 Février 2006.

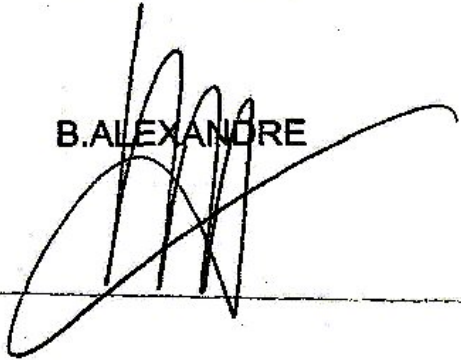
La décision de la Commission d'Ethique ne se réfère d'ailleurs pas même à mon appel et à ses motifs.



Je prie dès lors la Commission d'Ethique de bien vouloir statuer expressément sur mon recours, l'appel ayant pour objet d'annuler la précédente décision, ce qui va au-delà de ce qu'a décidé la Commission d'Ethique dans la décision jointe.

Veillez croire, Monsieur le Président, à l'assurance de ma considération distinguée.

B.ALEXANDRE

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned over a horizontal line.



GENS UNA SUMUS

FÉDÉRATION INTERNATIONALE DES ÉCHECS

Recognized by the International Olympic Committee

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Oslo, 2 April 2006

Alexandre Levy Kahn
Avocats Associes
30, Place Kleber
67080 Strasbourg Cedex
France

Dear Mr. Alexandre,

FIDE has received your appeal on behalf of Mr. Touze dated 3 February and apologizes for our late response. However, we have been awaiting the decision of the Ethics Commission in this case.

Based on the content of your appeal, I feel there is a need to explain the decision making structure in FIDE.

1. The Executive Board

The highest authority in FIDE is the general Assembly (GA) in even numbered years and the Executive Board (EB) in odd numbered years. With very few exceptions (elections and changes of FIDE Statutes), the EB holds the same authority as the GA.

FIDE is responsible for organizing many tournaments every year all around the world. Based on a bidding procedure, potential organizers deliver bids for tournaments and it is up to the GA/EB to award the tournaments. Only after a tournament has been formally awarded to an organizer, he can claim that he has a legal right to organize.

Decisions taken by the EB, and other bodies of FIDE, can be put forward to the GA for final approval. As long as this is not done in accordance with the FIDE Statutes, the EB decision stands.

2. The Ethics Commission

The Ethics Commission (EC) is elected by the GA and has its mandate from the Ethics regulations. The members of EC are all very well respected delegates to FIDE and they have always shown that they hold the necessary impartiality within their sometimes difficult field of work.

The GA/EB cannot overturn a decision made by the EC. They may strongly disagree, but the decision stands. The GA has in its power to make changes in the regulations and to elect new members to the EC.

The way to appeal a decision by the EC is to file a case before the Court of Sports Arbitration (CAS) in Lausanne, Switzerland. This is clearly stated in the Ethics regulations:

- 15.7.5 Any decisions made by the Ethics Commission may be the object of appeal arbitration proceedings in accordance with the Code of sports-related arbitration of the Court of Arbitration for Sport in Lausanne, Switzerland

The obvious reasons for this system are to secure a stable and due process and to avoid personal and/or political animosities to play a part in the decision making.

3. The case of Mr Touze

FIDE is aware of the past credentials of Mr.Touze. When awarding him the responsibility of organizing the World Youth Chess Championship 2005, I am sure that all the delegates expected him to deliver a championship fully in line with the well established practice within FIDE. Unfortunately he totally failed to do so and it is clearly within the authorities of the EB to decide not to award future tournaments to him for a period of 5 years, since no individual, organizer or federation can claim to have such rights unless they are awarded.

Attached you will find the relevant minutes from the Dresden EB meeting for your kind information.

Based on the above, FIDE is of the opinion that Mr.Touze has to either file an appeal to the CAS or bring the matter through his federation to the agenda of the FIDE GA. Since the deadline for bringing the matter to the GA has passed, the issue can be raised before the 2008 GA in Dresden.

Best regards

Morten Sand
FIDE Vice President



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From the minutes of the Executive Board in Dresden 2005

38. World Youth Championships U-10, U-12, U-14, U-16 and U-18 2005.

General Secretary I. Leong informed the Executive Board that he was in Belfort for the last 2 days, but not in an official capacity. He said that the Championship was awarded in Istanbul, and no official inspection was held until this year, when Mr. Gelfer visited Belfort. The Organisers refused to have proper communications with FIDE and Mr. Leong tried on a personal level, but they were very uncooperative. Mr. Leong also recommended someone from Zone 1.1 to inspect, hoping that this relationship could help to improve the situation. However, the Organisers told Mr. Hamers that he need not have to go, as everything is fine.

Mr. Leong said we have received complaints from more than 12 countries. He proposed to put a press release on the website.

Mr. Sand agreed with Mr. Leong and a press release will be prepared from the Executive Board and also mentioned in the FIDE communiqué.

Mr. Freeman said that the matter came to the Ethics Commission and will be further investigated.

Dr. Rajscanyi made a motion that FIDE should issue a ban of 3 years on the Organiser to organise further FIDE events and for the ECU to consider a similar ban. The ban will have nothing to do with the French Federation. He said that his intention is not to judge the conditions of the organisation, but it is very much connected with the attitude of the Organiser that is not on the level parallel with the level of the World Championships.

Mr. Yazici seconded the motion, but not only for FIDE events, but for any kind of rated events. The Turkish Chess Federation appealed to the Ethics Commission and invited all Federations to send their experiences to the Ethics Commission.

Mr. Kelleher agreed with Dr. Rajscanyi and Mr. Yazici and said that the Ethics Commission would appreciate any submission about their experience of

Belfort. As a delegate of the USCF, the Federation is extremely concerned about the conditions in Belfort.

Mr. Walsh concurs with the previous speakers and will submit the report to the Ethics Commission. He said that it is a massive responsibility when organising a children's event, and the Organisers made a massive profit making many people miserable.

Mr. Makropoulos proposed that Mr. Sand prepare a press release together with Dr. Rajscanyi and to present this for a vote.

• **Executive Board approved.**

Mr. Antunac said that FIDE was aware of the problems in Belfort and in the end there was virtually carte blanche to Mr. Touze, because there had not been earlier inspections.

Mr. Makropoulos said that many Federations would join the motion of the Hungarian Federation.

Mr. Herbert expressed the support from the Trinidad and Tobago Federation that was deeply distraught and badly affected Federation; the children were thrown out of their hotel and he supported the motion.

Mr. Metzging said that he is in favour of Dr. Rajscanyi motion, but we should increase a period of banning.

Mr. Makropoulos said that there is a ban because of principle.

Mr. Kutin agreed with Mr. Metzging and proposed at least 5 years, because it was really a crime.

Mr. Sand presented the following draft:

"FIDE has received complaints from twelve Federations regarding the conditions and the circumstances under which the World Youth Championships 2005 in Belfort, France took place. For more than six months prior to the Championships, FIDE on several occasions contacted the Organizers and pointed out several issues and concerns regarding the organization of the Championships. Unfortunately FIDE experienced that it was not possible to communicate properly with the Organizers and they were continuing with their plans without taking into consideration FIDE's advice.

From the complaints received, it is quite obvious that the Championships were not organized on the level that should be expected from this important World event and in accordance to well-established practice. This includes the

conditions for the participants, the infrastructure of the Championships and the quality of the management. Many participants and delegations expressed their dissatisfaction in the way they were treated and how their concerns were resolved.

It is very important for FIDE that the World Youth Championships are held in the very best and professional manner and it reflects very badly not only on FIDE but on the whole chess world when we experience unprofessional conducting of the events. Based on the above, the Executive Board decides the following:

1. The Organizer of this event in Belfort, Mr. Touze will not have the right to organize any FIDE event for a period of 5 years with effect from 23rd August, 2005.
2. All the complaints received by the FIDE Secretariat will be handled over to the FIDE Ethics Commission for further examination. The Organizer may present his views in the examination. The Ethics Commission can recommend additional measures to the Executive Board.
3. The Executive Board recommends to the European Chess Union to consider issuing a similar resolution regarding the organizer's participation in European chess matters."

Prof. Divinsky asked why there is no representative of the French Chess Federation to give answers.

Mr. Leong said they were asked to come.

Mr. Yazici said that FIDE events mean World Championships, but he proposes any kind of rated tournaments instead of FIDE events.

Dr. Rajscanyi said the original idea was about FIDE Events, but it was decided that it was much better to have the Ethics Commission investigation, which further can make recommendations.

Mr. Sand said that Mr. Arns with a proxy from Mr. Hamers, wanted to make it absolutely clear that the current decision is about the Organiser and not against the French Chess Federation. Mr Sand confirmed that the press release will reflect this.

- **Executive Board approved the decision in respect of the Belfort Organisers.**