Valdoie, 16 November 2007

**Translation of the letter by Mr. Touze**
**Dated 16 November 2007**

Mr. Jean-Paul Touze
18 Rue Andre Bouloche
90300 Valdoie

To the World Chess Federation
(FIDE)
9 Syggrou Avenue
11743 Athens
Greece

Mr. President,

In connection with the decision of the Tribunal of the Arbitrage for Sports of 22 May 2007, I have the honour to address the General Assembly 2008 of FIDE for annulations of the decision of the Executive Board of FIDE in August 2005, having banned me for five years from organization any official FIDE event.

I take equally the General Assembly for compensation of harmful consequences of this decision.

The reasons of the demands I form are as follows:

I. For the facts

1. Mr. Touze is an active chess player, President of the Association Belfort-Echecs, a former member of the Administrative Council of the French Chess Federation, former Secretary General of the French Chess Federation, Chess International Arbiter, and Gold medal of the French Ministry of Youth and Sport.

   Mr. Touze has organized in Belfort, the World Youth Championship in July 2005, under the patronage of Mr. Jacques Chirac, President of the French Republic and Mr. Jean-Francois Lamour, Minister of Sports.

2. Previously and from 1975, Mr. Touze has organized very numerous events and competitions, which allowed him to gain an international reputation in the world of chess.

3. Mr. Touze has learnt, without having received any notice, of a decision taken by the Executive Board of FIDE, which had forbidden him to organize any official FIDE event during a period of 5 year, coming into effect from 23 August 2003.

   Mr. Touze heard to contest this decision in using FIDE Statutes, that the violation was grave and flagrant.

   He has further submitted an appeal to the FIDE Commission of Ethics.

4. The appeal of Mr. Touze before the Ethics Commission has not been really instrumented.

   After numerous letters addressed to the Ethics Commission, Mr. Touze was very informally informed that the Ethics Commission would be interested in his case in the month of "March 2006" without further precision and would, in making comments for organization of the World Youth Championship in July 2005, indicated that the Ethics Commission "did not make any comments in respect of the measures taken by the Executive Board".

Mr. Touze has never received notification of this decision.

5. Mr. Touze applied to the Arbitrage of Sports situated in Lausanne, on one hand, to see if to annul the decisions taken against him, which forbid him to organize a FIDE event, and on the other hand, to receive compensation.

   By arbitrary award dated 22 May 2007, the Arbitrage for Sport in Lausanne has ruled that Mr. Touze had to previously submit the decision of the Executive Board of August 2005 for the FIDE General Assembly in the year 2008.

   It should be noted that the Arbitrage for Sport has expressely noted the following:

   "The FIDE attitude constitutes violation of statutes and unjustified relay of how it should be assimilated of the decision which Mr. J-P. Touze can contest by the way of an appeal to CAS, foreseen in Article 15.7.5. of the FIDE Statutes".

   The Training is an infringement of the procedural guarantees in the late taken by the Ethics Commission to decide on the appeal of Mr. Touze crossed dated 3 February 2006.
   Following the silence of more than five and half months which followed 18 April 2006, the appellant appears legitimate to request a final reaction by appealing CAS.

   To that extent, the appeal presented before CAS by Mr. Touze is receivable and correct.

   After having formulated that Mr. J-P. Touze was empowered with an appeal to the General Assembly 2008, the CAS has noted that after his appeal, Mr. Touze had a possibility "to bring the issue before CAS, one refusal to proceed in the field or negative of the General Assembly, the time and manner prescribed by the FIDE Statutes.

   The Question Could be addressed of the initial competence of disciplinary power of Executive Board in announcing a ban for 5 years".

   Following the consequences of this decision, the Arbitrage for Sports has supported the expenses of the arbitrary procedure to the extent of 80% to be paid by FIDE.

II. Annulation of the Executive Board decision.

1. Applicable regulations.

Article 16 of the FIDE Statutes foresee the likely sanctions to be taken in case of violation of the applicable regulations of the Federation.

Article 16.7.2. the Statutes submit to Ethics Commission the cases of alleged violations of applicable ethics regulations, under a written procedure and contradictory, assuming the notification of objects involved in the concerned persons and the possibility for this party to defend itself in writing, and if necessary orally.

2. Financial issues

It states that it is again confirmed that Mr. Touze has never received of the said decision, which forbids the organization of the FIDE tournaments to Mr. Touze, taken by Executive Board and not by Ethics Commission.

Or the Executive Board did not have this power in applying the statutes.
Only competent body was Ethics Commission.

The decision had to be annulled or put aside due to the above reason.

The Executive Board has also notified Mr. Touze of a ban to organize a FIDE event during a period of 5 years.

Or in application of FIDE Statutes (article 16.6.a), this way of banning could not be notified for a period more than 3 years.

The decision should also be annulled or put aside due to the second reason.

The contradictory principle and the defense rights have been gravely and totally violated on the following grounds:

- the decision was taken without having any earlier communication with Mr. Touze on the violations he was accused of.
- Mr. Touze did not have any possibility to defend himself, either orally, or in writing.

It means one violation of Article 16.7.3 of the statutes, but equally of the more elementary rules and general principles regulating the rights of defense.

The decision should be annulled or put aside for the third reason.

The procedure for the Ethics Commission have been also irregulary.

There was no contradictory procedure and again, Mr. Touze has not been invited to provide his explanations.

There was no any notification of any decision, and he was not informed of this wrong and imprecise way.

## II. On the annulment of the decision of the Executive Board

### 1. On the applicable rules

Article 16 of the FIDE Statutes provides the sanctions to be taken in case of violation of the applicable rules within the Federation.

Article 16.7.2. of the Statutes submits to the Ethics Commission the cases of violation of the rules of the code of ethics in the frames of a written and contradictory procedure which presupposes the notification of the alleged facts against the party concerned and the possibility of this party to defend himself in writing and if necessary orally too.

### 2. On the facts

2.1. It seems, even though Mr. Touze has once more confirmed that he has never received notification of any decision, that the interdiction against Mr. Touze to organise FIDE related events was taken by the Executive Board and not the Ethics Commission.

However, the Executive Board did not have this power according to the Statutes.

Only the Ethics Commission was competent.

The decision has to be annulled or revised for this first reason.

2.2. The Executive Board has nevertheless notified Mr. Touze that he is not allowed to organise any FIDE event for a period of 5 years.

However, according to the FIDE Statutes (art. 16.6.a) this kind of interdiction cannot be applied for a period of more than 3 years.

The decision has to be annulled or revised for this second reason.

**2.3.** The principle of contradiction and the right of defense have been gravely and totally violated, as:

- the decision was taken without previous notice to Mr. Touze of the facts formulated against him
- Mr. Touze was not given the chance to defend himself, neither in writing nor orally.

It is a violation of art. 16.7.3 of the statutes but also of the most basic rules and general principles of the rights of defense.

The decision has to be annulled or revised for this third reason.

2.4. The procedure before the Ethics Commission was also totally irregular.

There has been no contradictory procedure and Mr. Touze was never invited to explain himself.

There has been no notification of a decision of which he was informed only in an imprecise and inaccurate way.

In addition, the Ethics Commission has not properly ruled on the appeal having said that they do not make any comments.

It is a true denial of justice.

The decision has to be annulled or revised for this forth reason.

In conclusion, Mr. Touze who refutes any faulty attitude in the frames of the organisation of the World Youth Chess Championship, and following the reasons on which the decision against him was based (and of which he did not know), concludes to the annulment or revision of the decision:

- due to incompetence of the authority that took it
- for violation of the principle of contradiction and of the right of defense
- for notification of a sanction prohibited by the statutes
- for denial of justice

**III. Demand of compensation for damages**

Mr. Touze is entitled to seek compensation for the prejudicial consequences which he faced due to the prohibited sanction that was imposed on him and the publicity it received in the chess world.

The sanction imposed on Mr. Touze was given vast publicity, while in a contradictory and shocking way Mr. Touze himself had never received notice of the decision.

Numerous articles in the general and specialised press of the chess world mentioned the sanction and implicated Mr. Touze.

However, Mr. Touze as it was also mentioned organised since long time ago numerous events and competitions and had thus an incontestable international reputation.

This reputation was intentionally implicated.

Also, Mr. Touze is the representative of Mr. Anatoly Karpov, World Champion and UNICEF Ambassador, in France.

The attaint to the reputation of Mr, Touze has been particularly prejudicial.

Furthermore, Mr. Touze since 2005 cannot organise under the current circumstances any competition, which deprives him of financial resources that he would normally benefit from, not only for the French chess federation but also for local clubs and private partners.

Moreover, FIDE has presented the decision of the Court of Arbitration of Sport in a manner that is contrary to the reality and has not particularly informed its members of the parts of the decision that were severe towards FIDE.

This distorting presentation has aggravated the prejudice that Mr. Touze has suffered. It was presented as if Mr. Touze has failed in his appeal against the decision to organise FIDE events, when the CAS had simply invited Mr. Touze to address the FIDE General Assembly and in the same decision the CAS clearly stressed the faulty attitude of FIDE.

These considerations justifies the condemnation of FIDE to pay the sum of 130,000€ in favor of Mr. Touze as compensation for damages.

Consequently, it is requested to the FIDE General Assembly to annul the decision of the Executive Board which interdicted Mr. Touze from organising any FIDE event during a period of 5 years starting from August 23rd 2005 and to grant to Mr. Touze the sum of 130,000 euro as compensation for damages that he has suffered.

In view of the coming FIDE General Assembly Mr. Touze expects to be invited in order to present his arguments in a contradictory way.

Yours sincerely,

JP Touze

Valdoie, 14 November 2008
Mr. President

**Translation of the letter of Mr. Touze dated 14 November 2008**

In compliance with the decision of the Court of Arbitration for Sport, dated 22 May 2007, I addressed you on November the 16th 2007 by a letter sent by registered mail and delivery receipt in order to be invited to the 2008 FIDE General Assembly and obtain the annulment of the decision of the Executive Board, which was taken in August 2005 and which banned me from organising any event under the shield of FIDE for a period of fide years.

Regretfully I see that to the day that I send this letter, I have not received any invitation and a fortiori, no information regarding the conducting of the hearing (date, place and time schedule). Moreover, no information on the applicable procedure and the possibilities, material and human, which will be offered to me in order to explain myself (projection and distribution of documents, hearing of witnesses, etc).

I am forced therefore to note that for a second time you are going to take a decision without bothering to hear me and refusing to apply in general a contradictory procedure which would guarantee, even a minimum, of respect of my right to defense.

I leave it to my federation to confirm my protest in view of this second denial to justice.

Yours sincerely,

Jean – Paul Touze
International Arbiter
President of Belfort- Echecs
Awarded with the gold medal of the Ministry of Youth and Sport

**Translation of the letter of Mr. Touze**
**Dated 17 November 2008**

To Mr. Jean – Marc Reymond
Advocate

Valdoie, 17 November 2008

Dear Sir,

I was very surprised to be informed of your correspondence of 14 November 2008 addressed to Mr. Alexandre and myself. Indeed, apart from the fact that you do not have any power to invite me since you are not an executive of FIDE, you either wrote to the address of a lawyer who represented me before the CAS but his is not my permanent representative and thus he cannot receive invitations on my behalf, or to the address of a third party, my chess club, while my details are known by FIDE.

Not inviting me on time and according to the proper forms to the General Assembly in Dresden is a strange action that looks like a precipitation. I suppose that, like in France, in Switzerland as well a minimum of care is presupposed that would enable someone to defend himself under good conditions and that any person that forms an appeal is informed early enough on the date and time that his appeal will be examined.

As I addressed FIDE and not you on November 16th 2007 (already a year ago!) my request to be invited to the following General Assembly and as art. 4.12 of the Statutes provides that invitations are sent 4 months before the event and that any pertinent document should be sent to he parties at least 6 weeks before the General Assembly, on 14 November 2008 somebody acted that was not legitimate to do so. This is not serious!

The one of the attendees of the judgement of the CAS of 13 March 2007 stressed already severely the superficiality that FIDE functions. What happens today verifies this.

It is not possible for me to organise a trip to Dresden at such a short notice, nor to organise my defense, since I have not received any document from FIDE that would enable me to prepare myself following my request of November 2007. I stress that the fact that I have a card of 80% disability and reduced ability to move, a fact that FIDE is aware of, makes even more problematic a trip at such a short notice.

I formulate thus the most evident reservations on the conditions of my invitation. I invite FIDE to give notice to the General Assembly of the terms of my letter of November 16th 2007, and the requests that they include and that I confirm to maintain on the whole as well as the terms of the present letter.

It is up to the General Assembly to decide and I reserve the right to form any appeal taking into consideration the conditions under which my requests and appeals are examined.

I copy this letter to FIDE so that they are perfectly informed and follow up.

Yours sincerely,

Jean Paul Touze
International Arbiter
President of Belfort- Echecs
Awarded with the gold medal of the Ministry of Youth and Sport