

## Annex n. 54



## FIDE ETHICS COMMISSION

# REPORT TO FIDE GENERAL ASSEMBLY

The Ethics Commission (Chairman: Mr. Roberto Rivello, Members: Mr. Ralph Alt, Mr. Laurence Ball, Mr. Dirk J.A. De Ridder, Mr. Nouredine Tabbane, Mr. Ian Wilkinson) held three meetings in 2010: one in public session (with the presence of various observers: R. Haring (USA), M. Abol-Khair (EGY), T. Tsorbatzoglou (GRE), W. Kelleher (USA), Mr. Leong (Singapore)), in Khanty Masiysk on 26<sup>th</sup> September 2010; two in private session (without observers), in Berlin, from 21<sup>st</sup> to 23<sup>rd</sup> May 2010 (absent Mr. Nouredine Tabbane) and in Khanty Masiysk on 28<sup>th</sup> September 2010 (absent Mr. Laurence Ball and Mr. Nouredine Tabbane).

First of all the Commission discussed some general questions: how to obtain a better coordination of the work of the Ethics Commission and how to be able to judge the cases more rapidly than in the last years, bearing in mind that usually it is not possible to organize more than 1 meeting every year and that it is necessary to collect evidence before these meetings; how to reduce the number of cases discussed during the meetings, focusing on the most relevant ones.

To achieve these aims the Commission decided, as first step, to introduce some new internal practices, the following ones:

- If a complaint or a report clearly exceeds the limits of the competence of the Ethics Commission, the Chairman of the Ethics Commission, acting in accord with the FIDE Code of Ethics and with the "Guidelines to the Interpretation of FIDE Code of Ethics", has the power to declare immediately the case as not receivable.
- After a new case is inscribed in the Register set up at the office of the FIDE Secretariat, with a name and a number, the Chairman of the Ethics Commission delegates one of the members of the Commission (the "delegate member"), or two of them (the second one without a direct responsibility), or himself, to prepare a first preliminary report, where it

has to be mentioned: a) what are the parties involved in the case, b) what is the object of the complaint/report, c) what could be the possible violations of the Code of Ethics, d) if there are or there are not problems of competence or jurisdiction; e) what are the documents submitted in support of the complaint/report. The delegate member has to prepare even a draft of the communications to the parties, in accord with art. 6 of the Procedural rules, using the module utilised in the last years. The delegate member sends this preliminary report and the draft of the communications, by e-mail, to the Chairman of the Ethics Commission. The Chairman modifies, if necessary, the communications, and sends them, through the FIDE Secretariat, to all the parties involved in the case. After receiving new memorials and documents by the parties, the Chairman returns the case to the delegate member, with his observations, if any. The delegate member has the power to collect new documents, information, or other evidence, acting on behalf of the Ethics Commission. After that he submits a final report to the Chairman, who schedules the hearing date, if requested, and decides when the case will be discussed.

These new internal practises, drafted in Berlin, were approved during the public session of the Ethics Commission, in Khanty Mansiysk, and even if the Commission considered that, being only “internal practises”, they do not modify the existing Procedural Rules, they have to be submitted to the attention of the General Assembly.

During the public session the Ethics Commission focused its attention on another general note: the increasing number, in the last years, of complaints addressed to the Court of Arbitration for Sport, against FIDE or ECU, concerning assumed violations of the FIDE/ECU Statutes. These proceedings were very expensive (in time, money and resources) for all the parties involved.

One of the possible reasons of this clearly relevant problem seems to be the absence of an internal jurisdiction (or at least of a compliance commission) with the competence to decide on this matter before the involvement of an Arbitral Tribunal.

In addition to this, it has to be noted that in many FIDE General Assemblies, mainly during the elective ones, the delegates submitted to the FIDE organs numerous questions concerning the interpretation of the Statute. Even for this reason it would be very useful, in the opinion of the Ethics Commission, to delegate the competence concerning the interpretation of the FIDE Statute to an internal judicial organ (of course, reserving the possibility of an appeal against a final and binding decision of this organ, that could be heard by the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland. Many other international sportive federations have similar systems: for example art. 63/64 of the FIFA Statute clarify that only “Appeals against final decisions passed by FIFA’s legal bodies and against decisions passed by Confederations, Members or

Leagues shall be lodged with CAS within 21 days of notification of the decision in question").

Another problem concerns the relationships between the competences of the Ethics Commission and the competences of the Arbiters, especially during FIDE events, and the juridical value, in front of the Ethics Commission, of the decisions taken by arbiters and appeals committees.

For all these reasons the Ethics Commission members share the opinion that it would be useful, and probably even necessary, to modify the FIDE Statute:

- Introducing a new and better structured system of sportive justice;
- Adding to the competences of the Ethics Commission (modifying its name too) or of the Constitutional Committee or of a new organ, the competence to settle the disputes concerning the interpretation of the Statute and to give advisory opinions on legal questions concerning the interpretation of the Statute, at the request of the FIDE organs.

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During the private sessions the Ethics Commission deliberated with a final decision on the following six cases: (it has to be mentioned that all these cases were preliminarily considered as receivable during the 2009 meeting in Kallithea, all the parties involved in these cases were informed of their rights by an official communication, no one requested an oral hearing, the Commission considered as necessary to collect new evidence during the meetings only in one case, the n. 1/08 -the Arbiter of the tournament, Mr. Eric Delmotte, was contacted by phone and requested to answer to some questions-).

**Case n. 6/07: "The University of Twente Young Masters tournament"**, (a complaint presented by the organisers of the tournament against the players Georg Meier (GER), Boris Savchenko (RUS) and Manuel Leon Hoyos (MEX)), the EC rules that:

- in the part concerning an alleged damage to the complainants for an alleged violation of the contracts among the organisers of the University of Twente Young Masters tournament and the players Georg Meier (GER), Boris Savchenko (RUS) and Manuel Leon Hoyos (MEX), the FIDE Ethics Commission has no competence;
- the charges against Georg Meier (GER), Boris Savchenko (RUS) and Manuel Leon Hoyos (MEX), concerning a violation of art. 2.2.4 and 2.2.10 of the FIDE Code of Ethics have to be dismissed;
- the charge against Boris Savchenko (RUS) concerning a violation of art. 2.2.6 of the FIDE Code of Ethics has to be dismissed;
- Georg Meier (GER) and Manuel Leon Hoyos (MEX) violated art.

2.2.6 of the FIDE Code of Ethics and are sanctioned with a warning.

**Case n. 1/08: "Vandoeuvre Chess Open"**, (a report presented by the Hungarian Chess Federation against the chessplayers Oleg Krivonosov, Vladimir Lazarev and Ilmars Starostits regarding their behaviour during the tournament against the Hungarian chess player Anna Rudolf), the EC rules that:

- the charges against Oleg Krivonosov, Vladimir Lazarev and Ilmars Starostits, concerning a violation of art. 2.2.10 of the FIDE Code of Ethics have to be dismissed;
- the charge against Oleg Krivonosov and Vladimir Lazarev, concerning a violation of art. 2.2.4 of the FIDE Code of Ethics has to be dismissed;
- Ilmars Starostits violated art. 2.2.4 of the FIDE Code of Ethics and is sanctioned with a reprimand;
- Oleg Krivonosov, Vladimir Lazarev and Ilmars Starostits violated art. 2.2.9 of the FIDE Code of Ethics and are sanctioned with the exclusion from participation to all FIDE tournaments for a period of six (6) months, but the sanction is suspended for a period of 1 year, starting from 1<sup>st</sup> October 2010 (the Ethics Commission may decide that the sanction became effective if the players will be considered responsible of other violations of the FIDE Code of Ethics regarding facts committed before 1st October 2011).

**Case n. 4/08: "Chess tournament in Ostrava"**, (a complaint presented by Mr. Jelinek, director of the chess-festival in Ostrava, against GM Manik and IM Talla), the EC rules that:

- the charges against GM Manik and IM Talla, concerning a violation of art. 2.1, 2.2.5, 2.2.7 and 2.2.11 of the FIDE Code of Ethics have to be dismissed, for lack of evidence.

**Case n. 1/09: "Aeroflot Tournament, Moscow"**, (a complaint submitted by GM Kurnosov against GM Mamedyarov regarding assumed false accusations of cheating during the Aeroflot Tournament in Moscow 2009), the EC rules that:

- GM Shakhriyar Mamedyarov violated art. 2.2.4, 2.2.9, 2.2.10 and 2.2.11 of the FIDE Code of Ethics and is sanctioned with the exclusion from participation to all FIDE tournaments for a period

of nine (9) months, but the sanction is suspended for a period of 1 year, starting from 1<sup>st</sup> October 2010 (the Ethics Commission may decide that the sanction became effective if the player will be considered responsible of other violations of the FIDE Code of Ethics regarding facts committed before 1st October 2011).

**Case n. 3/09:** “GM Neelotpal Das against Mr. Brian Jones”, (a complaint submitted by Mr. Neelotpal Das against Mr. Brian Jones), the EC rules that:

- in the part concerning an alleged damage to the complainant for an alleged violation of the contract between the complainant and Mr. Brian Jones, the FIDE Ethics Commission has no competence;
- the charge against Mr. Brian Jones concerning a violation of art. 2.2.2 of the FIDE Code of Ethics has to be dismissed;
- Mr. Brian Jones violated art. 2.2.3 of the FIDE Code of Ethics and is sanctioned with a warning.

**Case n. 5/09:** “Ekatarina Atalik and Suat Atalik against Turkish Chess Federation”, (a complaint submitted by Suat Atalik against the Turkish Chess Federation), the EC rules that:

- regarding the position of Ekatarina Atalik-Polovnikova, the complaint is not receivable, because the Ethics Commission did not receive any complaint by Ekatarina Atalik-Polovnikova;
- the charge against the Turkish Chess Federation and its President, concerning a violation of art. 2.2.2 and 2.2.3 of the FIDE Code of Ethics has to be dismissed, but the Ethics Commission notes that the conduct of a Chess Federation that regularly or arbitrarily denies to one player the permission to play abroad or in an individual competition could constitute a violation of art. 2.2.2 and/or 2.2.3 of the FIDE Code of Ethics.

The written motivations of the above mentioned decisions will be published in the following days (presumably at the end of October 2010).

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The Ethics Commission deliberated with a preliminary decision on the following cases:

**Case n. 1/10: Chilean Chess Federation.** The case was considered as receivable, at the moment been. Given the approval of the above mentioned new

internal practices, a delegate member was appointed regarding the case.

**Case n. 2/10: World Amateur Chess Championship.** The case was considered as not receivable.

**Case n. 3/10: Mr. Tortorella against Mr. Levacic.** The case was considered as not receivable.

**Case n. 5/10: Mr. Kirsan Ilyumzhinov against Mr. Anatoly Karpov.** The case was considered as receivable. Actually, after the declarations of the FIDE President Mr. Kirsan Ilyumzhinov and of Mr. Anatoly Karpov during the last session of this General Assembly, it seems that, if confirmed, Mr. Kirsan Ilyumzhinov dismissed the complaint submitted against Mr. Anatoly Karpov and the case has to be considered as dismissed.

**Case n. 6/10: Request of review case n. 3/06.** The Moroccan Chess Federation submitted a request to review the decision on the case n. 3/06. Given the approval of the above mentioned new internal practices, a delegate member was appointed regarding the case.

Khanty Mansiysk, 30 September 2010

The Chairman of the FIDE Ethics Commission  
Roberto Rivello

