



FIDE ETHICS COMMISSION

REPORT TO FIDE GENERAL ASSEMBLY

BAKU, SEPTEMBER 2016

Dear Mr President, members of the Presidential Board, members of FIDE Commissions and delegates of member federations,

Reporting period

This report by the Ethics Commission covers its activities since the meeting of the Executive Board in Abu Dhabi in September 2015 until the present.

Membership

In Tromso in August 2014 the following persons were elected as members of the Ethics Commission: Francois Strydom (RSA) as chairman; Ion-Serban Dobronauteanu (ROM), Pedro Dominguez Brito (DOM), Willy Iclicki (then MON, now LIE) and Rajesh Hari Joshi (NEP).

Meetings

During the reporting period, the Commission members met on two occasions:

Athens, 26 – 28 May 2016

Baku, 6 - 8 September 2016

Outside the meetings, the members prepared the written decisions and had regular e-mail discussion with each other regarding the cases.

Athens meeting

1. The Commission members discussed and decided a number of cases. The decisions and motivations were prepared and published within a month of the members' return to home.
2. An oral hearing scheduled to have taken place in Athens on 28 May 2016 was cancelled due to the non-availability of the respondents, Mr Danailov and Ms Stoisavljevic.
3. The Commission members met with Mr Makropoulos and Mr Freeman, as well as members of the FIDE Constitutional Committee, to discuss aspects relating to the Anti-cheating provisions and a joint review to be undertaken of the Code of Ethics and Procedural Rules.

Baku meetings

1. The Commission had an open meeting for 15 minutes which was well attended, whereafter the meeting was closed for discussion by Commission members only of pending cases and general matters - Tuesday, 6 September 9:00 – 13:00 (4 hours).
2. A public hearing was held on Wednesday, 7 September 15:15 – 18:30 in the cases of ECU / MCF v S Danailov, V Sakotic and S Stoisavljevic (cases 13/2014 & 14/2014) and the Panel members deliberated on their findings 20:00 – 23:00.
3. The Commission had an open meeting on Thursday, 8 September 17:00 – 18:30 which was attended by 3 persons only outside the Commission members present. A lively discussion of the work of the Commission was nevertheless held.

Minutes: Oral hearing, Baku 7 September 2016 (Cases 13/2014 & 14/2014)

1. Attendance
 ETH Panel: Francois Strydom (Chair), Willy Iclicki, Pedro Dominguez and Rajesh Joshi (Ion Dobronauteanu recused)
 ECU: Zurab Azmaiparashvili and Theodoros Tsorbatzoglou
 MCF: Branimir Ivanovic, Djukic Nikola, Veselin Draskovic and Jovan Milovic
2. Chairman opens hearing at 15:15 and explains procedure to be followed.

MEMBERS: *Chairman* - Francois Strydom (RSA), Ion-Serban Dobronauteanu (ROU), Pedro Dominguez Brito (DOM), Willy Iclicki (LIE), Rajesh Hari Joshi (NEP)

3. Mr Tsorbatzoglou (ECU) addresses the Panel (15:20 – 16:30)
4. Mr Nikola (MCF) addresses the Panel (16:30 – 17:10)
5. Mr Ivanovic (Directorate Youth & Sport, Montenegro) addresses the Panel (17:10 – 18:00)
6. Questions by Panel to both parties (18:00 – 18:20). MCF asks for life ban of Mr Sakotic, but ETH Chair points out that in terms of Code of Ethics applicable at the relevant time, 3 years' ban is the maximum. ECU requests 3 year ban for Mr Sakotic, 2 year ban for Mr Danailov and ban of between 6 months and 1 year for Ms Stoisavljevic.
7. Mr Draskovic (MCF) addresses the Panel (18:20 – 18:30)
8. Hearing closes at 18:30 – the Panel reserved its judgment.

Ethics@fide.com

A sub-domain has now been created for the Ethics Commission on the FIDE website. The content will be improved upon in the future. At the moment, a list of decided cases with links to the decisions is provided, with further links to relevant documents in the work of the commission. You are invited to check it out!

A special word of thanks to Vladimir Kukaev, the FIDE webmaster in Elista, not only for setting up the website, but also for having to maintain it in future. As cases are decided, the results will immediately be uploaded.

Save for details of the cases such as the case number, names of the complainant and respondent and outcome, only the operative part of the Ethics Commission's decisions will be published as a matter of course and not the detailed motivation. This will protect the privacy of the parties involved and keep confidential the strict domestic affairs of our organisation.

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Review of the Code of Ethics and Procedural Rules

In Tromsø our predecessors under chairmanship of Roberto Ravello proposed a change to the FIDE Code of Ethics by replacement and improvement of the part thereof that deals with sanctions. This amendment was passed by the Presidential Board in Sochi, November 2014.

It is also required to reform the other parts of the Code of Ethics, as well as the Procedural Rules. This will be performed by the Constitutional Commission jointly with the Ethics Commission. During the meetings in Athens 26 – 28 May 2016 initial discussions were held. A lot of further work has to be done.

Court of Arbitration for Sport (CAS)

In two cases dealt by the Ethics Commission, the respondents appealed to the CAS:

1. On 7 December 2015 a hearing was held in the appeal of Mr Silvio Danailov, Mr Vladimir Sakotic and Ms Sava Stoisavlevic against the initial finding of the Ethics Commission that it has the necessary jurisdiction to decide the complaints of the European Chess Union and Montenegro Chess Federation against them in relation to Budva, 2013. On 21 December 2015 the CAS dismissed the appeal and ruled in FIDE's favour. This resulted in the resumption of the case before the Ethics Commission and its ultimate finalisation in Baku.
2. On 5 September 2015 the Ethics Commission found Mr Garry Kasparov and Mr Ignatius Leong guilty of election irregularities and imposed a two year ban on 20 October 2015. Mr Leong has appealed the decision of 5 September 2015 to the CAS (but not the sanction itself). The hearing was held in Lausanne for 17 June 2016 and, after extensions were granted by CAS for delivery of the judgment, the Panel's written decision is expected by the end of September 2016. No appeal was lodged by Mr Kasparov.

Concluded cases

The Ethics Commission disposed of the following cases during the reporting period:

Case 5/2014: Complaint of Kirsan Ilyumzhinov against Ignatius Leong and Garry Kasparov for elections irregularities – Respondents found guilty and banned for two years from political activity from 21 October 2015 until 20 October 2017.

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Case 7/2015: Complaint of Anti-Cheating Committee against Gaioz Nigalidze (GEO) for alleged cheating at Dubai Open, 2015 – Respondent found guilty and banned for 3 years from 6 September 2015 to 5 September 2018 and GM title revoked.

Case 13/2014: Complaint of European Chess Union against S Danailov, V Sakotic and S Stoisavljenic regarding the 2013 European Youth Championships in Budva, Montenegro – CAS confirmed jurisdiction of Ethics Commission; Respondents found guilty and suspended as follows: Mr Danailov (18 months), Mr Sakotic (3 years) and Ms Stoisavljevic (6 months).

Case 14/2014: Complaint of Montenegro Chess Federation against S Danailov, V Sakotic and S Stoisavljenic regarding the 2013 European Youth Championships in Budva, Montenegro – Decided together with case 13/2014.

Case 4/2015: Complaint by K Georgiev, S Stoichkov and M Stoynev against the Bulgarian Chess Federation for failure of fundamental justice in internal disciplinary proceedings – sanctions nullified and re-hearing by FIDE Ethics Commission directed (The Bulgarian Chess Federation subsequently missed the deadline for continuing the proceedings before the FIDE Ethics Commission).

Case 5/2015: Complaint by Bulgarian Chess Federation against Z Azmaiparashvili and T Tsorbatzoglou (ECU) for alleged interference in BCF's internal affairs – complaint held unfounded and dismissed.

Case 1/2016: Complaint of Russell Smith against the Trinidad and Tobago Chess Association for failure of fundamental justice in internal disciplinary proceedings - Conviction set aside on appeal by TTCA and referred back for re-hearing by disciplinary committee – FIDE Ethics Commission declined to intervene at present stage.

Pending cases

The following cases remain pending at present:

MEMBERS: *Chairman* - Francois Strydom (RSA), Ion-Serban Dobronauteanu (ROU), Pedro Dominguez Brito (DOM), Willy Iclicki (LIE), Rajesh Hari Joshi (NEP)

Case 3/2015: Complaint by Michaela Sandu against Natalia Zhukova and 14 other players for false accusations of cheating – report of the Investigatory Chamber recently finalised; matter proceeding as an Ethics case.

Case 8/2015: Complaint of Anti-Cheating Committee against Ivan Tetimov (BUL) for alleged cheating at Benidorm, 2014 - statements fully exchanged; oral hearing with computer statistically evidence awaited.

Case 2/2016: Complaint of Anti-Cheating Committee against Arcangelo Ricciardi (ITA) for alleged cheating at Imperia, 2015 - statements fully exchanged; oral hearing with computer statistically evidence awaited.

In addition to the above, the Ethics Commission has recently received a complaint from Shaker Al-Afoo concerning matters of the Asian Chess Federation which, pending preliminaries, awaits registration.

Note of gratitude

A special word of thanks to my colleagues on the Ethics Commission: Willy, Ion, Pedro and Rajesh. Thank you for the long hours invested in and dedication shown for our work. We are a good team!

In conclusion, the Ethics Commission wishes to express its gratitude to the Executive Director, Mr Nigel Freeman and every member of his staff in Athens for the friendly and professional secretarial support provided to the Ethics Commission.

Baku, 10 September 2016



The Chairman of the Ethics Commission
Francois Strydom

MEMBERS: *Chairman* - Francois Strydom (RSA), Ion-Serban Dobronauteanu (ROU), Pedro Dominguez Brito (DOM), Willy Iclicki (LIE), Rajesh Hari Joshi (NEP)



FIDE ETHICS COMMISSION

Recommendation for the suspension of the Bulgarian Chess Federation (BCF) as federation member of FIDE

WHEREAS on 15 June 2016 the Ethics Commission released its decision in case no. 4/2015 – complaint of K Georgiev, S Stoichkov and M Stoynev, and set aside the sanctions that the BCF had imposed on the three complainants within the system of the BCF and directed that the complainants' rights be fully restored with immediate effect;

AND WHEREAS on 30 August 2016 the President of the BCF, Mr Danailov advised the Ethics Commission that the BCF General Assembly meeting in Plovdiv, 23 July 2016 it was resolved not to uphold a request by S Stoichkov for a repeal of his sanctions and further that the BCF General Assembly was not prepared to comply with the decision of the FIDE Ethics Commission in regard to the three complainants as the BCF considers, in spite of the decision of the FIDE Ethics Commission, that the disciplinary action taken by the BCF against the three complainants was an internal matter over which FIDE has no jurisdiction;

AND WHEREAS the President of the BCF further advised that the matter will be further discussed at the forthcoming Board meeting of the BCF to be held on 18 September 2016;

AND WHEREAS the Ethics Commission subsequently received complaints from IM Atanas Kurtenkov and GM Kiril Georgiev that the BCF has failed to comply with the decision of the FIDE Ethics Commission of 15 June 2016;

AND WHEREAS in terms of article 2.4 of the FIDE Statutes, all members are obliged to acknowledge and observe the statutes, regulations, resolutions and decisions of FIDE, which include the decision of the Ethics Commission as organ of FIDE.

AND WHEREAS in terms of article 2.5 of the FIDE Statutes, members not fulfilling their duties as mentioned in art. 2.4 may be temporarily excluded from FIDE by a decision of the General Assembly / Executive Board / Presidential Board.

NOW THEREFORE the Ethics Commission **recommends** that the following motion be adopted by the FIDE General Assembly:

In the event of the Bulgarian Chess Federation's failure to fully comply with the decision of the FIDE Ethics Commission dated 15 June 2016 and written confirmation thereof to reach the FIDE Executive Director within one (1) month hereof, the Bulgarian Chess Federation shall be temporarily excluded from FIDE and remain so excluded until such compliance has taken place and such confirmation has been given.

Baku, 10 September 2016

The Chairman of the Ethics Commission
Francois Strydom