



## **FIDE ETHICS COMMISSION**

### **REPORT TO FIDE GENERAL ASSEMBLY**

#### **BATUMI, OCTOBER 2018**

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

#### **Reporting period**

This report by the Ethics Commission (EC) covers primarily its activities since the meeting of the Executive Board in Antalya in October 2017 until the present. A few words will also be said regarding the EC's activities over the past term of four years.

#### **Membership**

In August 2014 at Tromso the following persons were elected as members of the EC: Francois Strydom (RSA) as chairman; Ion-Serban Dobronauteanu (ROM), Pedro Dominguez Brito (DOM), Willy Iclicki (then MON, now LIE) and Rajesh Hari Joshi (NEP). In April 2017, Dr. Elli Sperdokli (GRE) was co-opted as secretary of the commission. Not being an elected member, Ms Sperdokli did not enjoy any voting rights in the decisions of the EC.

#### **Meetings**

During the reporting period, the commission members have met / will meet on two occasions:

Zurich, 23 – 24 June 2018

Batumi, 28 & 30 September 2018

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

Zurich meeting: The Commission heard legal argument by lawyers acting for the Complainant and Respondent respectively in Case no. 2/2018. The members also discussed and decided a number of other cases. The decisions and motivations were prepared and published within one week of the members' return to home, save for the decision and motivation in case no. 2/2018 which were delivered after three weeks.

Batumi meetings: The Commission will meet during the Congress and submit a further report to the General Assembly.

[Ethics@fide.com](http://Ethics@fide.com) website

The EC's decision in each concluded case is uploaded to its web domain and, in some instances (see hereunder), also its motivation.

The Ethics Commission has, by way of exception to its normal practice, published not only the Decision but also its Motivation in the Zukova matter (case 3/2015) and the Tetimov (case no. 8/2015) / Ricciardi (case no. 2/2016) matters. These were ground-breaking decisions regarding the making of unjustified accusations of cheating, on the one hand, and the use of expert statistical evidence to prove the guilt of cheaters, on the other hand.

A special word of thanks to Vladimir Kukaev, the FIDE webmaster in Elista, for maintenance of the EC website. As cases are decided, the results are immediately uploaded.

#### Review of the Code of Ethics and Procedural Rules

In Tromso our predecessors under chairmanship of Roberto Rivello 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 EC's Procedural Rules. During a meeting in Athens 26 – 28 May 2016 initial discussions

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were held between members of the EC and the Constitutional Commission. A lot of further work has to be done by our successors in the new term.

#### EC advisory opinion on FIDE's proposed Live Moves broadcasting policy

An advisory opinion was sought from the EC by the Commission for World Championships and Olympiads regarding a proposed broadcasting policy. A detailed and motivated opinion of some 18 pages was furnished in December 2017. A new broadcasting policy, taking into account the EC's views, has since been published for public comment.

#### Complaints of discrimination within federations

The EC receives numerous complaints from persons complaining about discrimination or a miscarriage of justice committed against them, or abuse of power and undemocratic processes, in the ranks of member federations. In general, the EC is unable to act in these matters, such being internal governance disputes, but may refer the complaint to the applicable Continental Association for intervention, mediation and dispute resolution. However, replying to these various complaints imposes a considerable administrative burden on the chairman of the EC.

#### Concluded cases

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

Case 1/2017: Complaint by Jeremy Milikow on behalf of his minor son against WIM Svetlana Bezgodova (RUS) for allegedly making unjustified accusations of cheating at the 2017 Maccabiah Open in a website article – Respondent found guilty and sanctioned with a warning.

Case 4/2017: Complaint by Y Boukedir against M Ammazal for instituting civil and criminal cases against the complainant in contempt of previous Ethics Commission decisions – Held that the complaint was inadmissible on various grounds and accordingly dismissed.

Case 5/2017: Complaint by L Tanzharikova on behalf of her minor daughter Bibisara Assaubayeva (RUS) against GM Evgeniy Solozhenkin (RUS) for making unjustified accusations of cheating at various tournaments in 2017 in a website article - Respondent found guilty and sanctioned with an 18 month ban, half of which is suspended.

Case 6/2017: Complaint by Hilda Vukikomoala against Fijian Chess Federation for alleged failure to conduct a disciplinary enquiry on her complaint of misconduct against the president of the FCF – FCF claims that disciplinary proceedings in fact took place and that the matter relates to an internal dispute falling outside the EC’s jurisdiction – Held that no grounds have been shown for interference in FCF internal affairs and case dismissed.

Case 1/2018: Complaint by Anti-Cheating Commission against Dmitry Fraiman (RUS) for alleged cheating during the 2017 St Petersburg Championship – Held that evidence is insufficient based upon the “comfortable satisfaction” standard of proof to find Respondent guilty, despite very suspicious circumstances – Respondent found not guilty and case dismissed.

Case 2/2018: Complaint by Presidential Board (G Makropoulos) against President Kirsan Ilyumzhinov for alleged misconduct after being placed on OFAC sanction list – Respondent found guilty and sanctioned with an 18 month ban, 12 months of which is suspended.

Case 3/2018: Complaint by Welsh player Susan Cooke against Wales Chess Union for allegedly failing to follow principles of natural justice in team selection for 2018 Olympiad – Held to relate to internal affairs of national federation and that ETH does not have jurisdiction to intervene – Case held not to be admissible and dismissed.

#### Pending cases

The following cases remain pending at present:

Case 5/2016: Complaint by FIDE General Assembly regarding alleged fictitious transactions between the European Chess Union (ECU) and the Bulgarian Chess Federation (BCF) during 2011 – 2014 and the use of an imposter corporation named European Chess Union LLC – Matter remains in investigatory phase – *If prima facie*

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evidence of wrongdoing against identified bodies or persons is found, matter will proceed as a disciplinary proceeding for violation of FIDE Code of Ethics.

Case 4/2018: Complaint by GM Efstratios Grivas against Mongolian Chess Federation and its President for non-compliance with commercial contract between them – matter held to be provisionally admissible – statements exchanged on the merits at present.

List of bans imposed during term (2014 – 2018)

1. On 5 September 2015 (under case no. 5/2014) the EC found Mr Garry Kasparov and Mr Ignatius Leong guilty of election irregularities and imposed a two year ban on 20 October 2015. The bans on Mr Kasparov and Mr Leong came to an end on **20 October 2017**.
2. On 4 December 2015 (under case no. 7/2015) the EC found Mr Gaioz Nigalidze guilty and imposed (in addition to the revocation of his grandmaster title) a three year ban with effect from 6 September 2015 and ending on **5 September 2018**.
3. On 9 September 2016 (under cases no. 13/2015 & 14/2014) the EC found Mr Silvio Danailov, Mr Vladimir Sakotic and Ms Sava Stoisavlevic guilty of irregularities surrounding the organisation of the 2013 European Youth Championships in Budva, Montenegro and imposed bans of varying lengths. The period of suspension for both Mr Danailov and Mr Sakotic runs until **9 April 2018**. Ms Stoisavlevic's suspension ended on **9 April 2017**.
4. On 18 April 2017 (under case no. 8/2015) the EC found Mr Ivan Tetimov guilty of cheating and imposed a two year ban which will come to an end on **17 April 2019**.
5. On 18 April 2017 (under case no. 2/2016) the EC found Mr Arcangelo Ricciardi guilty of cheating and imposed a two year ban, with retrospective effect from 18 April 2016 and which expired on **17 April 2018**.
6. On 19 March 2018 (under case no. 5/2017) the EC found Mr Evgeniy Solozhenkin guilty of making unjustified accusations of computer-assisted cheating and imposed a 18 month ban, half of which is suspended. The effective part of the ban will expire on **18 December 2018**.
7. On 12 July 2018 (under case no. 2/2018) the EC found Mr Kirsan Ilyumzhinov guilty of irresponsible conduct and bringing FIDE and chess into disrepute and a 18 month ban, 12 months of which is suspended. The effective part of the ban will expire on **12 January 2019**.

### Court of Arbitration for Sport (CAS)

There are currently two appeals to CAS pending:

1. An appeal of Ms Susan Cooke (CAS 2018/A/5816) against the EC's decision of non-admissibility in EC Case no. 3/2018 (see above), submitted on 2 July 2018.
2. An appeal of Mr Kirsan Ilyumzhinov (CAS 2018/A/5844) against the EC's verdict and sanction in EC Case no. 2/2018 (see above), submitted on 2 August 2018.

In both cases, statements are currently exchanged and the fixing of hearing dates are awaited.

Apart from the above-mentioned appeals, during the term of the current EC (2014 – 2018) the following CAS appeals (resulting from EC decisions) were disposed of:

CAS 2015/A/462 Danailov, Sakotic & Stoisavljevic – appeal dismissed.

CAS 2015/A/4223 Ignatius Leong – appeal dismissed.

CAS 2016/A/4871 Vladimir Sakotic – appeal on guilty verdict fails; period of suspension reduced.

CAS 2017/A/5131 Shaker Alafoo – appeal dismissed.

### General assessment of EC's work during term (2014 – 2018)

The EC has a heavy administrative work-load which mostly falls on the chairman. This is illustrated by the fact that in the current term of 4 years the chairman received nearly 5,000 e-mails (average 100 per month) and sent close to 3,000 e-mails (average 60 per month)!

The EC's case load was for the most part manageable with about 7 new cases per year registered and dealt with during the term. This figure came down from an average of 15 cases per year in 2013 and 2014. One explanation is the weeding out of cases which are clearly not admissible at an early stage. However, not all cases are of the same magnitude and a disproportionate amount of work was required in a few major cases, sometimes cases with a political colour.

The EC always strived to deliver high-quality judgments which fully engaged with all aspects of the complaints and properly explain to the parties the EC's reasoning. This often required the preparation of detailed motivations, such as –

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37 pages in case 5/2014 (Kasparov & Leong)  
53 pages in case 13/2014 (Danailov, Sakotic & Stoisavljevic)  
34 pages in case 3/2015 (Zhukova & others)  
52 pages in cases 8/2015 & 2/2016 (Tetimov & Ricciardi)  
28 pages in case 5/2017 (Solozhenkin)  
78 pages in case 2/2018 (Ilyumzhinov)

In some cases such writing of the motivation (apart from the time spent on reading the papers, hearings and deliberations amongst the EC members) would take 3 – 5 days, all provided without remuneration.

The standard of the EC's decisions can be measured against the number of cases in which the outcome is accepted by the parties without an appeal to CAS, and the general good results in CAS in the defence of the EC's decisions. Even in the one case where CAS did not uphold the EC's decision fully, this was as a result of oral evidence being produced at CAS which was not placed before the EC.

Because of the nature of the EC's work, persons who have a legal background, who have a proper command of the English language and who are either self-employed / retired (and thus can give their time without the constraints of employment) and who are not in the political structures of FIDE (i.e. independent) are the best placed to perform the work of the EC.

#### Note of gratitude

A special word of thanks to my colleagues on the EC: Willy, Ion, Pedro, Rajesh and Elli. Thank you for the long hours invested and dedication shown for our work. We were a good team! Save for one matter, all of our decisions were unanimously agreed upon.

In conclusion, the EC wishes to express its gratitude to Ms Polina Tsedanova for the excellent secretarial support provided to the EC. The Executive Director, Mr Nigel Freeman and every other member of his staff in Athens must also be commended for the friendly and professional support for the work of the commission.

Johannesburg, 14 August 2018

The Chairman of the Ethics Commission

Francois Strydom

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