



FIDE ETHICS COMMISSION

Case N. 1/06

JUDGEMENT

rendered by the

FIDE ETHICS COMMISSION

sitting in the following composition

Chairman: Mr. Roberto Rivello

Members: Mr. Ralph Alt

Mr. Laurence Ball

Mr. Dirk J.A. De Ridder

Mr. Noureddine Tabbane

Mr. Ian Wilkinson

in the case

“Dimitrije Bjelica” (Complaint of Mr. Ali Nihat Yazici)

concerning the following facts

- Writing various e-mails from November 2005 till July 2006, addressed both to Mr. Ali Nihat Yazici, President of the Turkish Chess Federation, and to other people and institutions, in particular to the editors of some newspapers, to have insulted and defamed Mr. Ali Nihat Yazici, damaging his honour and reputation and the reputation of the Turkish Chess Federation, calling Mr. Ali Nihat Yazici “a small dictator as Campomanes and small pawns of

FIDE", "*a slave of mafia from FIDE*", *using other insulting and damaging words and accusing him of "corruption"*.

- *Writing these e-mails to have defamed FIDE institutions and some FIDE officers, in particular Mr. Florencio Campomanes, Mr. Boris Kutin and Mr. Vladimir Sahotic.*

Facts that could constitute a violation of par. 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

PROCEEDINGS BEFORE THE ETHICS COMMISSION

On 28th July 2006 Mr. Ali Nihat Yazici (hereafter called "the Complainant") filed to the FIDE Ethics Commission (hereafter called the "EC"), through the FIDE Secretariat, a complaint against Mr. Dimitrije Bjelica (hereafter called "the Accused"), concerning the above mentioned facts.

In accordance with article 1 of the EC Internal Rules, the case was inscribed on the Register of cases as N. 1/2006 – "Mr. Dimitrije Bjelica (Complaint Mr. Ali Nihat Yazici)".

In accordance with articles 4, 6 and 7 of the EC Internal Rules, on 16th April 2007 the Chairman of the EC communicated to Mr. Dimitrije Bjelica the existence of a pending case against him, informing Mr. Dimitrije Bjelica of his rights and of the EC proceeding rules, and fixed a term of twenty days for the submission of memorials and documents.

On 1st May 2007, Mr. Dimitrije Bjelica lodged a written response.

Mr. Dimitrije Bjelica did not ask to appear in front of the EC in an oral hearing, nor the EC deemed it necessary to have an oral hearing regarding the discussion of the case.

The case was discussed and decided by the EC during its meeting in Athens, on 28th- 29th July 2007.

After the discussion, the EC decided the case achieving unanimity (Mr. Roberto Rivello, Mr. Ralph Alt, Mr. Laurence Ball, Mr. Dirk J.A. De Ridder, Mr. Noureddine Tabbane, Mr. Ian Wilkinson).

Mr. Ian Wilkinson was charged with the draft of the judgement. None of the EC members asked to deliver a separate opinion.

According to articles 4.5 and 4.6 of the FIDE Code of Ethics: "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 time limit for appeal is twenty-one days following the communication of the decision concerning appeal. All recourse to ordinary courts is excluded".

ADMISSIBILITY AND JURISDICTION

The case n. 1/06 was originated by a complaint presented by Mr. Ali Nihat Yazici, President of the Turkish Chess Federation, in which it was specified that the words used by Mr. Dimitrije Bjelica allegedly discredited and damaged Mr. Ali Nihat Yazici and Turkish Chess Federation's reputation and FIDE and its officials' reputation as well.

In Dimitrije Bjelica's e-mails the names of Mr. Florencio Campomanes, Mr. Boris Kutin and Mr. Vladimir Sahotic were mentioned, thus the charges against Mr. Dimitrije Bjelica were formulated as comprehensive of a violation of FIDE and Mr. Florencio Campomanes, Mr. Boris Kutin and Mr. Vladimir Sahotic's interests.

Nevertheless, no FIDE organ has ever presented a report addressed to the EC about this case, nor Mr. Florencio Campomanes, Mr. Boris Kutin and Mr. Vladimir Sahotic have filed a complaint.

Taking into account the interpretation of the FIDE Statute on this point, given by the EC in the *Guidelines to the interpretation of FIDE Code of Ethics* (which have to be considered as a part of this judgment and are joined to it as an *addendum*), if no report by a FIDE organ has been presented, but just a complaint, the EC has not a full general jurisdiction on the referred facts, but just a competence limited to the relevant legitimate interests of the complainant.

Thus, in the part concerning an alleged damage to FIDE and to Mr. Florencio Campomanes, Mr. Boris Kutin and Mr. Vladimir Sahotic's reputation, the complaint is not admissible nor receivable. Therefore the charge concerning the violation of par. 2.2.10 of the FIDE Code of Ethics has to be dismissed.

On the opposite, in the part concerning the alleged damage to Mr. Ali Nihat Yazici and Turkish Chess Federation's reputation, the complaint is receivable and the EC is competent to judge on the facts.

THE FACTS

The following facts were established by the evidence or material before the EC:

- (a) The Accused is a chess organiser and a chess player.
- (b) The Accused wrote to the Complainant on or about the 8th November, 2005 seeking to have the Complainant's support regarding the staging of a "Children's Olympiad".
- (c) The Complainant responded to the Accused by email dated the 10th November, 2005 refusing to provide the requested support and stating, essentially, that only FIDE had the right to

organize events using the word or name “Olympiad” and that the Turkish Chess Federation would not work with the Accused as long as he maintained his position.

(d) The Accused, by an email dated 11th November, 2005, responded to the Complainant’s email with abusive language and it is in this email that the Accused called the Complainant, among other things, “slave of mafia from fide” and “a small dictator as Campomanes and small pawn of FIDE”. Other similar e-mails were addressed by the Accused to the Complainant and to other people and institutions, in particular to the editors of some newspapers.

FINDINGS

The EC is aware of an individual’s general right to express his or her opinion of other persons or matters, particularly as this relates to chess. The EC also accepts and recognises that any individual who believes that he or she has been defamed can take legal action against the offender in any relevant court of law to seek compensation or redress. Regardless of these rights, alternatives or options, the EC acknowledges that the provisions of the FIDE Code of Ethics exist and must be upheld.

The EC having considered, and deliberated on, the material before it made the following decisions.

The Accused’s email dated the 1st May, 2007 did not provide any, or any acceptable, defence to the complaint/charge.

The Accused had breached rules 2.24 and 2.2.11 of the FIDE Code of Ethics, more particularly he was guilty of “...misbehaviour of a personal nature which is generally unacceptable by normal social standards” and his use of the words “small dictator”, “slave of mafia from FIDE” and so on, integrate a “conduct likely to injure or discredit the reputation” of the Complainant.

PUNISHMENT

Mr. Dimitrije Bjelica is a very appreciated person in the world of chess, both as a chess organiser and as a chess author. Of course, this does not authorize him to injure or discredit the reputation of other people, but has to be considered in his favour, as his not young age.

A reprimand constitutes a sanction adequate and proportioned with the seriousness of the breaches of the FIDE Code of Ethics.

ON THESE GROUNDS

the EC rules that:

- in the part concerning an alleged damage to FIDE and to Mr. Florencio Campomanes, Mr. Boris Kutin and Mr. Vladimir Sahotic's reputation, the complaint filed by Mr. Ali Nihat Yazici is not admissible nor receivable and the charge concerning the violation of art. 2.2.10 of the FIDE Code of Ethics has to be dismissed;
- Mr. Dimitrije Bjelica violated art. 2.2.4 and 2.2.11 of the FIDE Code of Ethics;
- Mr. Dimitrije Bjelica is sanctioned with a reprimand.

Done in Athens, 29 July 2007.

The Chairman of the FIDE Ethics Commission

Roberto Rivello

