



FIDE ETHICS COMMISSION

Case N. 3/06

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

“Moroccan Arbiters” (Report of the Arbiter’s Council)

concerning the following facts

- Mr. Mustapha Amazzal

- - *During the years 2002-2006, acting as President of the Moroccan Chess Federation, to have authorised a practice of submission to the competent FIDE organs of falsified or fake International Arbiter title norm reports, aiding and abetting this practice, in order to obtain International Arbiter titles for some Moroccan Arbiters (among them Mr. Youssef Boukedir, Mr. Mostapha Haou, Mr. Rachid Mouchsine and Mr. Zoheir*

Slami), or to have failed to appropriately examine these International Arbiter title norm reports and applications.

Facts that could constitute a violation of par. 2.2.1, 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics.

- Mr. Djelloul Bendelal

- *Acting as Arbiter of the Algerian Chess Federation, to have prepared and signed fake International Arbiter title norm reports, concerning some Moroccan Arbiters (among them Mr. Mostapha Haou and Mr. Zoheir Slami), and some International Arbiter title norm reports in blank, which were used by the Moroccan Chess Federation to submit International Arbiter title applications to the competent FIDE organs.*

Facts that could constitute a violation of par. 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics.

- Mr. Youssef Boukedir

- *To have submitted to the competent FIDE organs an International Arbiter title application based on falsified or fake International Arbiter title norm reports.*

Facts that could constitute a violation of par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

- Mr. Mostapha Haou

- *To have submitted to the competent FIDE organs an International Arbiter title application based on falsified or fake International Arbiter title norm reports.*

Facts that could constitute a violation of par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

- Mr. Rachid Mouchsine

- *To have submitted to the competent FIDE organs an International Arbiter title application based on falsified or fake International Arbiter title norm reports.*

Facts that could constitute a violation of par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics.

PROCEEDINGS BEFORE THE ETHICS COMMISSION

On 12th march 2006, an e-mail, subscribed by Mr. “Taazi Wahabi”, was sent to the FIDE Secretariat about alleged fake applications of Moroccan arbiters, referring to a letter written by

“some Moroccan arbiters“ to the FIDE Rating and Titles Commission. These documents content charges with regard to applications for the award of titles of International Arbiters in favour of Mr. Rachid Mouchsine, Mr. Mostapha Haou, Mr. Youssef Boukedir, Mr. Zoheir Slami and Mr. Fouad Amrani Nejjar. The author accused Mr. Mustapha Amazzal as President of the Moroccan Chess Federation, Mr. Djelloul Bendelal, Algerian International Arbiter, and Mr. Youssef Boukedir, former president of the technical commission in FMRE since 2003 until 2006.

Mr. William Kelleher, former Chairman of the FIDE Ethics Commission (hereafter called the “EC”), sent an e-mail to the Moroccan Chess Federation (Fédération Royale Marocaine des Echecs – FRME) on 3rd April 2006, “regarding widespread fraud in the awarding of FIDE Arbiter titles”. The FRME answered on May 2006, submitting written defences and some documents.

On 29th May 2006, the former EC “decided to defer a decision on this case until after it receives the report by the Arbiter’s Council”.

On 29th May 2006, the FIDE Arbiter’s Council, after hearing some representatives of the FRME (Mr Hassan Semlali and Mr Hicham Fourane), referred the case to a subcommittee. On 30th May 2006, in the meeting of this sub-commission of the Arbiter’s Council, some Moroccan players (Mr. Mohamed Tissir and Mr. Karim Ismail) were heard, but no decision was made on the facts. After that, the Arbiter’s Council decided to refer the case to the EC with a report, but without adding motivations.

The Chairman of the EC, in its new composition after 2006 elections, in accordance with article 1 of the EC Internal Rules, inscribed the case on the Register of cases as N. 3/2006 – “Moroccan Arbiters” (Report of the Arbiter’s Council).

In accordance with articles 4, 6 and 7 of the EC Internal Rules, on 23rd April 2007 the Chairman of the EC communicated to Mr. Mustapha Amazzal, Mr. Djelloul Bendelal, Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine the existence of a pending case against them, informing Mr. Mustapha Amazzal, Mr. Djelloul Bendelal, Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine of their rights and of the EC proceeding rules, and fixed a term of twenty days for the submission of memorials and documents.

On 8th May 2007 Mr. Mustapha Amazzal and the FRME presented a written response.

On 28th May 2007 Mr. Djelloul Bendelal addressed to the EC his submissions and defences.

Mr. Mustapha Amazzal, Mr. Djelloul Bendelal, Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine did not request an extension of the time limits and did not ask to appear in front of the EC in an oral hearing.

On 14th July 2007, noting article 8 of the FIDE Ethics Commission Internal Rules, given the complexity of the case, the EC deemed necessary and appropriate to fix a hearing and decided to hold a hearing on Saturday 28th July 2007 at 10.00, in the "Abbey Hall" conference room in the Royal Olympic Hotel, 28-34 Ath. Diakou, Athens, Greece. Mr. Mustapha Amazzal, Mr. Djelloul Bendelal, Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine were immediately informed of the hearing and even of the possibility to arrange a video-conference or just a phone conference, in English or in French, in case they cannot attend the hearing.

On 23rd July 2007 Mr. Mustapha Amazzal and the FRME addressed to the EC other submissions and defences.

On 24th July 2007 Mr. Abdelhafid Elamri addressed to the EC a complaint against Mr. Mustapha Amazzal, President of the FRME, and against Mr. Hicham Fourane.

On 24th July 2007 Mr. Youssef Boukedir addressed a written response to the EC, manifesting his intention to intervene in a phone conference during the public hearing.

On 28th July 2007 a public hearing was held in Athens and a phone conference with Mr. Youssef Boukedir was organised during the hearing. Mr. Youssef Boukedir answered all the questions proposed by the Members of the EC.

The case was discussed and decided by the EC during its meeting in Athens, on 28th- 29th July 2007. Mr. Nouredine Tabbane, Member of the EC, asked to be excused from his functions regarding this case, in consideration of his personal relationships with some members of the FRME. The request was accepted before the opening of the discussion on the case.

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. Ian Wilkinson). Mr. Dirk J.A. De Ridder had to leave before the end of the proceeding and did not vote the decisions concerning Mr. Djelloul Bendelal, Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine.

Mr. Ralph Alt 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

Many complaints were lodged against the FRME and his President, Mr. Mustapha Amazzal. Nevertheless, for this EC, the case n. 3/06 was originated just following the report presented by the FIDE Arbitrer’s Council.

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*), when a report by a FIDE organ has been presented, the EC has a full general jurisdiction on all the referred facts.

DOCUMENTS AND EVIDENCE

The following documents, letters, articles and memorandums were submitted to the EC.

Mail of May 2006, addressed to the EC as an answer to the mail of William Kelleher of April 3, 2006, Mr. Mustapha Amazzal and the FRME pleaded to the charges as follows:

- Concerning National Individual Men Championship taking place from 17th to 26th July 2001 in Casablanca: it’s an informality; the signature may be recovered. The FIDE Commission is competent to accept the report or not. There is no mistake made by FRME.
- Concerning Individual National Championship in Casablanca 2002: there is no proof; the applicants confuse the dates.
- Concerning Sharja Open: the document was signed and authenticated by a Federation (i.e. UAE). The competent FIDE Commission has verified the norm. FRME has only transmitted the report forms to FIDE.
- Concerning National Team Championship from 3rd to 6th July 2003 in Mohammadia: it’s the duty of the competent FIDE Commission to verify the report.
- Concerning National Individual Men Championship (Final) from 15th to 22nd July 2004 in Mohammadia: FRME indicates the signature of Chief Arbitrer Haou and the competence of FIDE Commission.

- Concerning Men's Individual National Championship in Mohammadia from 15th to 22nd July 2004: Mr. Slami was member of the National Arbiter's Commission and as Technical Director was present in all national tournaments.
- Generally about Mr. Zoheir Slami:
- On February 11, 2004 Mr. Zoheir Slami wrote a letter to the president of FRME congratulating the good relations to FRME. He proposes his service for a Swiss system for team competitions and he indicated to achieve the title of International Arbiter. He wanted that FRME intercedes for him at FIDE to achieve an exception and that the International Open Championship of Rabat 2003 should be acknowledged as forth norm though participating only 84 players. FRME refused.
- Mr. Slami war busy to sent his photo and his dates to FIDE secretariat to get his personal card. Though it's a big lie to indicate that he knew nothing about the award of the title.
- Mr. Slami accuses FRME wrongly having presented the application for the title of International Arbiter to FIDE though it was on his demand. The proves he presents are not real.

Mail of Mr. Mustapha Amazzal to FIDE President of April 13, 2007. As far as the letter contents facts, the Author indicates to the duties of Mr. Youssef Boukedir as President of the technical commission in FMRE since 2003 until the 2006. For the rest the letter contents general statements.

Mail of FRME, signed by President Mr. Mustapha Amazzal to the EC of May 8, 2007. The mail contents just general statements.

In the response of July 23, 2007 to the EC, FRME pleaded to the charges as follow:

- Concerning the procedure:
 - FRME did not receive any results of the first investigation of the EC and Arbiter's Council. Thus there is no sense to open a new enquiry (violation of the principle "*Ne bis in idem*").
 - The Procedural Rules of the EC were appeared in February 2007. It is inequitable to apply retroactively the new rules for a treated case.
 - FRME acted in "*bona fide*". If the plaintiff still states the contrary, FRME defies him to give the proof ("*Actori incumbit probatio*").
- Concerning FIDE Arbiter's Council sub-commission: GM Hicham Hamdouchi and IM Nabil Doghri were asked to confirm the presence of Mr. Youssef Boukedir in

the tournament in El Jadida 2004. The sub-commission validated all the certificates and documents.

- Concerning National Individual Men Championship in Casablanca from 17th to 23rd July 2002: the complaint claims that the IA Mr. Djelloul Bendelal never was in the Moroccan Individual Championship held in Casablanca in 2000. The Report signed by him concerns the championship held in Casablanca from 17th to 23rd of July 2002. The Chess Arab Union, Mr. Ali Elhaj Nizar (present as Libyan delegation President), Mr. Noureddine Tabbane and IA Mr. Al Tahir can confirm that IA Mr. Bendelal was present as Chief Arbiter in the Arab Championship Men and Woman held in Casablanca from the 26th August to 4th September 2002.
- Concerning Sharjah Open 2003 from 1st to 10th may 2003 in Sharjah, UAE: the IA title norms report signed by the IA Mr. Al Tahir were stated valid since it was proved the authenticity of the IA signature and the UAE Chess Union seal. In this context, the Moroccan Federation cannot have any doubt about documents signed and validated by a Chess Federation recognized by the FIDE or reject any title norm report sent by an official FIDE Organ.
- Concerning blank forms for International Arbiter Norm Reports signed by Mr. Djelloul Bendelal: FRME never used and will never use title norm reports signed in blank. Mr. Djelloul Bendelal, as the IA Mr. Abdulrahim Mahdi from Union Arab Emirates and the Libyan IA Mr. Khaled Abdalla Alnami, used voluntarily and on their request to give some title norms report signed in blank to the Moroccan technical commission -the FRME Organ responsible of the preparation and the submission of documents to the FIDE-. The objective is to allow a correction of an inaccurate error appearing on filling the original norms. Of course, without changing the appropriate information (name of the concerned arbiter, name of event, dates and venue of the event, the Chief Arbiter remarks... etc). As example FRME annexed a norm report signed in blank by IA Mr. Abdulrahim Mahdi.
- Generally FRME confirms that its procedure to qualify Moroccan Arbiters to obtain the IA titles never illustrates conflict with FIDE Laws and Moroccan Sports ones. "This qualification depends on the will of the interested arbiter, on his knowledge of FIDE rules and law and on his technical understanding. The submission of the title norm reports and title applications is a task of the Moroccan Technical Commission such as the registration of tournaments. Its acceptance or rejection concern FIDE Commissions".

- “FRME requests to reject the complaint based in our interpretation of the application of the new measures to this case, to decline and refuse the complaint and its contents because of inexistence of case of falsification or acts violating the FIDE Rules and FIDE Code of Ethics, to allow us the right to rebuttal if needed”.

Mr. Djelloul Bendelal pleaded to the charges in a letter of May, 28, 2007 as follows. He took part in three tournaments in Morocco: Arab Festival from 15th to 25th Nov. 1998 in Agadir as Chief Arbiter, Arbiter’s training from 6th to 8th apr 2002 in Tetouan, Individual Arab Championship from 26th to 4th Sep 2002 in Casablanca: The arbiters Haou and Slami were present there. He did not sign a blank document.

Mr. Youssef Boukedir was heard by phone conference in the public hearing on July 28, 2007 in Athens. Mr Boukedir denied to have ever presented applications to FIDE for the title of IA and even to have presented this request to the Moroccan Chess Federation. He said that the Moroccan Chess Federation sends the TAs directly to FIDE. He added that Arbiters do not receive norms themselves so that they can check. It all goes through the Federation. He confirmed that he was present at the Individual Men National Championship, in Mohamedia, from 15th to 29th July 2004, but he was present as the Technical Director of the Moroccan Chess Federation, not as an Arbiter. In 2004 he achieved no norm of IA. He was present in the Prix Roi Mohamed VI tournament that took place form 24th August to 1st September 2004; Mr. Sultan Al Tahir was Chief Arbiter. He got no confirmation about achieving a norm. He sent no. In 2005 he resigned as director of the technical commission of the Federation after he had observed, for instance, that the names of the Arbiters often change before or after the end of a tournament.

In his written response to the EC, on 24th July 2007, Mr. Youssef Boukedir wrote that: “... in some very exceptional circumstances ... I intervened in the preparation of some arbitration documents between April 2005 and December 2005 ... I received from Mr. Fourane and Mr. Amazzal documents mentioning an alleged participation of Mr. Mustapha Marhoum in (some listed) competitions. For instance, I received a document signed by him that fraudulently attested the presence of Mr. Mustapha Marhoum as deputy arbiter in the National Team Championship, Meknes, July 2005. Unfortunately, I did not immediately notice the fraud as I was not aware of the deceitful repeated practices of President Amazzal and his arbitration commission. ... I discovered later, to my bigger surprise, that Mr. Marhuom was not present in these competitions ... And despite the insisting order of Mr. Mustapga Amazzal to quickly do so, I did not, however, send this application”. “My official hand-written resignation from the FRME in 30/12/2005 ... was a consequence of my disapproval of the chaotic management of the Federation, the systematic and flagrant violation of procedures and regulations and the

immoral behaviour of the President Amazzal who, through falsification and dictatorial ruling, had strongly deviated from the noble values that should characterize any sport”.

In the meeting of the Sub-commission of Arbiters' Council on May 30, 2006, the players Mohamed Tissir and Karim Ismail excluded or at least could not remember that Mr. Rachid Mouchsine, Mr. Mostapha Haou and Mr. Zoheir Slami were present as arbiters in the Championship in Casablanca 2002, in the Sharja Open 2003 and in the Championship in Mohammadia from 15th to 22nd July 2004.

The EC scrutinized the following documents:

International Arbiters Norm Report Forms:

- of November 30, 1999 of African Individual Men Championship from 25th October to 5th November 1999 in Agadir in favour of Mr. Rachid Mouchsine;
- without date, of National Individual Men Championship in Casablanca from 17th to 26th July 2001 in favour of Mr. Mostapha Haou;
- of May 10, 2003 of Sharjah Open 2003 from 1st to 10th May 2003 in Sharjah, UAE in favour of Mr. Rachid Mouchsine and Mr. Zoheir Slami (2 forms);
- of July 22, 2003 of National Individual Women Championship from 16th to 20th July 2003 in Agadir in favour of Mr. Youssef Boukedir;
- of July 30, 2003 of National Team Championship from 3rd to 6th July 2003 in Mohammadia in favour of Mr. Youssef Boukedir,
- of July 27, 2004 National Individual Men Championship (Final) from 15th to 22nd July 2004 in Mohammadia in favour of Mr. Youssef Boukedir,
- of July 29, 2004 of Men's Individual National Championship in Mohammadia, Morocco, from 19th to 22nd July 2004 in favour of Mr. Zoheir Slami,
- of September 1, 2004 of 1^{er} Prix de S.M. Roi Mohammad VI des Echecs from 24th August to 1st September 2004.
- without date, of National Individual Men Championship in Casablanca in favour of Mr. Mostapha Haou.

Applications for the award of the titles of FIDE International Arbiters:

- of August 27, 2004 in favour of Mr. Rachid Mouchsine,
- of August 28, 2004 in favour of Mr. Zoheir Slami,
- of August, 28 2004 in favour of Mr. Youssef Boukedir,

- of July 27, 2003 in favour of Mr. Mostapha Haou.

Nine (9) blank report forms, stamped and signed by IA Mr. Djelloul Bendelal.

The EC even examined:

Mail of “Taazi Wahabi” to FIDE Secretariat of March 12, 2006, to which was attached an article published on February 23, 2006 on www.maroc-echechs.com by Mr. Zoheir Slami: “Fausses normes d’arbitre international – Les raisons de ma démission et de ma protestation” (“Fake IA norms, the reasons of my resignation and protest”): “What upsets me in this case is that I had previously asked the FRME to submit a request to FIDE in which we would ask whether the “International Open Championship of Rabat, 2003”, which included 86 participants representing more than 3 Federations, could be considered as equivalent of one with 100 participants”.

Mail of “Maroc-Echechs.com” of February 2, 2007: Letter of “team of Maroc-Echechs”, IM Mohamed Tissir and IM Abdelaziz Onkoud: Annexed was a “document 1” (see below) and a “document 2” (“Indignation and denial”), a declaration signed by eight of the top Moroccan players: GM Hicham Hamdouchi, IM Mohamed Tissir, iM Abdelaziz Onkoud, FM Najib Draoui, FM Jacques Elbilal, FM Tarik Rrhiaoui, Ali Sebbar and Karim Ismail.

«Document 1», article “Wanna become International Arbiter? Here’s the recipe from the Moroccan Chess Federation!”. Attached were some other documents. “The candidate Mouhsine was not present in Sharjah from 1 to 10 May 2003!! Moreover, in the official tournament report <http://www.fide.com/ratings/rtdarca .phtml? event=485&codt=8>), there is no mention of any deputy arbiter. The chief arbiter IA Sultan Al Tahir (United Arab Emirates) was Chief Arbiter at the “1st Trophée Mohamed VI” organized in Morocco from 24/08/2004 to 01/09/2004. Algerian IA Bendelal Djelloul did not arbitrate the Moroccan National Championship 2000 (note: correctively: “2002”, see the statement of some participants in the attached document). The candidate Haou Mostafa was not present at the National Championship in Mohammadia from 19 to 22/7/2004. The candidate Slami Zoheir was not present in Sharjah Open 2003. To the question “why did the Moroccan federation consistently falsify reports?”, the answer is obvious: by doing so, Moroccan chess federation President Mustapha Amazzal makes up corrupted International Arbiters that he can better control, thus firming up his presidency. Yet, one of the 6 arbiters rose up and spoke up! ... For having clearly disapproved some of his Federation’s transgressions, Moroccan IA Abdelhafid Elamri has been suspended by Moroccan Chess Federation for 20 years. Moreover, the federation is allegedly up to take legal action against the top Moroccan players’ website in which they reproved these misbehaviours. Uncovering the frauds on their defiant website was severely dealt with by their federation’s General Assembly

which came up with variable sanctions against some administrators of the website (2 to 5 years suspensions), forbidding them from representing their country in international chess events....”

Mail of Mr. Mohamed Tissir to ACP President Pavel Tregubov and ACP General Secretary Mr. Bartlomiej Macieja of 2/5/2007: “And in few days ago before starting my tournament Dubai Open (22 April to 1st of May2007, the organizers got a letter from Moroccan chess federation asking them not to allow me to play , arguing that I am suspended from Moroccan chess Federation , and the same thing again sent to Bahrain chess Federation asking them to not to approve my contract to work as trainer in Bahrain chess club, which is now threaten to be cancelled due to that letter. I did not receive any official letter neither my club in Morocco about this suspension as the status of Moroccan chess federation states on this matters...”.

Letter “of honour” of Mr. Boujema Kariouch of February 26, 2007 confirming that Mr. Youssef Boukedir was not present in the tournament from 15th to 22nd July 2004 in Mohammadia.

Letter of Mr. Boujema Kariouch, Morocco, National Arbiter, written after May 20, 2007: On the General Assembly of FRME on May 20, 2007 in Casablanca, Mr. Kariouch got no convincing explanations about fake documents with regards to the registration of a norm for the title of International Arbiter on the National Championship, though he was not present. Thus he is sending a protest against this fact not honouring the sport.

Mails by the “Ligue de l’est des echecs maroc“ and “Centre Ligue“ of 12 and April 13, 2007 to FIDE president: authors are Mr. Hassan Alaoui el Bahi and Mr. Hicham Radi, President and General Secretary of the clubs in the Regional Eastern League. They complains the campaign against FRME going out of some players living abroad and punished by disciplinary measures according to the rules of the Federation. The campaign is addressed to an organisation which makes efforts to promote chess by many tournaments and events and thus promotes to achieve the title of an International Arbiter.

The same letter was sent to FIDE by Mr. Abdelmajid Mounib, President of DHJ Chess Club from El Jadida and signed by “The League Presidential Board“.

Letter of FMRE to the FIDE president and report about the General Assembly of FMRE: the letter contents a brief report about the assembly held on May 20, 2007. Charges relating IA-Norms are not mentioned in this report.

Letter of Mr. Abdelhafid El Amri of 15th April 2006: he wrote to the President of FMRE asking him to clarify and charging him the responsibility, but he refuses to answer him and his club. In General Assembly on February 26, 2006 he suspended him for 20 years because of his accusations. He writes that:

- “Concerning Individual National Women Championship from 16th to 20th July 2003 in Agadir: The tournament was not rated. Deputy Arbiters were Mr. Marzougui Hassan and Mr. Slami, as written in the Moroccan Chess Federation Moral Report 2002/2003. He himself assisted as arbiter, but Mr. Boukdeir was not Deputy Arbiter.
- Concerning African Individual Championship Men in Agadir from 25th October to 5th November 1999: the Egyptian IA was Chief Arbiter, but not the Moroccan NA Mr. Fouran Hicham.
- Concerning 31st individual National Senior Championship form 17th to 26th July 2001 in Casablanca: two Moroccan National Arbiters were Chief Arbiters, one of them Mr. Haou taken IA norm from this event. The report is not signed or validated by any International Arbiter.
- Concerning 32nd National Individual Men Championship form 17th to 23th July 2002 in Casablanca: Mr. Bendelal was not present, but he was in Morocco in the first week of April 2002 in Tetouan Moroccan City, after he was in Morocco between 25th of August and 5th of September 2002 in Casablanca (Arab Individual Championship).
- Concerning National Individual Men Championship 2004 in Mohammadia: in the Moroccan Chess Federation Moral Report 2003/2004 on page 25 you find that the alone Deputy Chief Arbiter was Mr. Mohamed Amrani Nejjar, not Slami or Boukdeir.
- Concerning National Championship Final 2005 from 13th to 21st July 2005 in Meknes, Morocco: “I have been in Meknes, the events organised in Meknes are:
 - 11th National Team Championship Final from 13th to 16th July 2005 (Arbiter was Mr. Bahja Mouhsine), this is written in Moroccan Chess Federation Moral Report 2004/2005 on pages 15 and 16,
 - 21st Team Open Women National Championship 2005 from 13th to 16th July 2005, (arbiter Mr. Bahja Mohamed and Mohamed Amrani Neflar, written in Moroccan Chess Federation Moral Report 2004/2005 on page 24).
 - 31st Individual National Women Championship 2005 from 17th to 21st July 2005 (without Chief Arbiter, written in Moroccan Chess Federation Moral Report 2004/2005 on page 25).

... so, it’s an imaginary event, but, when you see the tournament report, you find a Rating change of 3 players in their participation at Team Nat Champ Final 2005, so Moroccan Chess Federation has changed it from Team Event to Individual event”.

Statement of Moroccan top players that were present, some as participants (9 players) and some as observers (3), at the 32nd Moroccan National Individual Men Championship organized in Casablanca by the Moroccan chess federation from 17th to 23rd July 2002: IM Mohamed Tissir, IM Abdelaziz Onkoud, FM Tarik Rrhious, FM Ali Sebbar, Ali Kamous, Karim Ismail, Zouhir Naciri, FM Adnani Mokhlis, Ouakhir Mehdi, FM Chafik Idrissi, Youness Fareh, FM and IA Elamri Abdelhafid. They declare that Algerian International Arbiter Bendelal was not present and certainly did not arbitrate this competition. “The reason of this fraud, i.e. the deliberate addition on the report of IA Bendelal’s name as Chief Arbiter, was undoubtedly to allow an improper IA norm to the Arbiter Haou”.

Mail of May 30, 2006 signed by Abdelaziz Onkoud (Chief-Editor of “Maroc Echecs”, Mohamed Tissir (Administrator of “Maroc Echecs”), Tarik Rrhious (Webmaster of “Maroc Echecs”): “Ismael Karim, vice editor of ‘Maroc Echecs’ has communicated to us the following information which we would like to pass on to your esteemed commission: IA Hicham Fourane, who is presently in Torino, begged Karim to tell the commission that he (Karim) did not sign the complain previously mailed to FIDE by contact@maroe-echecs.com. Hassan Semlali, FRME vice president who is accompanying the Moroccan delegation in Torino, has insisted in meeting Karim early on the morning of May 3, just before Karim goes to the Commission. ... Some of us were suspended and forbidden from participating to the Torino Olympiad”.

FACTS

After having verified all documents and declarations, the EC is convinced that the facts of the case are as follows:

In 2001 Mr. Mustapha Amazzal, President of the FRME, authenticated an International Arbiter Norm Report Form of National Individual Men Championship taking place from 17th to 26th July 2001 in Casablanca, Morocco, in favour of Mr. Mostapha Haou though the facts were not confirmed and the form not signed by an International Arbiter.

In an International Arbiter Norm Report Form without date is confirmed that Mr. Mostapha Haou was of the required standard for an International Arbiter in the National Individual Men Championship in Casablanca. There are no dates of beginning or ending of the tournament that took place from 17th to 23rd July 2002. The report is signed by Mr. Djelloul Bendelal named as Chief Arbiter though he was not present.

In the International Arbiter Norm Report Form of May 10, 2003 is confirmed that Mr. Rachid Mouchsine was “deputy chief arbiter” in the Sharjah Open 2003 from 1st to 10th May 2003 in Sharjah, UAE, and has proved good knowledge of the FIDE Laws of chess in all of his decisions and good understanding of pairing rules. The report is signed by Mr. Sultan Al Tahir

named as Chief arbiter and M^r. Khalid Zayed als General Secretary of UAE Chess Federation. Mr. Rachid Mouchsine was not present at this tournament.

In the International Arbiter Norm Report Form of may 10, 2003 is confirmed that Mr. Zoheir Slami was “deputy chief arbiter” in the Sharjah Open 2003 form 1st to 10th may 2003 in Sharjah, UAE, and has proved good knowledge of the FIDE Laws of chess in all of his decisions and good understanding of pairing rules. The report is also signed by Mr. Sultan Al Tahir named as Chief arbiter and Mr. Khalid Zayed als General Secretary of UAE Chess Federation.

The application for the award of the title of FIDE International Arbiter of July 21, 2003 in favour of Mr. Mostapha Haou included the National Individual Men Championship in Casablanca 2002 and was sent by FRME to FIDE. The title was awarded in 2003.

In the International Arbiter Norm Report Form of July 30, 2003 is confirmed that Mr. Youssef Boukedir was of the required standard for an International Arbiter in the National Team Championship from 3rd to 6th July 2003 in Mohammadia (Morocco). The form was signed by Mr. Fourane Hicham named as Chief Arbiter. The authentication of the report was signed by Mr. Mustapha Amazzal, President of the FRME. Mr. Youssef Boukedir was not present.

In the International Arbiter Norm Report Form of July 27, 2004 was confirmed that Mr. Youssef Boukedir was of the required standard for an International Arbiter in the Men’s Individual Men Championship from 15th to 22nd July 2004 in Mohammadia (Morocco). Named as Chief Arbiter was Mr. Mostapha Haou, without signing the report. The authentication of the report was signed by Mr. Mustapha Amazzal, President of the FRME. Mr. Youssef Boukedir was present as President of the technical commission of FMRE and was not acting as arbiter.

In the International Arbiter Norm Report Form of July 29, 2004 the Chief Arbiter Mr. Mostapha Haou confirmed that Mr. Zoheir Slami was of the required standard for an International Arbiter in Men’s Individual National Championship in Mohammadia from 15th to 22nd July 2004, though Mr. Zoheir Slami was not present. The authentication is signed by Mr. Mustapha Amazzal, President of the FRME.

The application for the award of the title of International Arbiter of August 27, 2004 in favour of Mr. Rachid Mouchsine, including the Sharjah Open 2003 is signed by Mr. Mustapha Amazzal, President of the FRME, and was submitted to FIDE. Mr. Rachid Mouchsine achieved the title of International Arbiter in 2005.

The application for the award of the title of FIDE International Arbiter of August 27, 2004 in favour of Mr. Youssef Boukedir including National Team Championship from 3rd to 6th July 2003 in Mohamadia, the National Individual Men Championship (Final) from 15th to 22nd July

2004 in Mohammadia and 1^{er} Prix de S.M. Roi Mohammad VI des Echecs from 24th august to 1st September 2004(!) was signed by Mr. Mustapha Amazzal, President of the FRME, and sent to FIDE. The title was awarded to Mr. Youssef Boukedir in 2005.

The application for the award of the title of International Arbiter of August 28, 2004 in favour of Mr. Zoheir Slami, including Sharjah Open 2003 from 1st to 10th May 2003 in Sharjah, UAE, and Men's Individual National Championship in Mohammadia, Morocco, from 15th to 22nd July 2004, is signed by Mr. Mustapha Amazzal, President of the FRME, and sent to FIDE. Mr. Zoheir Slami achieved the title of International Arbiter in February 2005.

At an unknown point of time, perhaps in 2002, Mr. Djelloul Bendelal signed several blank forms for International Arbiter Norm Reports, at least 9, and ceded the documents to FRME for application by the FRME at any time. Mr. Mustapha Amazzal, President of the FRME, knew the existence of the blank report forms.

During the years 2001-2006 the Moroccan Chess Federation and in particular his President, Mr. Mustapha Amazzal, carried out a practice of submission to the competent FIDE organs of falsified or fake International Arbiter title norm reports, in order to obtain International Arbiter titles for some Moroccan Arbiters.

Mr. Mustapha Amazzal, President of the FRME, authorised, aided and abetted this illegal practice and in any case failed to appropriately examine the International Arbiter title norm reports and applications.

There is no clear evidence that Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine submitted, or aided and abetted to submit to the competent FIDE organs an International Arbiter title application based on falsified or fake International Arbiter title norm reports.

REASONS FOR THE JUDGEMENT

The procedure was caused according with the Procedural Rules of the EC. The charged persons were informed about the charges and had the possibility of a hearing.

Procedural rules have not been violated. There is no "new enquiry" but the continuation of the procedure started in 2006. The Procedural Rules of the Ethics Commission are fixing and specifying the former unwritten rules, adding more guarantees and rights in favour of people charged of a violation of the FIDE Code of Ethics, and in any case the prohibition of retroactive laws is valid just for materiel law, not for formal law.

Considering and balancing all the documents and evidence the EC is convinced that the statements of arbiters and players against the FRME and his President Mr. Mustapha Amazzal are credible, thus particularly:

- considering the statements of arbiters confirming their absence in some given tournaments, or – in the case of Mr. Youssef Boukedir – his presence not as an arbiter;

- considering the statements of players who had the survey over present or absent arbiters regarding the number of players in the national championships (Casablanca 2002: 32, Sharja 2003: 44, Agadir 2003: 20, Mohammadia 2003: 36, Mohammadia 2004: 12).

- considering that the assertions of FMRE missing concrete statements about the presence of arbiters, naming of witnesses, submitting “moral reports” and initializing investigations: FRME made no concrete assertions concerning the majority of the facts stated and about the alleged absence of arbiters Haou, Mouhsine, Slami and Boukdeir. The FRME named no witnesses nor other proofs, but just indicated that there were no proofs or that it trusted upon the confirmations and signatures. The Federation did not submit the annual “moral reports” showing the participants (including arbiters) of tournaments (see letter of Mr. Abdelhafid El Amri). In the case of the National Individual Men Championship in Casablanca 2002 FRME made assertions about another tournament in which Mr. Djelloul Bendelal participated as arbiter. In the case of Men’s Individual National Championship in Mohammadia from 15th to 22nd July 2004 FRME admits that Mr. Zoheir Slami was present as officer but not as arbiter. The FRME did not report about internal investigations about the above mentioned cases.

- considering that there were many other violations and breaches of regulations: authentication of a norm though it was not confirmed by an International Arbiter; application for the award of the title of FIDE International Arbiter in favour of Mr. Youssef Boukedir signed on August 28, 2004 though the last tournament (i.e. 1^{er} Prix de S.M. Roi Mohammad VI des Echecs) was not yet finished, and so on, showing an incorrect attitude of the FRME with regard to FIDE rules.

Further the Commission is convinced that Mr. Djelloul Bendelal signed blank report norms and ceded them to FRME for application by the FRME at any time.

The Commission considers that Mr. Djelloul Bendelal and Mr. Mustapha Amazzal made contradicting statements: Mr. Mustapha Amazzal confirmed that blank forms existed and were used. He even sent a specimen to the Commission.

A comparison of all blank forms and the norm report of National Individual Men Championship Casablanca 2002 shows conformity with regard to the stamps even in dirt at the edge

of letters and with regards to the signatures. There are several different documents, not several copies of one document.

This results in two hypotheses:

Hypothesis (1): Mr. Djelloul Bendelal was Chief Arbiter in the tournament from 17th to 23rd July 2002 in Casablanca; then he is the creator of all blank documents.

Hypothesis (2): Stamps and signatures are fake and Mr. Djelloul Bendelal is not the creator; then he was not Chief Arbiter in the tournament from 17th to 23rd July 2002 in Casablanca.

In both cases one of Mr. Djelloul Bendelal's affirmations is not correct. The Commission is convinced that Mr. Djelloul Bendelal has signed the blank forms and that at least one of these blank forms was used for the tournament in Casablanca.

On the opposite, there is no clear and sufficient evidence that Mr. Djelloul Bendelal was directly involved in preparing and signing fake International Arbiter title norm reports, concerning some Moroccan Arbiters. Therefore on this part the charge against him has to be dismissed.

There is no clear and sufficient evidence that Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine submitted, or aided and abetted to submit to the competent FIDE organs an International Arbiter title application based on falsified or fake International Arbiter title norm reports. The FRME, without any request by the candidates, seemed to submit by its own the requests of IA title applications, even if Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine were the beneficiaries of this practice. Therefore this charge against them has to be dismissed.

Mr. Mustapha Amazzal and Mr. Djelloul Bendelal violated the Regulations for Title of Arbiters and thus the Rules of FIDE Code of Ethics.

It may be useful to remember that FIDE regulations for title of arbiters are:

Article 3 Requirements for the title of International Arbiter:

3.6 Experience as chief or deputy arbiter in at least four FIDE rated events such as the following:

- a) The final of the National Individual Adult Championship (not more than two).
- b) All official FIDE tournaments and matches.
- c) International title tournaments and matches
- d) International chess festivals with at least 100 contestants.

5.3 Applications must be submitted to the FIDE Secretariat by the federation of the applicant. The national federation is responsible for the fee.

Mr. Mustapha Amazzal, as President of Moroccan federation, is responsible for the applications submitted to the FIDE.

Mr. Mustapha Amazzal violated article 2.2.1 of FIDE Code of Ethics committing fraud in the administration of his national federation office thus affecting other federations.

Through his behaviour Mr. Mustapha Amazzal no longer inspire the necessary confidence, and thus violated article 2.2.2 of FIDE Code of Ethics.

Mr. Mustapha Amazzal violated article 2.2.3 and 2.2.10 of FIDE Code of Ethics because he failed to perform his function in a impartial and responsible manner, thus causing that FIDE and the Moroccan Federation appeared in an unjustifiable unfavourable light and in this way damaging their reputation.

Mr. Djelloul Bendelal as International Arbiter violated article 2.2.2, 2.2.3 and 2.2.10 of FIDE Code of Ethics because, by signing blank report forms, one of them used by FRME, his behavior no longer inspire the necessary confidence. He failed to perform his functions in a impartial and responsible manner, damaging the reputation of FIDE and his national chess Federation.

SANCTIONS

The EC considers the following legal consequences as reasonable, adequate and proportioned with the seriousness of the breaches.

Mr. Mustapha Amazzal

It has to be considered in favour of Mr. Mustapha Amazzal that the arbiters Haou, Mouhsine, Slami and Boukdeir achieved also some correct norms of IA and that the EC has stated just one application of a blank report form. On the other side Mr. Mustapha Amazzalis, as FRME President, was even responsible for disciplinary measures against persons disclosing illegal practices.

The responsibility of Mr. Mustapha Amazzalis, as FRME President, may even imply a responsibility of the FRME.

In accordance with art. 3.1 and 3.4 of FIDE Code of Ethics, "FIDE federations, officials and affiliated organizations acting in contravention to this code can be temporarily excluded from membership or office, and "Tournament organizers who act in contravention of the code, can be refused the right to organize FIDE events for a period of up to 3 years".

Imposition of punishments is under the rule of reasonableness. This includes the possibility to impose more tender punishments, or to suspend them. Thus the EC considers as reasonable to exclude a Federation from a part of the authority based on membership instead of excluding the Federation from membership.

The EC considers that it is not necessary to exclude FRME from membership, but it is adequate and proportioned to exclude FRME to be represented in FIDE events (e.g. in FIDE Congresses and FIDE events) by his President Mr. Mustapha Amazzal, for a period of three years beginning from 1st October 2007.

According to article 3.4 Mr. Mustapha Amazzal and the FRME are refused the right to organise FIDE events for a period of two years, beginning from 1st October 2007. FIDE events includes FIDE Championships and Congresses, not FIDE rated tournaments, which to organise is permitted.

The EC considers necessary to verify all IA title applications submitted by the FRME from 2001 to 2006, during the presidency of Mr. Mustapha Amazzal. If not all conditions are fulfilled the competent FIDE Commissions may have to restudy the revocation of the award.

Mr. Djelloul Bendelal

According to article 3.3 of FIDE Code of Ethics “tournament arbiters who fail to act in accordance with the codes can lose their authorization or refused the right to supervise FIDE tournaments for a period of up to 3 years”.

It has to be considered in favour of Mr. Djelloul Bendelal, that the EC has stated just one application of a blank report form.

Therefore, the EC considers that it is sufficient, adequate and proportioned to exclude Mr. Djelloul Bendelal for one year, beginning from 1st October 2007, from the right to supervise FIDE tournaments and from the authority to sign International Arbiters order, FIDE Arbiters Norm Report Forms and to sign and to submit Applications for the award of the title of International Arbiter or FIDE Arbiter.

ON THESE GROUNDS

the EC rules that:

- the EC is competent to judge on the facts reported by the Arbiter’s Council;
- the charge against Mr. Youssef Boukedir, Mr. Mostapha Haou and Mr. Rachid Mouchsine, “to have prepared and signed fake International Arbiter title norm reports, concerning some Moroccan Arbiters”, thus violating par. 2.2.3, 2.2.4, 2.2.10, 2.2.11 of the FIDE Code of Ethics, has to be dismissed;

- the charge against Mr. Djelloul Bendelal, “to have prepared and signed fake International Arbiter title norm reports, concerning some Moroccan Arbiters (among them Mr. Mostapha Haou and Mr. Zoheir Slami)”, thus violating par. 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics, has to be dismissed;
- Mr. Mustapha Amazzal, President of the Moroccan Chess Federation, with his conduct before reported, violated par. 2.2.1, 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics;
- the Moroccan Chess Federation and Mr. Mustapha Amazzal are sanctioned with the exclusion for the Moroccan Chess Federation to be represented in FIDE events (e.g. in FIDE Congresses and FIDE events) by his President Mr. Mustapha Amazzal, for a period of three years beginning from 1st October 2007;
- Mr. Mustapha Amazzal and the Moroccan Chess Federation are refused the right to organise FIDE events for a period of two years, beginning from 1st October 2007;
- The EC considers necessary to verify all IA title applications submitted by the Moroccan Chess Federation from 2001 to 2006, during the presidency of Mr. Mustapha Amazzal, demanding to the FIDE Secretariat to send copy of this judgement to the competent FIDE Organs;
- Mr. Djelloul Bendelal, having prepared some International Arbiter title norm reports in blank, which were used by the Moroccan Chess Federation to submit International Arbiter title applications to the competent FIDE organs, violated par. 2.2.2, 2.2.3, 2.2.10 of the FIDE Code of Ethics;
- Mr. Djelloul Bendelal is sanctioned with the exclusion, for one year, beginning from 1st October 2007, from the right to supervise FIDE tournaments and from the authority to sign International Arbiters order, FIDE Arbiters Norm Report Forms and to sign and to submit Applications for the award of the title of International Arbiter or FIDE Arbiter.

Done in Athens, 29 July 2007.

The Chairman of the FIDE Ethics Commission
Roberto Rivello

