

Annex n. 55



FIDE ETHICS COMMISSION

REPORT TO THE EXECUTIVE BOARD

The Ethics Commission (hereafter called EC) held a meeting in Milano from 30th September to 1st October 2011, dealing with the following items:

1) The role of the Ethics Commission - Proposals for a reform of the FIDE Statute

In the report submitted to the last General Assembly, in Khanty Masiysk, the EC had focused its attention on the increased number of complaints addressed to the Court of Arbitration for Sport, concerning assumed violations of the FIDE/ECU Statutes, and on the frequent debates on the interpretation of FIDE Statute, especially during FIDE elections.

The main reason was identified in the absence of an internal jurisdiction (or at least of a compliance commission) with a full competence to decide on the interpretation of the FIDE Statute before the involvement of an Arbitral Tribunal.

Our Commission has registered also an increment in the number of complaints and reports submitted to the EC and also of their complexity.

Bearing in mind EC Jurisprudence, very frequently the proceedings concern facts already evaluated by organs of national chess Federations or by other national disciplinary or judicial Authorities: without clear rules this sometime create uncertainty on the relationships between EC competence and the competences of national organs and about the value of evidence assumed during national proceedings.

Numerous other problems concern evidence: we have to remember that, according to the present FIDE Statute, the EC cumulates both the power to investigate and the power to judge on the breaches of the Code of Ethics: it needs time and resources. In many other systems of sports justice these competences

are separated.

Therefore we have to confirm our past conclusions, insisting on the necessity:

- to modify the FIDE Statute:
- to introduce a new and better structured system of sports justice;
- to attribute to a FIDE judicial organ a full competence to settle the disputes on the interpretation of the Statute;
- to attribute to a FIDE organ the competence to give advisory opinions.

We well know that each national and international sport federation has adopted a peculiar system of sports justice, sometimes having as a model criminal courts (with a Prosecutor and/or an investigation body, apt to receive and filter the cases), in other cases civil tribunals.

Given the specificities of FIDE, in our opinion a possible reform of the FIDE Statute could preview:

- the necessity for all FIDE members –national chess Federations- to introduce a system of national sports justice, respecting some minimal common procedural rules;
- the attribution to the EC (the name of the Commission could be even modified) of an appeal competence respect the national judgments, and of an exclusive competence on the disputes concerning different Federations or FIDE organs;
- a reform of the Code of Ethics;
- the attribution to the EC of the competence to settle disputes concerning the interpretation of the FIDE Statute;
- the attribution to the FIDE Constitutional Committee of the competence to give advisory opinions on the interpretation of the FIDE Statute and to submit to the EC reports concerning violations of FIDE Statute;
- a different procedure for the FIDE electoral process, establishing rules for the nomination of the scrutineers, the chairman could be nominated by the EC.

2) New technologies and cheating in chess: general discussion, proposals for a reform of the FIDE Statute

An increasing number of complaints in front of the EC concern cheating with electronic devices and also fake, false or unjustified accusations of cheating. It's a relevant problem.

In our opinion a possible reform of the FIDE Code of Ethics could preview:

- a specific definition of cheating with electronic devices;

- a minimum sanction for behaviours of cheating with electronic devices proved beyond reasonable doubt (for instance 3 years of suspension);
- a definition of fake or false or unjustified accusation of cheating, with a minimum sanction for these behaviours (for instance 1 year of suspension);
- the definition of unjustified accusation would have to include not keeping a standard defined procedure (complaint to the arbiter, respecting a given procedure, to the appeal committee ...and so on);
- to introduce, among possible sanctions, revocations of titles, sports results and prizes.

3) **Procedural and final decisions**

During the meeting the EC deliberated **on the following cases:**

Case 1/10: "Chilean Chess Federation", (complaint-report submitted by Chilean Chess Federation against Mr. Rodrigo Antilef Giacaman), the EC rules that:

- Mr. Rodrigo Antilef Giacaman violated par. 2.2.3 and 2.2.5 of the FIDE Code of Ethics and, confirming the decision of the national Federation, has to be sanctioned with the exclusion from the participation to all FIDE tournaments and from the right to organize FIDE events, until the date of 10th of January 2013.

Case n. 2/2011: "French Team" (complaint - submitted by the French Chess Federation against Mr. Sébastien FELLER, Mr. Arnaud HAUCHARD and Mr. Cyril MARZOLO and report submitted by the FIDE Executive Director), the EC rules that:

- all submitted objections and preliminary requests have to be dismissed;
 - the use of the French language by Mr. Hauchard and Mr. Marzano in memorials and declarations is authorized;
- and:
- requests the FIDE Technical Commission and its members to produce expert opinion on the objective value of the analyses of Dr. K. W. Regan and Mr. L. Fressinet, and in general of this typology of analyses, authorizing the FIDE Technical Commission to appoint other experts to support them, if necessary;

- asks the FIDE Secretariat to contact the Chief Arbiter of the 2010 Chess Olympiad, to produce the list of match arbiters in the matches where Feller was a member of the French team;
- asks the FIDE Secretariat to inform Mr. Sébastien FELLER, Mr. Arnaud HAUCHARD and Mr. Cyril MARZOLO that an oral hearing will be scheduled and their presence is requested, at least by tele-web or video conference;
- authorizes all parties to produce new documents, especially concerning the pending criminal and civil cases, until the date of the oral hearing; after the hearing a final deadline will be fixed in due course, for the submissions of memorials and conclusions.

Case n. 3/11 Batmany tournament (complaint/report of the Russian Chess Federation against Mr. Vashurin Artur and Ms. Vashurina Aleksandra) the EC confirms that the case is receivable and, after examining the documents sent by the Russian Chess Federation, concludes that the deadline was not expired at the moment of the presentation -by the Russian Chess Federation- of a document that have to be considered as a request of an oral hearing, therefore postpones the decision after scheduling an oral hearing.

case 1/11 Turkish Chess Federation against Mr. Aroshidze, Ms. Khurtsidze and Mr. Safarli (complaint of the Turkish Chess Federation against Mr. Aroshidze, Ms. Khurtsidze and Mr. Safarli), the EC rules that the complaint against Mr. Safarli is receivable, procedural decision concerning Mr. Aroshidze, Ms. Khurtsidze (preliminary request of addition documents).

case 4/2011 Solozhenkin_Torredembarra tournament (complaint of Mr. Solozhenkin) Procedural decision (preliminary request of additional documents).

Milano, 1 October 2011

The Chairman of the FIDE Ethics Commission
Roberto Rivello