



FIDE ETHICS COMMISSION

REPORT TO FIDE EXECUTIVE BOARD

The Ethics Commission (EC) (Chairman: Mr Roberto Rivello, Members: Mr Ralph Alt, Ms Margaret Murphy; Mr Ion Serban Dobronauteanu and Mr Ian Wilkinson were absent, but in contact from distance) held meetings in Tallinn during the FIDE Congress: both in a public session, on 4 October 2013 - 15.00/17.00- (with the presence of various observers: Jan Berglund, Herman Hamers, Amarnath Inganti, Jan Krabbenbus, Gilton Mkumbwa, Jerry Nash, Gagouk Oganessian, Arthur Shuering, Ali Nihat Yazici, Samir Zerdali), and in non-public sessions (without observers), on 4 October 2013 (17.15 – 19.00, 20.30-22.00), 5 and 6 October 2013.

Opening the meeting, the Commission mourned the passing of Nouredine Tabbane, highly appreciated former member of the EC.

During the public session, all discussions were focused on general themes and most recurrent typologies of cases.

2012 FIDE STATUTES AND THE EC: A NEW SYSTEM TO BE IMPLEMENTED

FIDE statutes approved in Istanbul on 7 September 2012 introduced many important novelties on the competences and functioning of the EC, whose implications have still to be fully implemented and disseminated among FIDE members.

The most remarkable novelty concerns the introduction of a system of shared competences on the prosecution of all violations of FIDE Code of Ethics.

After the reform the competence of the EC on any alleged breaches of FIDE Code of Ethics has been confirmed, but when these breaches concern “the conduct of officials of member federations, associations, leagues and clubs as

well as players, players' agents and match agents”, the competence of the EC has been restricted and now can be exercised only if the case “is not judged at national level” or “if the competent organs of the national chess federations fail to prosecute such infringements or fail to prosecute them in compliance with the fundamental principles of law”. In addition “national chess federations may attribute to the EC an appeal competence over decisions of corresponding national organs when cases have international implications” (FIDE Statutes, Chapter 8 – Ethics Commission – article 1).

Therefore, all member federations are requested to introduce in their statutes organs and proceedings apt to prosecute breaches of the FIDE Code of Ethics at national level, in compliance with the fundamental principles of law. Unfortunately this still seems not the case for many federations.

Member federations now have also the possibility to attribute an appeal competence to the EC. It is another big novelty, extremely important for what concerns the value of national decisions concerning violations of FIDE Code of Ethics. All FIDE members had and have the duty to apply FIDE rules and prosecute any infringements of the FIDE Code of Ethics, otherwise in the past the effects of a national decision could not exceed the limits of the national level. With the new statutes, if a member federation attributes a full appeal competence to the EC, then national decisions not appealed in front of the EC or confirmed by the EC will be recognised as directly applicable by all FIDE organs and members. For example, the ban of a player judged responsible of cheating by the competent organs of a member federation, if not appealed or if confirmed by the EC, will directly extend its effects to all FIDE members.

In the last months some member federations addressed “appeals” to the EC: otherwise this does not seem sufficient for the attribution of a full general appeal competence to the EC. This attribution has to be introduced in -if necessary- or allowed by the national statutes of the member federation and then –and above all- has to be explicitly expressed in a declaration addressed to the FIDE Secretariat.

In 2012, in occasion of the EC report to the General Assembly, these radical changes in the EC competences were illustrated by the EC Chairman, who underlined that the national chess Federations “have to be strongly recommended to adopt an appeal competence in favour of the EC, in their own interest and for obtaining in this way a direct worldwide application of any decision of their competent organs of sport justice, if not appealed”.

Nevertheless, during the discussion in the public session in Tallinn, many

observers expressed the need to address additional information to all member federations about these important but very technical issue, given that they did not get the message till now.

INVESTIGATORY CHAMBER ON CHEATING ISSUES

Another important novelty introduced by the new Statutes is the possibility for the Presidential Board to create “an independent Investigatory Chamber of the Ethics Commission, composed by three members who shall not belong to the same Federation of the Ethics Commission members“, “charged to address motivated reports to the Ethics Commission on specific cases or typologies of cases” (FIDE Statutes, Chapter 8 – Ethics Commission – article 2.5).

New technologies and cheating in chess has becoming more and more an important problem, as well as unjustified and false accusations of cheating.

In 2011, in Krakow, the EC made some proposals about definitions and sanctions, in 2012 raised the attention on difficulties and peculiarities concerning evidence in this typology of cases.

Now a new valuable instrument has been introduced and could have application: therefore the institution of an investigatory chamber specifically competent on cheating with new technologies and accusations of cheating is highly suggested, with competence both on pending cases and on new possible cases.

REFORM THE FIDE CODE OF ETHICS

In accordance with the Report on restructuring and amending FIDE Handbook, if this proposal will be approved by the Executive Board, the EC will be competent to draft a reform of the FIDE Code of Ethics. The need of this reform was many times emphasised by the EC in the past years, therefore the EC may express its full support to this proposal and is ready to work to submit a proposal before next GA.

The list of breaches of ethics needs to be updated and re-written. A new system of sanctions has to be introduced, including revocations of titles and sports results. Complainants could be requested the payment of initial fees. Reimbursement of the expenses of the proceedings could be requested in some cases.

PROCEDURAL AND FINAL DECISIONS

During the meetings in non-public sessions, the EC deliberated in Tallinn on

the following cases:

Case n. 2/2011: “French Team” (probation period for Mr Cyril Marzolo), the EC rules that:

- Mr. Cyril Marzolo, who was sanctioned with the exclusion from the participation in all FIDE tournaments, as a player or as a member of a national delegation, for a period of 1 (one) year and 6 (six) months, with a suspension of the sanction for the last nine months, under probation, has positively concluded the period under which is behaviour was tested, in accordance with the report sent by the French Chess Federation. The probation period is concluded and the case is closed.

Case n. 3/11 Batmany tournament (complaint submitted by of the Russian Chess Federation against Mr Artur Vashurin and Ms Aleksandra Vashurina), the EC rules that:

- Mr Artur Vashurin and Ms Aleksandra Vashurina are responsible for the violation of par. 2.2.5 of the FIDE Code of Ethics;
- Mr Artur Vashurin has to be sanctioned with the exclusion from the participation in all FIDE tournaments, as a player, for a period of 1 year and 6 months, starting from the 7th of October 2013. For the same period he has to be refused the right to supervise FIDE tournaments as an arbiter and to organise FIDE events;
- Ms Aleksandra Vashurina has to be sanctioned with the exclusion from the participation in all FIDE tournaments, as a player, for a period of 1 year, starting from the 7th of October 2013;
- the Russian chess federation has to be requested to directly prosecute the Arbiter of the tournament, Mr. Anatoly Antonovich Papin, or to submit a report about his behaviour.

case 2/2012 “Rybka and ICGA” (complaint by Mr Vas Rajlich and Mr Chris Whittington against the International Computer Games Association - “ICGA”), the EC, following the reception of additional information, rules that:

- the case, concerning an assumed violation of par. 2.2.3 of the FIDE Code of Ethics has to be considered as receivable;
- the FIDE Secretariat will communicate the decision to the parties, informing them about the EC procedural rules.

Case n. 5/2012: “2009 Sarajevo tournament” (complaint submitted by Mr Dejan Antic, receivable in the part concerning Mr Bogut Velijko and Mr Halilovic Fahrudin):

- defendants have to be requested to submit memorials and conclusions – deadline 30 November 2013 -;
- Mr Ralph Alt is the delegated EC member in charge of the report on the case.

Case n. 10/2012: “Arbiters at the Chess Olympiad in Istanbul” (complaint submitted by the English Chess Federation against Mr Ali Nihat Yazici and a the Turkish Chess Federation), the EC rules that:

- Mr Ali Nihat Yazici is responsible for the violation of par. 2.2.3 of the FIDE Code of Ethics and has to be sanctioned with a warning.

Case n. 11/2012: “Sam Sloan against the Marshall Chess Club” (complaint by Mr Sam Sloan against the Marshall Chess Club), the EC, after having assumed additional information, rules that:

- the case has to be rejected as not receivable and has to be dismissed.

Case n. 13/2012: “Turkish young players in a European Youth Championship”, the EC rules that:

- the behaviour of the two Turkish young players has to be evaluated has unseemly and integrate the violation of par. 2.2.5 of the FIDE Code of Ethics; the two players have to be sanctioned with a warning.

Case n. 14/2012: “Ana Isabel Aguilar against the Internet Chess Club” (complaint by Ms Isabel Aguilar against the Internet Chess Club -ICC-), the EC rules that:

- the case has to be rejected as not receivable and has to be dismissed.

Case n. 15/2012: “Turkish Chess Federation against Mr. Daaim Shabazz” (complaint by the Turkish Chess Federation against Mr. Daaim Shabazz), the EC rules that:

- the case has to be rejected as not receivable and has to be dismissed.

Case n. 1/2013: “ITT Coihueco tournament (Chile) and other alleged irregularities” (report of the Chilean Chess Federation against 11 players and arbiters of the Chilean, Argentinian and Spanish chess federations;

complaint by Mr. Marco Zapata against the Chilean Chess Federation), the EC rules that:

- the case, concerning various assumed violations of the FIDE Code of Ethics, has to be considered as receivable;
- the FIDE Secretariat will communicate the decision to the parties, informing them about the EC procedural rules.

Case n. 2/2013: “German Chess Federation against Mr. Falko Bindrich” (report of the German Chess Federation against Mr. Falko Bindrich), the EC rules that:

- the case, as it has been submitted by the German Chess Federations, does not concern an assumed violation of the FIDE Code of Ethics, therefore has to be rejected as not receivable and has to be dismissed.

Case n. 6/2013: “Mr. Andrei Istratescu against Mr. Jens Kotainy, Mr. Falko Bindrich and Mr. Leon Mons; German Chess Federation against Mr. Kotainy” (complaint of Mr. Andrei Istratescu against Mr. Jens Kotainy, Mr. Falko Bindrich and Mr. Leon Mons report of the German Chess Federation against Mr. Falko Bindrich), the EC rules that:

- the case against Mr. Leon Mons has to be rejected as not receivable and has to be dismissed;
- the case against Mr. Falko Bindrich has to be considered as receivable, but has to be rejected, given that there is no evidence of a violation of par. 2.2.5 of the FIDE Code of Ethics;
- the cases against Mr. Jens Kotainy, for an assumed violation of par. 2.2.5 of the FIDE Code of Ethics, have to be considered as receivable; the FIDE Secretariat will communicate the decision to the parties, informing them about the EC procedural rules.

Tallinn, 6 October 2013

The Chairman of the FIDE Ethics Commission
Roberto Rivello