

To all Members of the Tromsø Olympiad
Organizing Committee

To the President of the Norwegian Chess
Federation

By email

Lausanne, July 18, 2014

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Tromsø Olympiad

Dear Members of the Tromsø Olympiad Organizing Committee,

Dear President of the Norwegian Chess Federation,

I act on behalf of FIDE in the abovementioned matter.

Some issues must be resolved as a matter of extreme urgency.

Enforcement of the decision of the FIDE President concerning late registration of some teams

On behalf of my client, I invite you to enforce the decision made by the FIDE President on 17 July 2014 (attached) until Monday 21 July 2014, by 11am at the latest.

As a consequence, in your capacity of organizers of the 2014 Chess Olympiad, you have the duty to take immediately all the necessary steps in order to allow the mentioned chess national teams to register in the competition, to secure accommodation and to provide them any necessary assistance to obtain entry visas.

I also invite you to immediately withdraw the letter you sent to FIDE Executive Director Nigel Freeman, dated July 16, 2014, which you posted on the website of the Chess Olympiad Tromsø 2014.

For all purposes, I note that the legal reasoning on which you pretend to base your decision is wrong.

First, “The Chess Olympiad is the principal team contest organized by FIDE” (art. 1.1 of the Regulations for the Chess Olympiad, RCO) and the “Organizing body [is] FIDE, represented by the FIDE President” (art. 1.1.4 RCO).

As a consequence of this, art. 6.1 ROC provides that “FIDE President represents the interests of FIDE and is empowered to take the final decision on all questions relating to the Olympiad as a whole”.

In other words, the Chess Olympiad is an event owned and organized by FIDE and not by the Organising Committee (OC). It is the sole competence of FIDE President to assess whether a deadline laid down by FIDE Regulations for the Chess Olympiad has or has not been respected and above all what should be the consequence of a deadline being not respected.

Moreover, art. 3.7.2 provides that “Late notification of team particulars shall be accepted up to 20 hours before the start of Round 1 (PB '98), but subject to a late submission fee of 100 euros per name”. Therefore, the consequence, if any, of not respecting the deadline laid down by art. 3.7.1 can only be a financial one.

By contrast, art. 3.6.1, last sentence says that “The Administrator is not allowed to let federations, which did not fulfil this demand [within the 4-month deadline], participate in the Olympiad (PB '98)”. This competence belongs to the Organiser, i.e. FIDE, represented by President only (art. 6.1 RCO in relation with art. 1.1 and 1.1.4 RCO).

Similarly, it is not in your hands to fix criteria in this respect and “to [accept] certain late registration” and not others (first page of your decision of 16 July 2014) but the competence of FIDE.

Secondly, in your letter of 16 July 2014, you maintain that the power of the FIDE President would be limited to solve the “disputes developing in the last weeks up to the Olympiad”. This is contrary to the letter of art. 6.1 ROC which confer a decision power “on all questions” and not only on possible disputes. Moreover, it is precisely your wrong interpretation of the relevant provisions of the RCO that gives rise to a dispute between the OC and many member federations, the resolution of which cannot wait.

Third, the reasons for which some member federations were not able to respect the deadline are well known and constitute objective and justified grounds. Concerning the Russian Chess Federation for example, there was an uncertainty about Ms Lagno’s transfer. With respect to the Afghan, Pakistan and Gabonese Chess Federation, a decision of the Electoral Commission (ELE) was necessary and could only be made last Monday the 14th July 2014 in accordance with Art. 5(A)3 of the Electoral Regulations.

Fourth, the refusal of certain national teams is all the more arbitrary and unjustified since there was a risk that the Chess Olympiad could finally not take place in Tromso for lack of financial means. The OC confirmed the 5 June 2014 only, i.e. after the deadline provided by Art. 3.7.1, that additional funds would finally allow the holding of the Chess Olympiad in Tromso. This is an additional reason why the teams concerned must be allowed to participate in the Olympiad.

The financial argument presented in the OC’s decision of 16 July 2014 (top of last page) has no value at all: the OC knew and should assume from the beginning that the teams concerned would or at least could participate in the Olympiad.

List of delegates established according Art. 5(A) 3

FIDE Secretariat has sent you the final list of delegates established by the ELE on Monday the 14 July 2014. However, you have failed to take immediate action and give links for registration to those federations (e.g. Afghanistan and Gabon) which could not register until the ELE decision. On the contrary, the OC has apparently sent a link for registration to delegates who were not listed by the ELE and who happened to be individuals supporting the candidacy of Garry Kasparov in the presidential election.

As you know, delegates must be registered in the system in order to receive invitation letters and ultimately to qualify for getting a visa.

FIDE Secretariat provided you with the mails of the delegates from the Afghan and the Gabonese Federation. I invite you to confirm to the FIDE Secretariat that the link for registration will be sent to all delegates appearing on the list established by the Electoral Commission on the 14th July 2014 within the abovementioned deadline ending Monday 21 July 2014, by 11am.

In view of the above, the attempt to prevent certain teams to participate in the Chess Olympiad and the entitled delegates to take part in the Congress appears as motivated only by political reasons and to gain an unfair advantage in the presidential election. This is of course inadmissible.

These inadmissible and unprecedented actions reveal that the way two members of the Organising Committee perform their duties is incompatible with requirements of impartiality and independence and must resign from the OC. Indeed, Ignatius Leong is on Gary Kasparov's presidential ticket and is simultaneously Tournament Director and Morten Sand is at the same time Deputy Tournament Director and member of Garry Kasparov's election campaign. FIDE believes that the recent decision and behavior of the OC are so grossly against FIDE regulations, FIDE past practice and FIDE spirit, that they reveal a complete bias and a concrete conflict of interests.

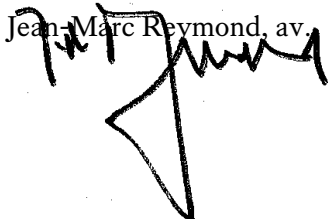
Within the same abovementioned deadline, FIDE therefore requests confirmation that these two members of the OC resigned and be replaced to give a chance to a fair Chess Olympiad and unbiased electoral process.

In case the OC would unfortunately not (i) reverse its decision of 16 July 2014, (ii) allow legitimate delegates to attend the FIDE Congress, (iii) exclude biased members and (iv) fully comply with the letter and the spirit of FIDE regulations, FIDE will (i) request urgent measures before the CAS and (ii) sue individually the members of the OC and/or signatories of the decision of 16 July 2014 for the financial damages caused by their infringements of FIDE regulations, in particular (but not only) if the Chess Olympiad in Tromsø must be cancelled and be held in another country.

Copy of this letter is sent to His Royal Highnesses the Crown Prince in his capacity of Patron of the Chess Olympiad Tromsø 2014, for his information.

Yours sincerely,

Jean-Marc Reymond, av.



Encl.