



FIDE ETHICS COMMISSION

The Ethics Commission (hereafter called the ETH), sitting in the following composition -

Chairman: Mr. Francois Strydom
Members: Mr. Ion Serban Dobronauteanu
Mr. Rajesh Hari Joshi
Mr. Pedro Dominguez

during the meeting held in Zurich, Switzerland on 23 and 24 June 2018, and subsequent e-mail deliberations, made the following -

DECISION

ETHICS CASE n. 2/2018 – Alleged misconduct by the FIDE President following his inclusion in the OFAC Sanctions list

1. The ETH **notes** the contents of the report of complaint (“the complaint”) received on 18 May 2018 from Deputy-President Mr. Georgios Makropoulos, as authorised by the FIDE Presidential Board (“the Complainant”), against the FIDE President Mr. Kirsan Ilyumzhinov (“the Respondent”) on the basis of art. 2.2.3, 2.2.10 and 2.2.11 of the FIDE Code of Ethics.
2. The ETH **notes** its ruling of 11 June 2018, issued by the Chairman of the ETH, that the proceedings concerning this matter and the contents of the case file are declared to be **strictly confidential**.

3. The ETH **notes** the contents of the Respondent's answering statement of 15 June 2018, the Complainant's replying statement of 19 June 2018 and the Respondent's replying statement of 22 June 2018.
4. The ETH **notes** the oral proceedings which took place at Zurich on 23 June 2018 during which the ETH was addressed by counsel acting for the Complainant and the Respondent respectively.
5. The ETH **notes** the recusal of its member Mr. Willy Iclicki and its secretary Dr Elli Sperdokli from any participation in the discussion or decision of this matter on the basis of a conflict of interest.
6. The ETH **confirms** that a quorum is established by the presence and participation of the remaining four (4) of its voting members.
7. The ETH **rules** that the complaint is **admissible** on the basis that:
 - 7.1 The true complainant is the FIDE Presidential Board, an organ of FIDE with *locus standi* to submit a report to the ETH in representing the general interest of FIDE. Mr. Makropoulos, duly authorised, acted as nominal complainant on behalf of the Presidential Board;
 - 7.2 The ETH has jurisdiction over the Respondent as FIDE official and the Respondent is subject to the FIDE Code of Ethics;
 - 7.3 The report discloses a *prima facie* case of misconduct requiring the Respondent to be put on his defence;
 - 7.4 The proceedings are not politically inspired and do not constitute an abuse of process.
8. The ETH **notes** that the Respondent was included in the OFAC Sanctions list on 25 November 2015 and remains on the list till today.
9. The ETH **finds** that on numerous occasions during the period March 2017 until April 2018, and whilst on the OFAC sanctions list, Mr. Ilyumzhinov acted in a manner incompatible with his duty to put the interests of FIDE above his own personal interests and in defiance of valid decisions of the FIDE Presidential Board by *inter alia* seeking to exercise powers which had been delegated to the FIDE Deputy-President, seeking to discredit members of the FIDE Presidential Board, making untrue or provocative public statements and refusing to resign following the closure of FIDE's bank accounts, and in so doing created confusion and instability within

- FIDE and further inflicted serious reputational, operational and financial harm upon FIDE and brought FIDE and the game of chess into disrepute.
10. The ETH **records** that the details of the ETH's findings appear from the confidential **Motivation** (78 pages) which is released to the Complainant and the Respondent simultaneous herewith.
 11. Upon due consideration of all the statements filed and arguments advanced:
 - 11.1 The ETH **unanimously decides** that Mr Ilyumzhinov is **guilty** of the violation of art. 2.2.3, 2.2.10 and 2.2.11 of the FIDE Code of Ethics.
 - 11.2 The ETH **holds** (all members agreeing) that Mr Ilyumzhinov must receive recognition, as a strong mitigating circumstance, of the outstanding service to FIDE and the chess community over a period of 22 years, as well as his decision to put FIDE first by his decision not to partake in the 2018 FIDE Presidential elections given the fact that his name still remains on the OFAC Sanctions list.
 - 11.3 The ETH **decides by majority vote** that, in the circumstances, Mr Ilyumzhinov is **sanctioned** with a temporary exclusion from holding any of the positions listed in Chapter 3.1(a) - (l) of the FIDE Statutes for a period of 18 months from date hereof, of which a period of 12 months are suspended for a period of 2 years ("the period of suspension") on condition that Mr Ilyumzhinov does not make himself guilty during the period of suspension of any conduct which causes harm to the interests and reputation of FIDE as organisation, its organs, officials, organisers, sponsors and events.
 - 11.4 For the sake of clarity, the ETH **notes** that the immediately effective suspension is one of 6 months, commencing on 13 July 2018 and ending on 12 January 2019.
 12. The ETH **requests** the FIDE Secretariat to communicate this decision to Mr. Kirsan Ilyumzhinov, Mr. Georgios Makropoulos and other members of the FIDE Presidential Board, and to publish it on the FIDE website.

DATED ON THIS THE 12th DAY OF JULY 2018

F P Strydom

CHAIRMAN
FIDE ETHICS COMMISSION