



FIDE ETHICS & DISCIPLINARY COMMISSION

The First Instance Chamber of the Ethics & Disciplinary Commission (hereafter called “the EDC Chamber”), sitting in the following composition

Chairperson: Mr. David Hater

Members: Ms. Olga Baskakova
Mr. Alan Borda

during an exchange of correspondence and online meetings, made the following -

DECISION

Case no. 6/2024: “Alleged cheating at the Spanish Team Championship”.

INTRODUCTION

1. The EDC Chamber **notes** its establishment by the EDC Chairwoman on 28 December 2024.
2. The EDC Chamber **notes** that on 26 December 2024, the FIDE Ethics and Disciplinary Commission (EDC) received a report from the FIDE Fair Play Commission (FPL). The report was titled “**Report of the FPL-Investigatory Panel in the Kirill Shevchenko case (Cheating Allegation).**” The respondent is GM Kirill Shevchenko FIDE ID 14129574. The complainant is the FIDE Fair Play Commission. In the report, it is alleged the respondent cheated at the Spanish Team Championship on or about 13 October 2024.
3. GM Shevchenko is alleged to have violated art. 11.7(e) – Cheating of the Ethics and Disciplinary Code.
4. The EDC Chamber **notes** that on 9 January 2025, the Respondent was given the opportunity to respond to the allegations in the report with a deadline of 24 January 2025. On 17 January 2025, GM Shevchenko’s counsel Mr. Sabin Gherdan requested a seven day extension of the deadline to respond. The deadline was extended to 1 February 2025. Mr. Gerdan submitted the response on behalf of GM Shevchenko on 3 February 2025.



5. The EDC Chamber **notes** the contents of the following documents and correspondence received as part of the case file: the report by FPL mentioned above (including 8 annexes) and the response received from GM Shevchenko.

FACTUAL DETAILS OF THE CASE

- 6.1 The Spanish Team Championship was held in Melilla, Spain from 12 to 18 October 2024.
- 6.2 On 13 October 2024, a phone was found in one of the toilets. The phone was accompanied by a hand written note saying “Do not touch! The phone is left for a guest to answer at night.” The arbiters then discovered that one of the cleaning ladies had found another phone in the bathroom the day before. When the phone was initially found, ownership of the phone could not be determined. The chief arbiter ordered the bathroom locked to see if someone would return trying to use the phone. GM Shevchenko was observed trying to access the locked bathroom unsuccessfully, but then not using a bathroom that was not locked. Following this observation and also based on complaints from GM Bassem Amin and GM Vallejo Pons (both of whom made statements to FPL), the arbiters initiated an investigation into suspected fair play violations. Both of GM Shevchenko’s first two round opponents (Amin and Pons) complained that Shevchenko frequently got up to use the toilet. GM Kirill Shevchenko (FIDE ID: 14129574) was suspected of having placed and used these phones in the bathroom and was subsequently expelled from the tournament.
- 6.3 After a preliminary investigation, the Fair Play Commission requested on 17 October that GM Shevchenko be provisionally suspended during the investigation, which was granted by EDC on 18 October. The suspension was subsequently extended while the EDC proceedings were ongoing.
- 6.4 GM Shevchenko admitted to the singular act of cheating on multiple occasions - an 18 October 2024 email to the EDC chair, correspondence with FPL on 21 October 2024 and in subsequent communications including his formal response.
- 6.5 FPL recommended a sanction of a worldwide suspension of 3 years with 1 of the years suspended and revocation of the GM title.
- 6.6 In his response, GM Shevchenko (via counsel) requested a suspension of 12 months, and no revocation of title.



ALLEGATIONS OF THE FPL COMPLAINT

- 7.1 FPL received the complaint in October 2024. The complaint was that GM Shevchenko hid a phone in the toilet. They conducted an initial investigation and concluded that it was likely that GM Shenchenko did in fact hide a phone in the toilet at the Spanish Team Championship. The evidence was strong This was confirmed by GM Shevchenko’s admission.
- 7.2 The allegation is that GM Shevchenko used the phone to cheat during his games.

DEFENCES PROVIDED BY RESPONDENT

- 8.1 GM Shevchenko admits hiding the phone in the toilet and to using the phone to access lichess, but denies that he “effectively” cheated or that his actions influenced the game.
- 8.2 GM Shevchenko submits several mitigating circumstances and arguments: a) he fully cooperated with the investigation, b) he timely admitted wrongdoing, c) he has a clean disciplinary record, d) his youth (he was 22 years old at the time of the offense), e) his mental state was somewhat compromised as he was receiving death threats, f) he showed remorse on multiple occasions and g) the cheating was attempted cheating and was not actually consummated.

ADMISSIBILITY AND JURISDICTION

- 9.1 In order satisfy the admissibility criteria, the complaint must meet the minimum requirements laid down in article 5 in the EDC Code.
- 9.2 The FPL is a FIDE organ, representing the general interest of FIDE and therefore has the necessary standing to submit a report to EDC, (see article 5.2 d).
- 9.3 The Respondent must be a member of the FIDE Family (see article 5.1 b). The Respondent is an active player registered in the FIDE database and therefore a member of the FIDE Family (see article 4.2 k).
- 9.4 The alleged misconduct must have been committed during a course of no more than three years immediately preceding the date on which the complaint is received by FIDE (see article 5.1 e). This condition is fulfilled.



- 9.5 The FPL report contains allegations concerning actions committed in the international sphere: the allegations involve cheating in a significant FIDE competition with players from multiple federations. The EDC Chamber confirms that FIDE member federations have principal authority in respect of the governance of chess activities in their own countries. The EDC shall exercise jurisdiction over occurrences within the national sphere only in exceptional circumstances, namely in instances where the case has international implications and is not judged at national level, (FIDE Charter 26.9 and 4.7 (b) in the EDC Code).
- 9.6 The alleged misconduct has international implications as it revolves around dishonesty allegations connected to an international chess competition.
- 9.7 For all the reasons mentioned in 9.2 – 9.6 above, the jurisdiction of the EDC Chamber in the present matter and admissibility of the complaint against the Respondents are confirmed.

FINDINGS

- 10.1 The EDC Chamber finds that GM Shevchenko did in fact hide a phone in the toilet at the Spanish Team Tournament. The EDC Chamber further finds that GM Shevchenko attempted to cheat, but we are unable to conclude with comfortable satisfaction that the act of cheating was actually consummated. The attempted cheating (which is beyond dispute) is enough to conclude that GM Shevchenko is guilty of violating Article 11.7 € of the Code, but the fact that we are unable to conclude the cheating was consummated is a factor in determining the appropriate sanction. GM Shevchenko consistently stated that he used the phone in his game against GM Pons. He stated (via counsel) in his response: “On the same day, the Respondent sent an e-mail to the FIDE Ethics and Disciplinary Commission admitting, *with the deepest regret*, that he used a mobile phone during the game against Vallejo Pons on 13th of October 2024 (**Exhibit no. 2**). The Chairwomen of the FIDE Ethics & Disciplinary Commission confirmed the confession of the Respondent and mentioned that it would be considered a mitigating factor in the EDC Panel's decision (**Exhibit no. 3**).” Yet, he maintains he did not complete the act of cheating. GM Shevchenko admits to using the phone to access LiChess. There is nothing in the case file to show actual engine usage and in his statement, GM Shevchenko (via counsel) denies engine usage stating “In this case, it is apparent that GM Shevchenko’s clumsy attempts to use an electronic device in order to cheat were not effective, and the Player’s behavior – while reprehensible – did not influence the result of the matches he was playing. Indeed, there is no



proof in that sense; moreover, according to the findings by Prof. Regan, there were **no standard deviations of the player's performance in this particular tournament** from his typical rating performance. We cannot know why GM Shevchenko did not consummate the act of cheating. It could be because he had a change of heart or it could be because he was prevented by external forces i.e. he could not safely do it without being caught. While there are no previous EDC cases regarding attempts as opposed to consummated cheating acts, the respondent submitted case law from CAS which supports that an attempt is less severe than a consummated act. As previously stated, the fact that actual cheating did not occur may be relevant for the sanction, but it is irrelevant in determining guilt. Attempted cheating violates article 11.7 (e). Cheating is an existential threat to chess competitions and must be dealt with severely. Even an attempt at cheating is reprehensible and must be condemned in no uncertain terms and sanctions must be applied to deter others and protect our game.

- 10.2 The EDC panel accepts the mitigating factors proffered by the respondent. Specifically, the EDC panel finds that the respondent did cooperate with the investigation, did admit wrongdoing and did show remorse. Further, the Chamber finds that the respondent is a youth, that he was under stress from receiving death threats (video evidence was provided to EDC in the Respondents answer) as well as some underlying medical issues and that he was bothered by threats to his family from world events such as the war in Ukraine
- 10.3 The EDC Chamber does find that the Respondent has a clean record with regard to cheating complaints. The Chamber notes however that the Respondent was sanctioned with a warning in Case 3-2023 for refusing to shake hands with an opponent.
- 10.4 The Chamber has reviewed the analysis provided by Professor Regan which was included in the Fair Play Report. The Chamber finds that the z -scores provided do not come close to establishing guilt of cheating based only on forensic analysis of the games (z – score of 4.5). However, because GM Shevchenko admitted to hiding the phone in the toilet, the threshold of evidence needed to conclude cheating is much lower (z score 2.5). Even using the 2.5 threshold, there is not enough evidence to conclude cheating actually occurred. One engine did exceed the threshold, but the new engines all produced z scores below the 2.5 threshold. Further, when previous games were analysed, they again are at best inconclusive even using the lower standard since he confessed to cheating at the Spanish Team Championship. It is not possible to conclude by FIDE guidelines that GM Shevchenko used the engine to cheat in the round 2 game against GM Vallejo Pons,



nor that he cheated in both games taken together. The results, however, do not exonerate---those for the round 2 game alone verge on the FIDE threshold. The results from the previous game alone suggest there was not cheating, or at least not substantially effective cheating, in that game. There is no evidence of cheating in previous OTB events.

- 10.5. There are two possible justifications for stripping a player of the GM title: a) because the evidence of cheating suggests that the title was earned unfairly or b) because GMs (elite players even more so) are ambassadors of the game and a single act of cheating is inconsistent with holding the GM title. Since it is not possible to conclude cheating in previous OTB games or to establish that GM Shevchenko achieved his title unfairly, it is not appropriate to strip him of the GM title on the basis of the former reason. The guidelines state that the title *may* be stripped. This corresponds to Article 39.3 of the Procedural Rules which state “the EDC Panel shall be entitled, but not obliged, to impose one or more of the supplementary sanctions permitted in art. 13.2 (a) – (g) of the Code, in combination with the primary sanction.” Given that it is not mandatory, we would need to look at the factors in this particular case. The mitigating factors in this case are significant. If the mitigating factors in this case are not sufficient reason to not strip the title, it becomes difficult to comprehend what mitigating factors would justify not stripping the title. Given that the standard is “may”, it would seem this particular respondent has a strong argument for discretion being applied in this case even though in most cases the title will actually be stripped even if the GM title was obtained fairly. This follows from the fact that GMs are ambassadors of the game.
- 10.6 The EDC panel finds that there are aggravating factors. Specifically: a) the Respondent is an elite player (top 100 in the world) and as such has role model responsibilities that amateur players may not have, b) the Respondent has been previously sanctioned by EDC (albeit only with a warning and not a cheating case) and c) the tournament where the cheating occurred was an elite event.
- 10.7 In determining an appropriate sanction the EDC panel is mindful of previous Fair Play cases. In Case 8/2019, the Respondent GM Rausis was sanctioned to a 6 year ban and stripping of the GM title. In Case 7/2015 GM Nigalidze was sanctioned to a 3 year ban and stripping of the GM title. In Case 8/2015, amateur player Ivan Tetimov was sanctioned to a two year ban. In Case 2/2016, amateur player Arcangelo Riccardi was sanctioned to a two year ban. In Case 6/2023, amateur player Stephen Docx was sanctioned to a one year ban. It is useful to look at the distinguishing factors of these cases. In the cases where the GM title was stripped the cheating was confirmed and repeated. Those factors are not present in this case.



In the case of the amateur players, they received two year bans, but they did not have either the mitigating or aggravating factors that are present in this case. Finally, the Docx case is distinguishable because the offense was failure to cooperate with an investigation as opposed to a conclusion of cheating. The guideline for a first offense of cheating is a maximum ban of 3 years. In the case of a GM, the Nigalidze case appears the most relevant i.e. a 3 year ban and stripping of the GM title is an appropriate sanction.

- 10.8 In this particular case, the aforementioned mitigating factors outweigh the aforementioned aggravating factors, so one would expect the sanction to be less than in the Nigalidze case.
- 10.9 Accordingly, and considering all the above, the EDC Chamber **unanimously decides** as follows:
- 10.10 The Respondent is found **guilty** of breach of article 11.7(e) of the Disciplinary Code.
- 10.11 The Respondent is sanctioned to a worldwide ban for three (3) years with one (1) year of the sanction suspended. During the period of suspension, should the Respondent commit a similar offense, he will be liable for the suspended portion of the sanction as well as whatever sanction is adjudicated as a result of the subsequent offense. Considering the Respondent has already been provisionally suspended and not participated in any events since the Spanish Team Championship the ban commences on 19 October 2024 and terminates on 18 October 2026 with the suspended portion terminating on 18 October 2027. The GM title is not stripped from the Respondent.
11. The respondent is referred to Rules 42.3 and 43 of the EDC Procedural Rules and advised that this decision may be appealed to the Appeal Chamber of the EDC by giving written notice of such appeal to the FIDE Secretariat within 21 calendar days from the date upon which this decision is received. The notice of appeal must clearly state all the grounds for the appeal and an appeal lodgment fee of 150 Euros is payable to the FIDE Financial Department. Failing the due exercise of this right of appeal, the EDC Chamber's decision will become final.
12. The EDC Chamber **requests** the FIDE Secretariat to communicate forthwith the decision to the Respondents, and the FPL and to publish the decision on the FIDE webpage.



DATED ON THIS THE 15th DAY OF MARCH 2025

David Hater

CHAMBER CHAIRMAN
FIDE ETHICS & DISCIPLINARY COMMISSION